

Child Welfare Act

(Act No. 164 of December 12, 1947)

Chapter I General Provisions

Article 1 All children have the right to be adequately fostered, be afforded the guaranteed level of life and be kindly treated and be equally guaranteed their welfare such as pursuing their growth and development in good mental and physical health and their independence, based on the spirit of Human Rights of the Children.

Article 2 (1) All citizens must endeavor to ensure that children are born in a favorable environment, their opinions are respected, their best interests are considered with the highest priority and be brought up in good mental and physical health, in all sectors of society, in accordance with their age and degree of development.

(2) The children's custodians bear the primary responsibility for bringing them up in good mental and physical health.

(3) The national and local governments bear the responsibility for bringing up children in good mental and physical health, along with their custodians.

Article 3 The provisions of the preceding two Articles constitute the basic philosophy to guarantee children's welfare and this philosophy must be consistently respected in enforcing all laws and regulations on children.

Section 1 Responsibilities of the National and Local Governments

Article 3-2 The national and local governments must support the children's custodians to ensure that the children are brought up in good mental and physical health at home; provided, however, that considering the children's and custodians' mental and physical conditions, the circumstances in which they are placed and other conditions, the national and local governments must take necessary measures accordingly in order that the children can continuously be brought up in the same nurturing environment similar to a home-rearing environment in the case where it is difficult or inappropriate for the children to be brought up at home and that they can be done so in the best possible environment in the case where it is not appropriate for them to be brought up at home or in the relevant nurturing environment.

Article 3-3 (1) In order to ensure that children are brought up in good mental and physical health, a municipality (including special wards; the same applies hereinafter) as a basic local government, must implement services listed in the items of Article 10, paragraph (1), pay outpatient benefits for children with disabilities, implement daycare practice prescribed in of Article 24, paragraph (1) and provide the other services pertaining to support related to child welfare in their immediate surroundings pursuant to this Act appropriately.

(2) In order for a municipality to appropriately and smoothly implement the services related to child welfare pursuant to this Act, the prefectural government must provide necessary advice and appropriate support for a municipality and implement the services related to child welfare, as the ones that require specialized knowledge and cross-regional response regardless of the area of the respective municipalities, including implementation of the services listed in the items of Article 11, paragraph (1), payments of medical expenses for specified chronic pediatric diseases, ones of admission benefits for children with disabilities, measures for entrustment or admission prescribed in Article 27-1, paragraph (1), item (iii) and other services related to child welfare pursuant to this Act.

(3) In order for a municipality and a prefectural government to appropriately and smoothly implement the services related to child welfare pursuant to this Act, the national government must take measures to secure the system to bring up children appropriately, provide a municipality and a prefectural government with advice and information and take all the other necessary measures.

Section 2 Definitions

Article 4 (1) The term "child" as used in this Act means a person under 18 years of age, and children are classified into the following categories:

(i) infant: Person under one year of age

(ii) toddler: Person of one year of age or more before the time of commencement of elementary school; and

(iii) juvenile: Person under 18 years of age after the time of commencement of elementary school.

(2) The term "child with disabilities" as used in this Act means a child with a physical disability, a child with an intellectual disability or a child with a mental disability or disabilities (including a child with developmental disabilities prescribed in Article 2, paragraph (2) of the Act on Support for Persons with Development Disabilities (No.167 Act of 2004).) or a child with disorders or disabilities of a degree of severity specified by the Minister of Health, Labor and Welfare which have arisen due to illness for which no established treatment exists or with other rare illnesses as specified by Article

4, paragraph (1) of the Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities (No. 123 Act of 2005).

Article 5 The term "expectant and nursing mother" as used in this Act means a female who is in pregnancy or within one year after giving birth.

Article 6 The term "custodian" as used in this Act means a person who has actual custody of a child, that is, a person who has parental authority, a custodian of a minor, or any other person, and who actually cares for the the relevant child excluding the cases of Article 19-3, Article 57-3, paragraph (2) and Article 57-3-3, paragraph (2) and Article 57-4, paragraph (2).

Article 6-2 (1) The term "specified chronic pediatric disease" as used in this Act means a disease specified by the Minister of Health, Labor and Welfare after hearing from the Child Welfare Councils as a disease that requires long-term medical treatment, and may danger the lives of children or persons under the age of 20 who are not children (hereinafter meaning "children, etc.") due to the relevant chronic disease, and requires a large amount of cost for their medical treatment.

(2) The term "medical support for specified chronic pediatric disease" as used in this Act means the medical treatment for children, etc. (limited to those who are specified by a Cabinet Order; hereinafter referred to as "children, etc. with specified chronic pediatric disease") who visit or are hospitalized in the medical institutions designated by the prefectural governors (hereinafter referred to as "designated medical institution for specified chronic pediatric diseases") and children, etc. who suffer from a specified chronic pediatric disease to be admitted and due to the relevant conditions of the disease specified by the Minister of Health, Labor and Welfare for each such specified chronic pediatric disease by hearing from the child welfare councils.

Article 6-2-2 (1) The term "outpatient support for children with disabilities" as used in this Act means a child developmental support, medical services child developmental support, after school day services, home-visit type child developmental support and visit support for nursery centers and the term "outpatient support services for children with disabilities" means the one which implement outpatient support for children with disabilities.

(2) The term "child developmental support" as used in this Act means instruction of basic behaviors in their daily lives by having the children with disabilities attend the developmental support centers for children and other facilities pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, provision of knowledge and skills to them and provision of adaptive

trainings to group living other benefits prescribed in Order of the Ministry of Health, Labour and Welfare given to the children with disabilities.

- (3) The term "medical services child developmental support" as used in this Act means child developmental support and therapy given to a child with upper-limb, lower-limb or trunk disabilities (hereinafter referred to as "orthopedic disabilities") by having such child visiting an institution for orthopedically impaired children or in a medical institution established by any of medical services child developmental support centers or the National Hospital Organization or National Center of Neurology and Psychiatry designated by the Minister of Health, Labour and Welfare (hereinafter meaning a "designated developmental support medical institution").
- (4) The term "after school day services" as used in this Act means provision of trainings necessary for improvement of life skills, promotion of interaction with their community and provision of other benefit by having a child with disabilities who goes to elementary school prescribed in Article 1 of the School Education Act (Act No. 26 of 1947) (excluding kindergartens and universities) attend any of the child developmental support centers or other facilities pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare after finishing lessons or on holidays.
- (5) The term "home-visit type child developmental support" as used in this Act means instruction of basic behaviors in their daily life, provision of knowledge and skills, provision of trainings necessary for improvement of life skills and provision of other benefit pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare for a child with disabilities in the condition pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare as a serious disability or any other equivalent condition and who has extreme difficulties in going out to receive child developmental support, medical services child developmental support or after school day services by visiting the residence of the relevant child with disabilities.
- (6) The term "visit support for nursery centers" as used in this Act means specialized support and other benefit for a child with disabilities who goes to a nursery center or any of other facility to live in groups pursuant to the provisions of Order of the Ministry of Health, Labour or who is admitted to an infant home or any of other facility to live in groups pursuant to the provisions of Order of the Ministry of Health, Labour to adapt to group living with the children other than children with disabilities in the relevant facility by visiting the relevant facility.
- (7) The term "consultation support for children with disabilities" means providing assistance with utilization of support for children with disabilities and continuous assistance with utilization of support for children with disabilities and the term "services to support consultation for children with

disabilities" means the services to support consultation for children with disabilities.

(8) The term "assistance with utilization of support for children with disabilities" as used in this Act means the creation of a plan which specifies the kind of outpatient support for children with disabilities to be used and other particulars pursuant to the provisions of Order of the Ministry of Health, Labour (hereinafter referred to as "proposed plan for utilization of support for children with disabilities") by taking into consideration the mental and physical condition of the children with disabilities pertaining to the application of Article 21-5-6, paragraph (1) or Article 21-5-8, paragraph (1), the circumstances in which such children are placed and the intentions of the relevant children with disabilities and their custodians related to utilization of outpatient support for children with disabilities and other circumstances, and creation of the plan which contains the types and contents of outpatient support for children with disabilities, the persons in charge thereof and other particulars pursuant to the provisions of Order of the Ministry of Health, Labour (meaning "plan for utilization of support for children with disabilities") after a grant decision on outpatient benefits payment specified in Article 21-5-5, paragraph (1) (referred to as "grant decision on outpatient benefits payment" in the following paragraph) or decision of alternation to the decision on benefits payment specified in Article 21-5-8, paragraph (2) (referred to as "decision on alternation to grant decision on outpatient benefits payment" in the following paragraph) (hereinafter collectively referred to as "decision on benefits payment, etc." in this Article and Article 24-26, paragraph (1), item (i)) along with carrying out liaison and coordination with the designated operator of outpatient support services for children with disabilities specified by Article 21-5-3, paragraph (1) and others (meaning "relevant persons" in the following paragraph) and provision of other benefits.

(9) The term "continuous assistance with utilization of support for children with disabilities" as used in this Act means verifying utilization status of outpatient support for a child with disabilities of the relevant recognized outpatient beneficiary custodian regarding whether the plan for utilization of support for children with disabilities pertaining to the relevant grant decision on outpatient benefits payment (including plans which have been modified pursuant to the provisions in this paragraph; the same applies hereinafter) is appropriate or not for each period specified by an Order of the Ministry of Health, Labour and Welfare and taking into consideration the results and the mental and physical condition of the child with disabilities pertaining to the relevant grant decision on outpatient benefits payment, the circumstances in which such child is placed, and the intentions of the the relevant child with disabilities and their custodian related to utilization of outpatient support for

children with disabilities and other circumstances, reviewing plan for utilization of support for children with disabilities and then providing any of the following benefits based on the results of such reviewing, in order for the custodian of a child with disabilities pertaining to a grant decision on outpatient benefits payment (hereinafter referred to as a "recognized outpatient beneficiary custodian") during the effective period prescribed in Article 21-5-7, paragraph (8) of a grant decision on outpatient benefits payment can continue to proper utilization of outpatient support for children with disabilities.

- (i) along with changing the plan for utilization of support for children with disabilities, providing liaison and coordination with relevant persons and provision of other benefits.
- (ii) if it is deemed necessary to make a new decision on outpatient benefits payment or a decision to change the outpatient benefits payment is required, recommendation of application pertaining to decision on benefits, etc. for a custodian of a child with disabilities pertaining to the relevant decision on benefits.

Article 6-3 (1) The term "children's self-reliant living assistance services" as used in this Act means services providing consultation at the following persons' residence where they are supposed to live communally and other daily life guidance and support in finding employment to the following persons (hereinafter meaning "children's self-reliant living assistance services") and to provide consultation and other assistance to a person for whom implementation of children's self-reliant living assistance services has been cancelled.

- (i) children who have completed compulsory education or children under the age of 20, or those who are not children for whom the measure has been cancelled (meaning the persons for whom the measure specified in Article 27, paragraph (1), item (iii) has been cancelled or those specified by other Cabinet Orders (limited to those who are specified by a Cabinet Order); the same applies in the following item) (meaning "children, etc. having terminated compulsory education under the age of 20")
- (ii) high school students specified in Article 50 of the School Education Act, university students specified in Article 83 of the same Act, and the persons specified by Order of the Ministry of Health, Labour, the persons for whom the measure has been cancelled among the persons between the date when such students reach the age of 20 and the end of the year when such students reach the age of 22 (limited to the students who were children, etc. having terminated compulsory education under the age of 20 at the day before reaching the age of 20.) (meaning "children, etc. having terminated compulsory education over the age of 20")

- (2) The term "services for sound upbringing of after-school children" as used in this Act means services to pursue sound upbringing of elementary-school children around or under the age of 10 whose custodians are absent from home during daytime hours due to work, etc., by utilizing children's recreational facility or other facilities after finishing lessons and giving adequate opportunities for playing and living to those children in accordance with the standards specified by a Cabinet Order.
- (3) The term "short-term child care support services" as used in this Act means services to be provided to a child for whom it becomes temporarily difficult to receive child care at their home due to their custodian's illness or other reasons, by moving the child into a foster home or any other facilities specified by an Order of the Ministry of Health, Labour and Welfare and affording the necessary assistance for the child pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) The term "house-call services for all households with infants" as used in this Act means the services to provide consultation to, advice and other assistance with infant care as well as to provide information on infant care and understand of the mental and physical condition of infants and their custodians and their infant care environment, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, by visiting all households with infants as a general rule within the areas of No. 1
- (5) The term "house-call services to support child care" as used in this Act means the services pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, for a child who is particularly deemed necessary for support of child care by their custodians through the implementation of a house-call services to support child care and others (excluding those who fall under aid-requiring child prescribed in paragraph (8); hereinafter referred to as a "child requiring assistance, etc.") or a child for whom a custody of their custodian is found inappropriate, or a custodian or a pregnant mother who is particularly identified as one in need of extra support after giving birth (hereinafter referred to as a "specified expectant mother"), (hereinafter referred to as a "child requiring assistance, etc.") to provide consultation, instruction, advice, or other necessary support for child care in order for such child care to be carried out appropriately for the children at the residence of the relevant child requiring assistance.
- (6) The term "local childrearing support center services" as used in this Act means a service that establishes a place where infants or toddlers and their custodians can interact with each other and be provided consultation, information, advice and other assistance on childrearing, pursuant to the provisions of Order of the Ministry of Health, Labour.
- (7) The term "temporary custody services" as used in this Act means a service

that provides temporary care and necessary assistance for a child for whom it becomes temporarily difficult to receive child care at home (child care and education (excluding the education for toddlers over the age of three years specified in Article 39-2, paragraph (1); the same applies hereinafter) pursuant to the provisions of Order of the Ministry of Health, Labour, primarily during daytime, in nursing schools, certified children centers (referring to the certified children centers specified in the Act on Advancement of Comprehensive Service Related to Education, Child Care of Preschool Children (Act No.77 of 2006) Article 2, paragraph (6) and excluding nursing schools; hereinafter referred to as "Act on Certified Children Centers"; the same applies hereinafter excluding the ones in the same Act Article 24, paragraph (2)) or other places.

(8) The term "small scale foster home services" as used in this Act means services that provide child care at their home for a child pertaining to the measures in Article 27, paragraph (1), item (iii) by a person with substantial experience in child care or other persons specified by Order of the Ministry of Health, Labour (excluding a foster parent specified in the following Article) for a child without a custodian or for whom the custody of the child's custodian is found inappropriate (hereinafter referred to as an "child requiring assistance", pursuant to the provisions of Order of the Ministry of Health, Labour.

(9) The term "home daycare services" as used in this Act means the following services.

(i) for infants or toddlers who have difficulty receiving necessary care at their home due to the reasons specified in Cabinet Office Order of the Child and Child Care Support Act Article 19, paragraph (1), item (ii) (hereinafter referred to as "infants or toddlers requiring childcare") under three years old, the services (limited to services with a maximum user capacity of 5 or less; the same applies to the following item) provided by the small scale childcare services providers (the nursery teachers and other persons specified by Order of the Ministry of Health, Labour who have completed the trainings carried out by the mayor of municipality (including mayors of special wards; the same applies hereinafter) and whom the mayors of municipality deem appropriate as the persons to carry out childcare for the infants or toddlers who require the relevant childcare at their residence and other places (excluding the residence of the infants or toddlers who require the relevant childcare).

(ii) for children recognized as being three years and older requiring childcare, taking into consideration the development of the systems for childcare pertaining to toddlers aged three years old or older and other local circumstances, services provided by small scale childcare services providers at their residence and other places (excluding the residence of the children who require the relevant childcare).

- (10) The term "small-scale childcare services" as used in this Act means the following services:
- (i) for infants or toddlers whom are three years old or younger who require childcare, the services which provide childcare in the facilities designed to take care of infants or toddlers who require the relevant childcare (limited to services with a user capacity of six or more to nine or less).
 - (ii) for children three years or older, recognized as requiring childcare, taking into consideration the development of the systems for childcare pertaining to the toddlers whom are three years old or older and other local circumstances, the services provided at the facilities specified in the preceding item.
- (11) The term "home-visit daycare services" as used in this Act means the following services.
- (i) for infants or toddlers whom are three years old or younger who require childcare, a service provided by a small scale childcare services provider at the residence of the the infants or toddlers who require the relevant childcare.
 - (ii) for the children whom are three years old or older who require childcare, taking into consideration development of the systems for childcare pertaining to the toddlers whom are three years old or older and other local circumstances, a service provided by the small scale childcare services provider at the residence of the children whom are three years old or older who require the relevant childcare.
- (12) The term "employer-provided childcare services" as used in this Act means the following services:
- (i) for infants or toddlers whom are three years old or younger who require childcare, the services which provide childcare in the following facilities.
 - (a) A facility which was established by the employer in order to carry out childcare for the infants or toddlers under the custody of their employee or a facility which provides childcare for the infants or toddlers under the custody of whom their employee of the relevant employer has entrusted by the relevant employer.
 - (b) A facility which was established by the employer's organization in order to carry out childcare for the infants or toddlers under the custody of its member or the facility which carry out childcare for the infants or toddlers under the custody of its member of the relevant employer, entrusted by the relevant employer's organization.
 - (c) A facility which was established by the association pursuant to the Local Public Care Service Mutual Aid Association Act in order to carry out childcare for the infants or toddlers the custody of whom the person specified by Order of the Ministry of Health, Labour as the member of the relevant mutual aid association (hereinafter referred to as "member of

mutual aid association, etc.") has or the facility which carry out childcare for the infants or toddlers the custody of whom member of mutual aid association, etc. has entrusted by the mutual aid association.

(ii) for the children whom are three years old or older recognized as requiring childcare, taking into consideration development of the systems for childcare pertaining to the toddlers whom are three years old or older and other local circumstances, the services which provide childcare in the facilities specified in the preceding item.

(13) The term "day care services for sick children" as used in this Act means services providing childcare in nursing schools, certified children centers, hospitals, clinics and other facilities specified by Order of the Ministry of Health, Labour for infants or toddlers requiring childcare or children who attend elementary school, who are suffering a disease, and have difficulties in receiving childcare at home due to their custodians work or suffering an illness.

(14) The term "family support center services" as used in this Act means the services providing liaison and coordination between the persons who wish to receive either or all of the following support and the persons who wish to provide the relevant assistances (limited to individuals; hereinafter referred to as "persons wishing support" in this paragraph), implement lectures and provide necessary support for persons wishing support pursuant to the provisions of Order of the Ministry of Health, Labour.

(i) to carry out temporary custody services and necessary assistance (including the assistance that involves an overnight stays)

(ii) to support the mobility of children so that they can go out smoothly.

Article 6-4 The term "foster parent" as used in this Act means the person listed as follows:

(i) a person who wishes to foster aid-requiring child whose number does not exceed the number specified by Order of the Ministry of Health, Labour (limited to the ones who have completed the trainings pursuant to the provisions of Order of the Ministry of Health, Labour and meet the requirements specified by Order of the Ministry of Health, Labour) and who has been registered in the registry of foster parents for child welfare specified in Article 34-19 (hereinafter referred to as "foster parents for child welfare").

(ii) the person who wishes to foster aid-requiring child whose number does not exceed the number specified by the preceding item and the person who wishes to become a foster parent by adoption (limited to the ones who have completed the trainings conducted by the prefectural governor pursuant to the provisions of Order of the Ministry of Health, Labour.) and who has been registered in the registry of foster parents for child welfare specified in

Article 34-19 (hereinafter referred to as "adoptive foster parents for child welfare").

- (iii) the person who wishes to foster aid-requiring child whose number does not exceed the number specified by the item (i) (limited to the relative other than the father and mother of the relevant aid-requiring child and specified by Order of the Ministry of Health, Labour) and whom the prefectural governor has recognized as appropriate as the ones to entrust the children pursuant to Article 27, paragraph (1), item (iii).

Article 7 (1) The term "child welfare institution" as used in this Act means any midwifery home, infant home, maternal and child living support facility, nursery center, child center in coordination between kindergarten and nursery center, children's recreational facility, foster home, facility for children with disabilities, child developmental support center, psychological treatment facility for children, children's self-reliance support facility, and a child and family support center.

- (2) The term "support for facility admission for children with disabilities" as used in this Act means assistance given to children with a disability staying in a facility for children with disabilities or admitted into a designated developmental support medical institution or daily life guidance and provision of knowledge and skills and therapy for children with disabilities staying in a facility for children with disabilities or admitted into a designated developmental support medical institution with a mental disability and children with a physical disability or has both severe intellectual and physical disabilities (hereinafter referred to as "children with severe intellectual and physical disabilities").

Section 3 Child Welfare Council

Article 8 (1) A prefectural government is to set up a council related to child welfare or other body with council system in order to study and deliberate the particulars under the prefecture's jurisdiction pursuant to the provisions of paragraph (9) of this Article, Article 27, paragraph (6), Article 33-15, paragraph (3), Article 35, paragraph (6), Article 46, paragraph (4) and Article 59, paragraph (5); provided, however, that this does not apply to a prefectural government which requires the local social welfare council provided in Article 7, paragraph (1) of the Social Welfare Act (Act No. 45 of 1951) (hereinafter referred to as "local social welfare council") to study and deliberate the particulars related to child welfare pursuant to the provisions of Article 12, paragraph (1) of the same Act.

- (2) The council or other body with council system prescribed in the preceding

paragraph (hereinafter referred to as "prefectural child welfare council") may study and deliberate the particulars related to welfare of children, expectant and nursing mothers and persons with an intellectual disabilities, beyond what is prescribed in the same paragraph.

- (3) A municipality may set up a council related to child welfare or other body with council system in order to study and deliberate the particulars under the municipal jurisdiction and set forth in the preceding paragraph pursuant to the provisions of Article 34-15, paragraph (4).
- (4) A prefectural child welfare council is to be placed under the jurisdiction of the prefectural governor, and the council or other body with a council system prescribed in the preceding paragraph (hereinafter referred to as "municipal child welfare council") is placed under the jurisdiction of the mayor of municipality (including mayors of special wards; the same applies hereinafter). These councils and bodies may provide consultation for the respective governors and mayors, or state their opinions to relevant administrative organs.
- (5) A prefectural child welfare council or a municipal child welfare council (hereinafter referred to as "child welfare council"), when it finds it particularly necessary, may request relevant administrative organs to make their personnel attend a meeting of the council for explanations and submit materials.
- (6) A child welfare council, when it finds particularly necessary, may request the children, expectant and nursing mothers and persons with intellectual disabilities, and their family members and other relevant persons to submit report or materials necessary to study and deliberate the particulars of the main clause of paragraphs (1) and (2), or to request the attendance of such person and hear their opinions.
- (7) A child welfare council, when hearing opinions, must take into consideration the mental and physical condition of the person giving their opinion, the environment where they are placed and other conditions.
- (8) A social security council and the child welfare council must always keep in close contact with each other by providing materials when needed.
- (9) In order to pursue welfare of children and persons with intellectual disabilities, a social security council and a prefectural child welfare council (or a local social welfare council, in the case of a prefecture provided in the proviso of paragraph (1); the same applies hereinafter in Article 27, paragraph (6), Article 33-12, paragraphs (1) and (3), Article 33-13, Article 33-15, Article 35 paragraph (6), Article 46, paragraph (4) and Article 59, paragraphs (5) and (6)) may recommend performing arts, publications, toys, games, etc., or give necessary recommendations to the persons, etc., who manufacture, perform, or sell them.

- Article 9 (1) Members of a child welfare council is selected from the persons found to be possessing fair judgement to the particulars to be placed under their authority and engaged in business related to welfare of children or persons with intellectual disabilities and from persons with relevant knowledge and experience and appointed by the prefectural governor or mayor or head of a municipality
- (2) A child welfare council may include a temporary member when it is necessary to study and deliberate special particulars.
- (3) Members and temporary members of a child welfare council are selected from persons possessing fair judgement to the particulars in the preceding item and engaged in business related to welfare of children or persons with intellectual disabilities and from persons with relevant knowledge and experience and appointed by the prefectural governor or mayor of municipality.
- (4) A child welfare council is to have a chairperson and vice-chairperson chosen by its members.

Section 4 Implementing Body

- Article 10 (1) With regard to the enforcement of this Act, a municipality must perform the following services:
- (i) endeavor to make necessary understanding of actual conditions concerning welfare of children and expectant and nursing mothers;
 - (ii) provide necessary information concerning welfare of children and expectant and nursing mothers; and
 - (iii) provide consultation to families and others and carry out necessary investigations and guidance with regard to welfare of children and expectant and nursing mothers and provide services incidental thereto.
 - (iv) provide necessary support with families and others with regard to welfare of children and expectant and nursing mothers
- (2) A mayor of municipality must seek technical assistance and advice from the child guidance center with regard to the services listed in item (iii) of the preceding paragraph that require specialized knowledge and skills.
- (3) If in providing the services listed in paragraph (1), item (iii) requires medical, psychological, pedagogical, sociological or mental health judgment, the mayor of municipality must seek judgment by the child guidance center.
- (4) A municipal government must endeavor to develop the systems necessary to carry out the affairs pursuant to this Act appropriately and take necessary measures to secure human resources for personnel engaged in relevant affairs and enhance their qualifications.
- (5) The national government must endeavor to provide necessary support to develop systems and implement the measures in the preceding paragraph.

Article 10-2 When performing the services listed in the items of the preceding Article paragraph (1), a municipality must endeavor to develop the base for understanding actual conditions, provision of information, consultation, investigation, instruction, liaison and coordination with relevant organizations regarding the welfare of children and expectant and nursing mothers and provide other necessary support.

Article 11 (1) With regard to the enforcement of this Act, the prefectural government must perform the following services:

- (i) carry out liaison and coordination among the municipality, provide information and other necessary assistance to the municipality with regard to the implementation of the municipality services listed in the items of Article 10 paragraph (1), and perform the services incidental thereto.
- (ii) perform the following services with regard to welfare of children and expectant and nursing mothers, among others.
 - (a) endeavor to understand actual conditions from a transregional standpoint, regardless of the areas of the respective municipalities;
 - (b) provide families and others with consultation concerning children whose care requires specialized knowledge and skills;
 - (c) carry out necessary investigation and make a medical, psychological, pedagogical, sociological or mental health judgment in relation to a child and their family;
 - (d) provide necessary guidance which requires specialized knowledge and skills related to psyche or health and mental and physical development of children to the child and their custodian based on the investigation or judgment set forth in (c).
 - (e) take temporary custody of a child.
 - (f) in terms of protecting the rights of the child, secure the safety of the relevant child by adjusting the domestic or other environments of the child after temporary custody is lifted, understanding the situation of the the relevant child, and taking other measures.
 - (g) perform the following services with regard to foster parents.
 - 1. raise public awareness of foster parents.
 - 2. with regard to foster parents, providing consultation thereto, providing necessary information, advice, trainings, and other assistance.
 - 3. provide a place of exchange between foster parents and the children who have been admitted into an infant home, a foster home, psychological treatment facility for children or a children's self-reliance support facility and foster parents due to measures for admission pursuant to the provisions of Article 27, paragraph (1), item (iii).

4. select foster parents and coordinate between a foster parent and child in order to contribute to entrustment to a foster parent pursuant to the provisions of Article 27, paragraph (1), item (iii).
5. by hearing opinions from a child who is supposed to be entrusted to a foster parent pursuant to the provisions of Article 27, paragraph (1), item (iii) and their custodian and a foster parent, creating a plan with regard to taking care of the relevant child concerning the contents of the child's care and other particulars specified by Order of the Ministry of Health, Labour.
 - (h) for a child to be an adopted child by adoption, their parents and a person to be an adoptive parent, a child who became an adopted child by adoption and a person who became their adoptive parent and the parents of the relevant adopted child (including the natural parents of the child who became the relevant adoptive child whose family relationship with the relevant parents was terminated due to a special adoption (referred to as a "special adoption" in Article 33-6-2) specified in Article 817-2, paragraph (1) of the Civil Code (Act No. 89 of 1896)) and others concerning the adoption of a child, provide consultation and necessary information, advice and other assistance.
 - (iii) beyond what is listed in the preceding two items, with regard to welfare of children and expectant and nursing mothers, providing specialized knowledge and skills and necessary support for the services, families, and other requiring cross-regional treatment.
- (2) When the prefectural government finds it necessary in order to ensure proper implementation of the services listed in the items of Article 10, paragraph (1), the prefectural governor may provide necessary advice to the municipality for development of systems and other measures.
- (3) A prefectural governor may delegate the prefectural government's affairs pursuant to the provisions of paragraph (1) or the preceding paragraph, in whole or in part, to any administrative agency under the prefectural governor's jurisdiction.
- (4) The prefectural governor may entrust the whole or a part of the affairs pertaining to the services listed in the paragraph (1), item (ii), (g) (referred to as "adoption support services") to the person specified by Order of the Ministry of Health, Labour and Welfare.
- (5) A person who is, or used to be, engaged in the affairs concerning the affairs concerning adoption support services prescribed in the preceding paragraph must not divulge any secret coming to their knowledge with regard to the relevant affairs.
- (6) A prefectural government must endeavor to develop the systems necessary to carry out the affairs pursuant to this Act appropriately and take necessary

measures to secure human resources for personnel engaged in the relevant affairs and enhance their qualifications.

- (7) The government must endeavor to provide necessary support with regard to development of the systems and implementation of the measures of the preceding item in the prefectural government.

Article 12 (1) A prefectural government must establish a child guidance center.

(2) A child guidance center is to perform the services concerning welfare of children, among others, listed in paragraph (1), item (i) of the preceding Article and listed in item (ii) (excluding (a)) and of (iii) of the same paragraph the services prescribed in Article 22, paragraphs (2) and (3) and Article 26, paragraph (1) of Act on Providing Comprehensive Support for the Daily Social Life of Persons with Disabilities.

(3) A prefectural government is to appoint a lawyer or take equivalent measures in a child guidance center in view of the significance of its appropriate and smooth implementation of the particulars that require specialized knowledge and experience concerning the laws among the services specified in the preceding paragraph.

(4) A child guidance center, when needed, may perform the services prescribed in paragraph (2) (excluding the services listed in paragraph (1), item (ii), (e) of the preceding Article).

(5) A director of a child guidance center may commission necessary investigations from the head of the office relevant to welfare provided in the Social Welfare Act that is located in the jurisdictional district of the child guidance center (hereinafter referred to as "welfare office"; the head of a welfare office being hereinafter referred to as "welfare office director").

(6) A prefectural governor must endeavor to improve the quality of the services prescribed in the paragraph (2) by carrying out assessment of the quality of the relevant services and by taking other necessary measures.

(7) The national government must endeavor to take measures that contribute to implementation of appropriate assessment of the quality of the services by a child guidance center.

Article 12-2 (1) A child guidance center is to staff a director and employees.

(2) The director of a child guidance center is to control its affairs under the supervision of the prefectural governor.

(3) Employees of a child guidance center is to conduct the affairs provided in the preceding Article under the supervision of its director.

(4) Beyond what is provided in paragraph (1), a child guidance center may staff other necessary employees.

- Article 12-3 (1) The director and employees of a child guidance center are to be officials positioned as subsidiary organs for the prefectural governor.
- (2) The director of a child guidance center must be a person who falls under any of the following items:
- (i) a physician having knowledge and experience concerning mental health;
 - (ii) a person completing a department specialized in psychology or other equivalent course in a university (including a person completing junior division of professional graduate school after completing the relevant department or the relevant course.) pursuant to the School Education Act or in a university pursuant to the former Universities Order (Imperial Order No. 388 of 1918).
 - (iii) a certified social worker;
 - (iv) a certified mental health social worker
 - (v) certified public psychologist
 - (vi) a person who has been working, or used to work, as an employee in charge of affairs relevant to welfare of children (hereinafter referred to as "child welfare officer") for two years or more, or a person who has been working, or used to work, as an employee of the child guidance center for two years or more after obtaining the qualification of child welfare officer; or
 - (vii) a person who is found to have the ability equivalent or superior to the persons listed in the preceding items as specified by an Order of the Ministry of Health, Labour and Welfare.
- (3) The director of a child guidance center must receive training conforming to the standards specified by the Minister of Health, Labor and Welfare.
- (4) An employee of a child guidance center who is in charge of consultation and investigation must be a person who has the qualification of a child welfare officer.
- (5) Employees of a child guidance center who are in charge of judgments must include one or more persons who fall under paragraph (2), item (i) or have equivalent qualification, and one or more persons who fall under item (ii) of the same paragraph or who have equivalent qualification or who fall under item (v) of the same paragraph.
- (6) Employees of a child guidance center who are in charge of guidance must include a person specified in the relevant items for the categories of guidance set forth respectively in the relevant item.
- (i) guidance requiring specialized knowledge and skills on psychology; a person who falls under paragraph (2), item (i) or a person with any other equivalent qualification; a person who falls under item (ii) of the same paragraph or a person with any other equivalent qualification or a person who falls under item (v) of the same paragraph;
 - (ii) guidance requiring specialized knowledge and skills on health and

intellectual and physical development of children; doctors or public health nurses

(7) The number of employees of a child guidance center who are in charge of guidance specified in the preceding paragraph, item (i) is specified by the prefectural government by using the criteria prescribed by Cabinet Order as standard.

Article 12-4 A child guidance center is to have facilities of taking temporary custody of children where needed.

Article 12-5 Beyond what is provided for in this Act, necessary particulars concerning the child guidance centers including the jurisdictional areas of child guidance centers are prescribed by an Order.

Article 12-6 (1) With regard to the enforcement of this Act, a public health center performs the following services among others

(i) endeavors to disseminate accurate knowledge on child health;

(ii) provide health consultation or conduct health checkups for children and provide health guidance to them where needed;

(iii) provide guidance for medical treatment and education for children with physical disabilities and children in need of long-term medical treatment due to illness; and

(iv) give necessary advice on improvement in nutrition and other particulars concerning health to child welfare institutions.

(2) With regard to children, their custodians or expectant and nursing mothers to whom a child guidance center provides consultation, the director of a child guidance center may seek health guidance or other necessary cooperation from the public health center.

Section 5 Child Welfare Officer

Article 13 (1) A prefectural government must staff Child Welfare Officers in the child guidance center it establishes.

(2) The number of child welfare officers are specified by the prefectural government by using the criteria prescribed by Cabinet Order as the standard, by comprehensively taking into consideration population in the area of each child guidance center, the number of cases for consultation pertaining to child abuse (hereinafter referred to as simply "child abuse") set forth in Child Abuse Prevention and Treatment Act (Act No. 82 of 2000), status of entrustment to foster parents pursuant to the provisions of Article 27, paragraph (1), item (iii) and implementation status of the affairs by this Act in the municipality and

other conditions.

- (3) A child welfare officer is an official positioned as a subsidiary organ for the prefectural governor and must be appointed from among the persons who fall under any of the following items:
 - (i) a person graduating from a school or other facility for training of a child welfare officer or employees of child welfare institutions as designated by the Minister of Health, Labor and Welfare, or completing the course of a training session designated by the prefectural governor;
 - (ii) a person completing a department specialized in psychology, pedagogy or sociology or other equivalent course in a university (including a person completing junior division of professional graduate school after completing the relevant department or the relevant course) pursuant to the School Education Act or in a university pursuant to the former Universities Order, who has been working, or used to work, for one year or more, in providing consultation and affording advice, guidance and other assistance for welfare of children or others in an institution specified by an Order of the Ministry of Health, Labour and Welfare;
 - (iii) a physician;
 - (iv) a certified social worker;
 - (v) a certified mental health social worker
 - (vi) a certified public psychologist
 - (vii) a person who was engaged in child welfare services for two or more years as a social welfare officer and completed the course of training sessions specified by Minister of Health, Labour and Welfare.
 - (viii) a person who is found to have the ability equivalent or superior to the person listed in the preceding items as specified by Order of the Ministry of Health, Labour and Welfare.
- (4) A child welfare officer, by an order of the director of a child guidance center, is to endeavor to promote welfare of children by such means as providing consultation and necessary guidance based on their specialized skills with regard to the assistance for children and other particulars concerning welfare of children.
- (5) Among child welfare officers, a child welfare officer who provides guidance and education on specialized knowledge necessary to conduct duties of the preceding paragraph for other child welfare officers (referring to as "child welfare officer in charge of guidance and education").
- (6) a child welfare officer in charge of guidance and education must be a person who has been working for five years or more as a child welfare officer.
- (7) The number of child welfare officer in charge of guidance and education is determined by the prefectural government by taking into consideration the criteria specified by Cabinet Order.

- (8) A child welfare officer performs their duties set forth in the preceding paragraph in accordance with the area of responsibility specified by the director of a child guidance center and may seek cooperation from the mayor of municipality having jurisdiction over the area of the mayor's responsibility.
- (9) A child welfare officer must receive training conforming to the standards specified by the Minister of Health, Labour and Welfare.
- (10) The particulars necessary to designate a facility and a training session of the paragraph (3), item (i) by a Cabinet Order.

Article 14 (1) With regard to the particulars provided in paragraph (4) of the preceding Article, a mayor of municipality may request a child welfare officer to make necessary notification of the conditions and provision of the materials and to give necessary assistance.

- (2) With regard to the children in the area of officer's responsibility, a child welfare officer must give notice of the conditions of necessary particulars and state their opinions to the director of a child guidance center or the mayor of municipality having jurisdiction over the area of the officer's responsibility.

Article 15 Beyond what is provided for in this Act, appointment and assignment of a child welfare officer and other necessary particulars concerning child welfare officer is prescribed by Order.

Section 6 Commissioned Child Welfare Volunteer

Article 16 (1) A municipal government is to staff commissioned child welfare volunteers in its area.

- (2) A commissioned welfare volunteer pursuant to the Commissioned Welfare Volunteers Law (Act No. 198 of 1948) is deemed to be appointed concurrently as a commissioned child welfare volunteer.
- (3) The Minister of Health, Labor and Welfare designates a chief commissioned child welfare volunteer among the commissioned child welfare volunteers.
- (4) The designation by the Minister of Health, Labor and Welfare pursuant to the provisions of the preceding paragraph is made through the nomination pursuant to the provisions of Article 5 of the Commissioned Welfare Volunteers Law.

Article 17 (1) A commissioned child welfare volunteer performs the duties listed in the following items:

- (i) have an appropriate understanding of the living conditions and surrounding environments of the children and expectant and nursing mothers;
- (ii) providing necessary information and other assistance and guidance to

- enable children and expectant and nursing mothers to utilize services adequately with regard to their assistance, healthcare and other particulars concerning welfare;
- (iii) coordinating closely with persons who operate services intended for social welfare pertaining to children and expectant and nursing mothers or the persons who conduct activities for healthy upbringing of children, and support their services or activities;
 - (iv) cooperating in the duties performed by a child welfare officer or social welfare secretary of the welfare office
 - (v) endeavoring to encourage a spirit conducive to the healthy upbringing of children; and
 - (vi) beyond what is listed in the preceding items, conducting other activities to pursue the promotion of welfare of children and expectant and nursing mothers, where needed.
- (2) With regard to the duties of commissioned child welfare volunteers listed in the items of the preceding paragraph, a chief commissioned child welfare volunteer is to carry out liaison and coordination with organs relevant to the welfare of children and commissioned child welfare volunteers (excluding those who are chief commissioned child welfare volunteers; the same applies hereinafter in this paragraph) and provide assistance and cooperation for activities of commissioned child welfare volunteers.
- (3) The provisions of the preceding paragraph does not preclude a chief commissioned child welfare volunteer from performing the duties of commissioned child welfare volunteers listed in the items of paragraph (1).
- (4) A commissioned child welfare volunteer is directed and supervised by the prefectural governor in the course of duties.

Article 18 (1) With regard to the particulars provided in paragraph (1) or (2) of the preceding Article, a mayor of municipality may request a child welfare officer to make necessary notification of the conditions and provision of the materials and may give necessary instructions to them.

- (2) With regard to the children and expectant and nursing mothers in the area of the responsibility of a commissioned child welfare volunteer, must give notice of the conditions of the necessary particulars and state their opinions to the director of a child guidance center or the mayor of municipality having jurisdiction over the area of the volunteer's responsibility.
- (3) When a commissioned child welfare volunteer intends to give notice set forth in the preceding paragraph to the director of a child guidance center except in the case where the volunteer finds an urgent necessity, such notice is to be given through the mayor of municipality.
- (4) A director of a child guidance center may commission a commissioned child

welfare volunteer to conduct necessary investigations in the jurisdictional district of the child guidance center.

Article 18-2 A prefectural governor must prepare and implement programs for the training of commissioned child welfare volunteers in accordance with the standards specified by the Minister of Health, Labor and Welfare.

Article 18-3 Beyond what is provided for in this Act, necessary particulars concerning commissioned child welfare volunteers are prescribed by an Order.

Section 7 Nursery Teachers

Article 18-4 The term "nursery teacher" as used in this Act means a person who is registered as prescribed in Article 18-18, paragraph (1), and uses the name of nursery teacher to have specialized in obtaining the knowledge and skills, and their work provides childcare in daycare and guidance concerning daycare to their custodians

Article 18-5 A person who falls under any of the following items may not become a nursery teacher:

- (i) a person specified by Order of the Ministry of Health, Labour and Welfare as a person who cannot properly engage in the services of nursery teacher due to a mental or physical disorder.
- (ii) a person sentenced to imprisonment without work or heavier punishment and awaiting a lapse of two years from the day on which its execution will be completed or cease to be enforceable;
- (iii) a person punished by a fine pursuant to such provisions of this Act or of any other act related to child welfare as specified by a Cabinet Order and awaiting a lapse of two years from the day on which its execution will be completed or cease to be enforceable; or
- (iv) a person awaiting a lapse of two years from the date of rescission of their registration pursuant to the provisions of Article 18-19, paragraph (1), item (ii) or paragraph (2) of the same Article.
- (v) a person awaiting a lapse of two years from the date of rescission of their registration pursuant to the provisions of Article 18-19, paragraph (1), item (ii) or paragraph (2) of the same Article which is applied mutatis mutandis in National Strategic Special Zone Act (Act No. 107 of 2013) Article 12-5, paragraph (8).

Article 18-6 A person who falls under any of the following items is qualified to be a nursery teacher.

- (i) a person graduating from a school for training of nursery teachers or other facility as designated by the Minister of Health, Labor and Welfare (hereinafter referred to as "designated nursery teacher training facility") (including a person completing junior division of professional graduate school pursuant to the School Education Act);
- (ii) a person passing a nursery teacher examination.

Article 18-7 (1) The prefectural governor, when they find it necessary in order to ensure adequate implementation of training of nursery teachers, within the limit necessary therefor, may request the head of a designated nursery teacher training facility to report on its education methods, accommodation facilities or other particulars or provide guidance to the head of the facility, or make the relevant ministry's official inspect books and documents and other objects.

(2) When the inspection is conducted pursuant to the provisions of the preceding paragraph, the relevant official must carry their certification for identification and display it upon request by any relevant person.

(3) The authority pursuant to the provisions of paragraph (1) must not be construed as being permitted for criminal investigation.

Article 18-8 (1) A nursery teacher examination is conducted to check the knowledge and skills necessary for a nursery teacher in accordance with the standards specified by the Minister of Health, Labor and Welfare.

(2) Nursery teacher examinations are held by the prefectural governor once a year or more frequently.

(3) A prefectural government must staff nursery teacher examination commissioners (referred to as an "examination commissioner" in the following paragraph) to conduct the affairs concerning judgment as to whether an examinee has the knowledge and skills necessary for a nursery teacher; provided, however, that this does not apply to the case where the prefectural government makes a person designated pursuant to the provisions of paragraph (1) of the following Article conduct the relevant affairs.

(4) An examination commissioner or an ex-examination commissioner must not divulge any secret coming to their knowledge with regard to the affairs prescribed in the preceding paragraph.

Article 18-9 (1) A prefectural governor may, pursuant to the provisions of an Order of the Ministry of Health, Labour and Welfare, make a general incorporated association or general incorporated foundation designated by the relevant prefectural governor that is found to be capable of implementing the examination affairs properly and reliably (hereinafter referred to as "designated examining body") conduct the whole or part of the affairs

concerning implementation of nursery teacher examinations (hereinafter referred to as "examination affairs").

- (2) When the prefectural governor causes the examination affairs, in whole or in part, to be conducted by a designated examining body pursuant to the provisions of the preceding paragraph, the prefectural governor does not conduct whole or part of such examination affairs.
- (3) In the case where the fees pertaining to nursery teacher examinations are collected pursuant to Article 227 of the Local Autonomy Act (Act No. 67 of 1947), the prefectural government, pursuant to the provisions of a Prefectural Ordinance, the prefectural government may require that a person who desires to take a nursery teacher examination held by a designated examining body pursuant to the provisions of paragraph (1) to pay the whole or part of the relevant fees to the relevant designated examining body and account for the fees so collected as the prefecture's income.

Article 18-10 (1) Appointment and dismissal of an officer of a designated examining body does not become effective without being approved by the prefectural governor.

- (2) When an officer of a designated examining body commits an act in violation of this Act (including orders or dispositions pursuant to this Act) or the rules on examination affairs provided in Article 18-13, paragraph (1) or an extremely inappropriate act with regard to the examination affairs, the prefectural governor may order the relevant designated examining body to dismiss the relevant officer.

Article 18-11 (1) In the case of conducting its examination affairs, a designated examining body must make a nursery teacher examination commissioner or (hereinafter referred to as an "examination commissioner" in the following paragraph and paragraph (1) of the following Article) take charge of the affairs concerning judgment as to whether an examinee has the knowledge and skills necessary for a nursery teacher.

- (2) The provisions of paragraph (1) of the preceding Article apply mutatis mutandis to the appointment and dismissal of an examination commissioner, and the provisions of paragraph (2) of the same Article apply mutatis mutandis to the dismissal of an examination commissioner.

Article 18-12 (1) An officer or employee of a designated examining body (including examination commissioners; the same applies in the following paragraph) or a person who used to be such an officer or employee must not divulge any secret coming to their knowledge with regard to the examination affairs.

(2) With regard to application of the Penal Code (Act No. 45 of 1907) and other penal provisions, an officer or employee of a designated examining body engaged in the examination affairs is deemed to be an official engaged in the public services pursuant to laws and regulations.

Article 18-13 (1) A designated examining body must prescribe the rules concerning implementation of its examination affairs (hereinafter referred to as "rules on examination affairs") before commencement of its examination affairs and obtain approval from the prefectural governor; the same applies when the rules on examination affairs are to be changed.

(2) When a prefectural governor finds that the rules on examination affairs approved pursuant to the provisions of the preceding paragraph become inappropriate in terms of proper and reliable implementation of the examination affairs, the prefectural governor may order the designated examining body to change the rules.

Article 18-14 A designated examining body must prepare its service plan and income and expenditure budget for each business year and obtain approval from the prefectural governor before the start of the relevant business year (or without delay after designation, in the case where the date of its designation as a designated examining body falls on the relevant business year); the same applies when a service plan or an income and expenditure budget is to be changed.

Article 18-15 When a prefectural governor finds it necessary in order to ensure proper and reliable implementation of the examination affairs, the prefectural governor may give orders necessary for the supervision of the examination affairs to the designated examining body.

Article 18-16 (1) When a prefectural governor finds it necessary in order to ensure proper and reliable implementation of the examination affairs, the prefectural governor, within the limit necessary therefor, may request the designated examining body to make a report, or cause the relevant prefecture's official to ask relevant persons questions or enter any office of the designated examining body and inspect books and documents and other objects.

(2) When any question or entry and inspection is made pursuant to the provisions of the preceding paragraph, the relevant official must carry their identification card and produce it upon request by any relevant person.

(3) The authority pursuant to the provisions of paragraph (1) must not be construed as being permitted for a criminal investigation.

Article 18-17 A person who has an objection to any disposition pertaining to the examination affairs imposed by a designated examining body or its inaction may request investigation by the prefectural governor pursuant to the Administrative Appeal Act (Act No. 160 of 1962). Concerning application of the provisions of Administrative Appeal Act (Act No. 68 of 2016), Article 25, paragraphs (2) and (3), Article 46, paragraphs (1) and (2), Article 47 and Article 49, paragraph (3), the prefectural governor is to deem to be the higher administrative agency of the designated examining body.

Article 18-18 (1) In order for a person who is qualified as a nursery teacher to become a nursery teacher, they need to obtain registration of their name, date of birth and other particulars specified by an Order of the Ministry of Health, Labour and Welfare in the nursery teachers registry.

(2) The nursery teachers registry is kept by the prefectural government.

(3) When an applicant is registered as a nursery teacher, the prefectural governor is to issue a nursery teacher registration certificate stating the particulars provided in paragraph (1) to the applicant.

Article 18-19 (1) If a nursery teacher falls under any of the following items, the prefectural governor must rescind their registration:

(i) when any of the items of Article 18-5 (excluding item (iv)) becoming applicable to them; or

(ii) when they are registered as a nursery teacher based on false or wrongful facts.

(2) When a nursery teacher violates the provisions of Article 18-21 or 18-22, the prefectural governor may rescind their registration or order them to suspend the use of the name of the nursery teacher for a specified period of time.

Article 18-20 When the registration of a nursery teacher ceases to be effective, the prefectural governor must delete such registration.

Article 18-21 A nursery teacher must not commit any act that may damage the credibility of nursery teachers.

Article 18-22 A nursery teacher must not divulge any secrets of any person coming to their knowledge with regard to their duties without justifiable ground. The same applies even after they cease to be a nursery teacher.

Article 18-23 A person who is not a nursery teacher must not use the name that refers themselves as a nursery teacher or any other name that is confusingly similar to this.

Article 18-24 Beyond what is provided for in this Act, other necessary particulars concerning nursery teachers such as a designated nursery teacher training facility, nursery teacher examinations, designated examining body and registration of nursery teachers prescribed by Cabinet Order.

Chapter II Guarantee of Welfare

Section 1 Guidance on Medical Treatment and Education, Payments of Medical Expenses for Specified Chronic Pediatric Diseases

Subsection 1 Guidance on Medical Treatment and Education

- Article 19 (1) A public health center's director must carry out medical examinations or provide consultation for children with physical disabilities, and must guide medical treatment and education necessary for them.
- (2) A public health center's director may carry out medical examinations or provide consultation for children in need of long-term medical treatment due to illness, and may provide guidance for medical treatment and education necessary for them.
- (3) When a public health center's director finds that a child to whom a physically disabled certificate is issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Welfare of Persons with Physical Disabilities (Act No. 283 of 1949) (or the custodian of a child to whom a physically disabled certificate is issued as aforementioned, if the person is a child with physical disabilities under 15 years of age; the same applies hereinafter) falls under any of the reasons listed in Article 16, paragraph (2), item (i) or (ii) the same Act, the public health center's director must notify the prefectural governor to that effect.

Subsection 2 Payments of Medical Expenses for Specified Chronic Pediatric Diseases

Division 1 Payments of Medical Expenses for Specified Chronic Pediatric Diseases

Article 19-2 (1) If a child with a specified chronic pediatric disease, etc. pertaining to grant approval of medical expenses set forth in paragraph (3) of the following Article (hereinafter referred to as "grant approval of medical expenses" in this Article) receives medical support for specified chronic pediatric diseases pertaining the relevant grant approval of medical expenses" in this Article (hereinafter referred to as "designated specified chronic pediatric diseases") within the effective period of grant approval of medical expenses set forth in paragraph (6) of the following Article, from medical

institution for specified chronic pediatric diseases. (limited to such institutions as set forth in paragraph (5) of the same Article), the prefectural government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, may pay medical expenses for specified chronic pediatric diseases for the expenses required for the relevant custodian given grant approval of medical expenses pertaining to the relevant children with a specified chronic pediatric disease (referring to as "custodian given grant approval of medical expenses" in the following paragraph") with regard to the expenses spent for the relevant medical support for specified chronic pediatric diseases;

(2) The amount of medical expenses for specified chronic pediatric diseases per month is the aggregate amount of the following amount.

(i) the amount obtained by deducting, from the amount calculated in accordance with the method for calculating the amount of expenses incurred for medical treatment of health insurance on designated medical support for specified chronic pediatric diseases (excluding dietary treatment (meaning the dietary treatment provided in Article 63, paragraph (2) of the Health Insurance Act (Act No. 70 of 1922); the same applies hereinafter in this paragraph)) in the same month, the amount provided in Cabinet Order as considering the financial capacity of the household budget of the custodian given grant approval of medical expenses, the status of treatment or the physical condition of the child with a specified chronic pediatric disease, etc. pertaining to the relevant grant approval of medical expenses, the number of children with specified chronic pediatric diseases and other patients with designated intractable diseases given a grant recipient approval pertaining to other grant recipient approval of medical expenses provided in Article 7, paragraph (1) of Act on Medical Care for Patients with Intractable Diseases (Act No. 50 of May 30, 2014) who belong to the same household of the relevant custodian given grant approval of medical expenses and other circumstances (or the equivalent amount if the amount provided by Cabinet Order exceeds the amount equivalent to twenty percent of the relevant calculated amount);

(ii) the amount obtained by deducting the amount provided by the Minister of Health, Labour and Welfare in consideration of the amount of the standard co-payment for dietary treatment stipulated in Article 85, paragraph (2) of the Health Insurance Act, the income status of the custodian given grant approval of medical expenses and other circumstances from the amount calculated in accordance with the method for calculating the amount of expenses incurred for medical treatment of health insurance on the relevant designated medical support for a specified chronic pediatric disease (limited to dietary treatment);

(3) If it is not possible to calculate an amount in accordance with the method of

calculating the amount of expenses incurred for medical treatment provided in the preceding paragraph, or that method is not suitable, the method of calculating the amount of expenses for medical support for specified chronic pediatric diseases is to be prescribed by the Minister of Health, Labour and Welfare.

- Article 19-3 (1) When a custodian of a child with a specified chronic pediatric disease, etc. (who has actual custody of the child with a specified chronic pediatric disease, etc., that is, a person who has parental authority, a custodian of a minor, or any other person and who actually cares for the relevant child; the same applies in this Article, Article 57-3, paragraph (2), Article 57-3-3, paragraph (2) and Article 57-4, paragraph (2)) intends to receive payments of medical expenses for specified chronic pediatric diseases, the custodian must apply to the prefectural government by attaching a medical certificate (meaning a document provided by Order of the Ministry of Health, Labour and Welfare as a document certifying that the child with a specified chronic pediatric disease, etc. has contracted the a specified chronic pediatric disease and the degree of severity of the medical condition of the disease is of one determined by Minister of Health, Labour and Welfare set forth in Article 6-2, paragraph (2)) issued by a physician designated by a prefectural governor (hereinafter referred to as "designated physician").
- (2) The necessary particulars concerning the procedures for designating designated physicians and other designated physicians must be specified by Ministry of Health, Labour and Welfare.
- (3) If a child with a specified chronic pediatric disease pertaining to the application referred to in paragraph (1) is found to have contracted the specified chronic pediatric disease and the degree of severity of the medical condition of the disease is of one determined by Minister of Health, Labour and Welfare set forth in Article 6-2, paragraph (2), a prefecture is to give a grant for payment of medical expenses for a specified chronic pediatric disease (hereinafter referred to as "grant approval of medical expenses").
- (4) When the application for designation under the paragraph (1) has been filed, and a prefecture has no intention to give a grant approval of medical expenses (excluding the cases provided by Order of Ministry of Health, Labour and Welfare as cases not to meet formal requirements for application), the prefectural in advance, must request the Specified Chronic Pediatric Diseases Examination Board provided in paragraph (1) of the following article to examine in not giving the approval for the grant to a custodian of a child with a specified chronic pediatric disease pertaining to the relevant application.
- (5) If a prefecture has given a grant approval for medical expenses, the prefecture is to determine a designated medical institution for specified chronic

pediatric diseases among designated medical institutions for a specified chronic pediatric disease where a child with a specified chronic pediatric disease given the relevant grant approval for medical expenses receives medical support for a specified chronic pediatric disease pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (6) A grant approval of medical expenses is only within the period specified by Order of Ministry of Health, Labour and Welfare (referring to as "valid period for grant approval of medical expenses" in the following paragraph and Article 19-6, paragraph (1), item (ii)).
- (7) If a prefecture has given a grant approval of medical expenses, the prefecture, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must issue a certification for grant approval which describes the valid period of the grant approval of medical expenses (hereinafter referred to as "certification for grant approval") to a custodian of a child with a specified chronic pediatric disease (hereinafter referred to as "custodian given grant approval of medical expenses").
- (8) Grant approval of medical expenses becomes valid retroactively as of the date of the application.
- (9) A custodian given grant approval of medical expenses who intends to receive designated medical support for a specified chronic pediatric disease, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to receive designated medical support for a specified chronic pediatric disease by presenting certification for grant approval to a designated medical institution for specified chronic pediatric diseases determined pursuant to the provisions of paragraph (5); provided, however, that in the case of an emergency or any other unavoidable circumstance, presenting the medical care recipient certificate is not required.
- (10) If a child with a specified chronic pediatric disease pertaining to a grant approval for medical expenses has received designated medical support for a specified chronic pediatric disease from a designated medical institution for a specified chronic pediatric disease determined pursuant to the provisions of paragraph (5) (limited to a case where the custodian given grant approval of medical expenses pertaining to the relevant child with a specified chronic pediatric disease presents certification for grant approval to the relevant designated medical institution for specified chronic pediatric diseases), the prefecture, in lieu of the relevant custodian given a grant approval for medical expenses, may pay the relevant designated medical institution for specified chronic pediatric diseases, expenses incurred for the relevant designated medical support for specified chronic pediatric diseases payable by the relevant custodian given a grant approval for medical expenses to the relevant designated medical institution for specified chronic pediatric diseases within

the extent of the amount payable to the relevant custodian given a grant approval for medical expenses as medical expenses for specified chronic pediatric diseases.

- (11) If a payment has been made pursuant to the provisions of the preceding paragraph, the relevant custodian given a grant approval for medical expenses is deemed to have received medical expenses for a specified chronic pediatric disease.

Article 19-4 (1) A prefecture is to establish a specified chronic pediatric diseases examination board in order to have the board conduct the examination under paragraph (4) of the preceding Article.

- (2) Members of a specified chronic pediatric diseases examination board are appointed by the prefectural governor from among persons with relevant knowledge and experience in specified chronic pediatric diseases.
- (3) The tenure of office of a member is two years.
- (4) Beyond what is provided for in this Act, necessary particulars concerning a specified chronic pediatric diseases examination board are provided by Order of the Ministry of Health, Labour and Welfare.

Article 19-5 (1) If a custodian given a grant approval for medical expenses needs to change the designated medical institution for specified chronic pediatric diseases determined pursuant to Article 19-3, paragraph (5) pertaining to the grant approval of medical expenses which the custodian given a grant approval for medical expenses has already been given or other particulars provided by Order of the Ministry of Health, Labour and Welfare, the patient, etc. given grant recipient approval may apply to the prefecture for change on the relevant grant approval for medical expenses pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) If a prefecture finds it necessary to change particulars with regard to a custodian given a grant approval for medical expenses, the prefecture, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, may approve alternation of a grant approval for medical expenses upon receiving an application referred to in the preceding paragraph or authority. In this case, the prefecture is to request that the relevant custodian given a grant approval for medical expenses submit the certification for grant approval.
- (3) If a prefecture has approved the change of a grant approval for medical expenses referred to in the preceding paragraph, the prefecture is to describe the particulars pertaining to the approval of the change on the certification for grant approval and return it to the custodian.

Article 19-6 (1) A prefecture that has given a grant approval for medical expenses may rescind the relevant grant approval for medical expenses in the following cases:

- (i) if it is found that a child with a specified chronic pediatric disease pertaining to certification for grant approval for medical expenses no longer needs to receive medical support for specified chronic pediatric diseases in the light of their condition of the disease or the state of treatment, etc.;
 - (ii) if a custodian given a grant approval for medical expenses is deemed to have their place of residence in a prefecture other than the prefecture during the effective period of the grant approval for medical expenses;
 - (iii) in other cases provided by Cabinet Order.
- (2) The prefecture that has rescinded a grant approval for medical expenses pursuant to the provisions of the preceding paragraph is to ask the custodian given a grant approval for medical expenses pertaining to the rescission to return the certification for grant approval pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 19-7 Payment of medical expenses for specified chronic pediatric diseases is not to be made for medical care of a child with a specified chronic pediatric disease to the extent provided by Cabinet Order if the child is eligible for benefits equivalent to payment of medical expenses for specified chronic pediatric diseases among benefits provided by Cabinet Order which are benefits for dependents' medical expenses under the Health Insurance Act or any other benefits based on Laws and Regulations in light of the condition of the relevant specified chronic pediatric disease or to the extent covered by the benefits granted if benefits have been provided which are other than the benefits provided by the relevant Cabinet Order and which are equivalent to payment of medical expenses for a specified chronic pediatric disease at the expense of the national or local governments.

Article 19-8 Beyond what is provided for in this section, necessary particulars concerning payment of medical expenses for specified chronic pediatric diseases are provided by Order of the Ministry of Health, Labour and Welfare

Division 2 Designated Medical Institution for Specified Chronic Pediatric Diseases

Article 19-9 (1) A designation of Article 6-2, paragraph (2) (hereinafter referred to as designation of designated medical institution for specified chronic pediatric diseases") is made by an application from the establisher, who opened a hospital, clinic (including other institutions provided by Cabinet Order as

being equivalent; the same applies hereinafter) or by an establisher of a pharmacy, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare..

- (2) A prefectural governor must not make a designation of a designated medical institution for specified chronic pediatric diseases if an application referred to in the preceding paragraph is filed and the filed application falls under any of the following items:
- (i) if the applicant has been sentenced to imprisonment without work or a heavier punishment and the execution of the sentence for the applicant has not yet been completed or the sentence has not yet been ceased to be applicable;
 - (ii) if the applicant has been punished by a fine pursuant to the provisions of this Act, or other Acts concerning national healthcare provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (iii) if the applicant has been punished by a fine pursuant to the provisions of this Act, or other Acts concerning labor provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (iv) if the applicant is a person whose designation of a designated medical institution for specified chronic pediatric diseases has been rescinded pursuant to the provisions of Article 19-18 and for whom five years have not yet elapsed since the date of the rescission (if a person whose designation of the relevant designated medical institution for specified chronic pediatric diseases which has been rescinded is a corporation, including a person who used to be an officer of the corporation or a manager of a medical institution (hereinafter referred to as "officer, etc.") within 60 days prior to the date of notification under Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) pertaining to the rescission, and five years have not yet elapsed since the date of the rescission; and if a person whose designation of the relevant designated medical institution for specified chronic pediatric diseases has been rescinded is not a corporation, including a person who used to be a manager of a person within 60 days prior to the date of the notification and for whom five years have not yet elapsed since the date of the rescission); provided, however, that this does not apply if the rescission falls under a rescission of designation of a designated medical institution for specified chronic pediatric diseases provided by Order of the Ministry of Health, Labour and Welfare as a rescission which is found appropriate for not falling under a rescission on the relevant designated medical institution for specified chronic pediatric diseases under the main clause of this item in consideration of facts as reasons for the disposition of the rescission and the

degree of responsibility held by the establisher of the relevant designated medical institution for specified chronic pediatric diseases with regard to the facts;

- (v) if the applicant is a person who has offered to decline the designation of a designated medical institution for specified chronic pediatric diseases under Article 19-15 during the period from the date of the notification under Article 15 of the Administrative Procedure Act pertaining to the rescission of designation of a designated medical institution for specified chronic pediatric diseases under Article 19-18 (referred to as "the date of notification" in item (vii)) to the date of the disposition or the date of determination not to dispose (excluding a person who has an appropriate reason for the declination); and for whom five years have not elapsed since the date of the relevant offer;
- (vi) if the applicant is a person who, during the period from the date of examination under Article 19-16, paragraph (1) to the scheduled date of determination of hearing (meaning the specified date which a prefectural governor has notified to the applicant within ten days since the examination pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare as the date expected to determine whether the hearing pertaining to the rescission of designation of a designated medical institution for specified chronic pediatric diseases under Article 19-18 or not based on the conclusion of the examination), has offered to decline the designation of a designated medical institution for specified chronic pediatric diseases under Article 19-15 (excluding a person who has an appropriate reason for the declination) and for whom five years have not yet elapsed since the date of the offer;
- (vii) if the declination of designation of a designated medical institution for specified chronic pediatric diseases under Article 19-15 has been offered within the period provided in item (v) and the applicant is a person who used to be an officer, etc. of the corporation pertaining to the offer (excluding a person who has an appropriate reason for the declination) or a manager of a person who is not a corporation pertaining to the offer (excluding a person who has an appropriate reason for the declination) within 60 days prior to the date of notification, and for whom five years have not yet elapsed since the date of the relevant offer;
- (viii) if the applicant is a person who has committed a wrongful or extremely unjust act concerning specified medical support for specified chronic pediatric diseases within five years prior to the application referred to in the preceding paragraph;
- (ix) if the applicant is a corporation and has a person among its officers, etc. who falls under any of the preceding items;
- (x) if the applicant is not a corporation and its manager falls under any of items (i) through (viii).

- (3) A prefectural governor may determine not to make a designation of a designated medical institution for specified chronic pediatric diseases if an application referred to in paragraph (1) is filed and the application falls under any of the following items:
- (i) if a hospital, clinic or pharmacy pertaining to the application is not a health insurance-covered medical institution or a health insurance-covered pharmacy provided in Article 63, paragraph (3), item (i) of the Health Insurance Act or a place of business or a facility provided by Order of the Ministry of Health, Labour and Welfare;
 - (ii) if a hospital, clinic or pharmacy pertaining to the application or an applicant has been repeatedly directed under Article 19-13 or recommended under Article 19-17, paragraph (1) in fear of lack of appropriateness for contents of medical care or prescription with regard to payment of medical expenses for specified chronic pediatric diseases;
 - (iii) if an applicant does not comply with an order under Article 19-17, paragraph (3);
 - (iv) beyond what is set forth in the preceding three items, if a hospital, clinic or pharmacy pertaining to the application is found extremely inappropriate as a designated medical institution for specified chronic pediatric diseases.

Article 19-10 (1) Unless the designation of a designated medical institution for specified chronic pediatric diseases is renewed every six years, the designation ceases to be effective upon the expiration of such period.

(2) The provisions of Article 68, paragraph (2) of the Health Insurance Act apply *mutatis mutandis* to the renewal of designation of a designated medical institution referred to in the preceding paragraph. In this case, necessary terminological replacements are prescribed by a Cabinet Order.

Article 19-11 A designated medical institution for specified chronic pediatric diseases must provide high-quality and appropriate medical support for specified chronic pediatric diseases pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 19-12 (1) The medical service policy for a designated medical institution for specified chronic pediatric diseases is governed by the medical service policy of the health insurance.

(2) If the medical service policy provided in the preceding paragraph cannot be complied with or if it is not appropriate to comply therewith, the medical service policy is to be as provided by the Minister of Health, Labour and Welfare.

Article 19-13 A designated medical institution for specified chronic pediatric diseases must receive guidance from the prefectural governor with regard to implementation of medical support for specified chronic pediatric diseases.

Article 19-14 If the name, address and any other particulars provided by Order of the Ministry of Health, Labour and Welfare of the designated medical institution for specified chronic pediatric diseases has been changed, the designated medical institution for specified chronic pediatric diseases must notify a prefectural governor of the change pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare

Article 19-15 A designated medical institution for specified chronic pediatric diseases may decline the designation of a designated medical institution for specified chronic pediatric diseases by offering one month or more of prior notice

Article 19-16 (1) If a prefectural governor finds it necessary in relation for implementing medical support for specified chronic pediatric diseases, the prefectural governor may order a designated medical institution for specified chronic pediatric diseases for any of the persons who were establishers, managers, physicians, pharmacists or other employees of the designated medical institution (hereinafter referred to as "the former establishers, etc." in this paragraph) to make a report or submit or present medical records, books and documents or other items, may request any of the establishers, managers, physicians, pharmacies or other employees of the designated medical institution for specified chronic pediatric diseases (including the former establishers, etc.) to appear, or may have personnel question relevant persons or inspect any equipment or medical records, the books and other documents or other items of the relevant designated medical institution for specified chronic pediatric diseases.

(2) If questions or inspections are conducted under the preceding paragraph, the personnel must carry an identification card and present it at the request of any person concerned.

(3) The authority under paragraph (1) must not be construed as being granted for criminal investigation.

(4) If a designated medical institution for specified chronic pediatric diseases has failed to comply with an order to report, submit or present records pursuant to paragraph (1) or has made a false report, or refused, or has prevented or avoided inspection under the same paragraph without reasonable grounds, a prefectural governor may temporarily suspend payment of medical expenses for specified chronic pediatric diseases to the relevant designated medical

institution for specified chronic pediatric diseases.

Article 19-17 (1) A prefectural governor, if it is found that a designated medical institution for specified chronic pediatric diseases fails to provide medical support for specified chronic pediatric diseases in accordance with Article 19-11 or 19-12, may recommend that an establisher of the designated medical institution comply with Article 19-11 or 19-12 by a set deadline.

(2) If a prefectural governor has made a recommendation under the preceding paragraph and an establisher of the designated medical institution for specified chronic pediatric diseases who has received the recommendation have failed to comply, within the deadline referred to in the same paragraph, the prefectural governor may make it public to that effect.

(3) If an establisher of the designated medical institution for specified chronic pediatric diseases who has received a recommendation under paragraph (1) has failed to take any measures pertaining to the recommendation without reasonable grounds, the prefectural governor may order the establishers of the relevant designated medical institution for specified chronic pediatric diseases to take measures pertaining to the recommendation, by a set deadline.

(4) If a prefectural governor has issued an order under the preceding paragraph, the prefectural governor must make a public announcement.

Article 19-18 A prefectural governor may rescind the designation of a designated medical institution for specified chronic pediatric diseases pertaining to the relevant designated medical institution specified chronic pediatric diseases or suspend the whole or part of the validity of the designation of a designated medical institution with setting a term in the cases set forth in the following items:

(i) if a designated medical institution for specified chronic pediatric diseases has come to fall under any of Article 19-9, paragraph (2), items (i) through (iii), (ix) or (x);

(ii) if a designated medical institution for specified chronic pediatric diseases has come to fall under any of the items of Article 19-9, paragraph (3);

(iii) if a designated medical institution for specified chronic pediatric diseases has violated Article 19-9 or 19-12;

(iv) if medical expenses for specified chronic pediatric diseases were claimed for by wrongful means;

(v) if a designated medical institution for specified chronic pediatric diseases ordered to make a report, submit or present medical records, books and other documents or other items pursuant to the provisions of Article 19-10, paragraph (1) failed to comply with the order or has made a false report;

(vi) if an establisher or an employee of a designated medical institution for

specified chronic pediatric diseases have been requested to appear pursuant to the provisions of Article 19-16, paragraph (1) and have failed to answer or made a false answer to questions under the provisions of the same paragraph, or have refused, interfered with or evaded an inspection under the provisions of the same paragraph; provided, however, that this does not apply if, the employee of the designated medical institution has conducted the actions and the establisher of the relevant designated medical institution for specified chronic pediatric diseases has fulfilled the duty of reasonable care and supervision so as to prevent the actions;

- (vii) if a designated medical institution for specified chronic pediatric diseases has received a designation of a designated medical institution for specified chronic pediatric diseases by wrongful means;
- (viii) beyond what is set forth in the preceding items, if a designated medical institution for specified chronic pediatric diseases has violated this Act and other Acts on national healthcare or welfare provided by Cabinet Order, or an order or disposition based on these Acts;
- (ix) beyond what is set forth in the preceding items, if a designated medical institution for specified chronic pediatric diseases has committed a wrongful or extremely unjust act concerning medical support for specified chronic pediatric diseases;
- (x) if a designated medical institution for specified chronic pediatric diseases is a corporation, and an officer, etc. thereof who has committed a wrongful or extremely unjust act concerning medical support for specified chronic pediatric diseases within five years from the time when a prefectural governor intends to rescind the validity of the designation of a designated medical institution for specified chronic pediatric diseases or suspend the whole or part of a validity of the designation of a designated medical institution for specified chronic pediatric diseases that has come to belong thereto;
- (xi) if a designated medical institution for specified chronic pediatric diseases is not a corporation and a manager thereof who has committed a wrongful or extremely unjust act concerning specified medical care within five years from the time when the manager intends to rescind the validity of the designation of designated medical institution for specified chronic pediatric diseases or suspend in whole or part of the validity of the designation of a designated medical institution for specified chronic pediatric diseases that has come to belong thereto.

Article 19-19 A prefectural governor must make a public announcement in the following cases:

- (i) if a prefectural governor has made a designation of a designated medical

- institution for specified chronic pediatric diseases;
- (ii) if a notification under Article 19-14 (excluding notification pertaining to change of particulars provided by Order of the Ministry of Health, Labour and Welfare referred to in the same Article) has been made;
 - (iii) if a designated medical institution for specified chronic pediatric diseases has declined a designation of a designated medical institution for specified chronic pediatric diseases under Article 19-15;
 - (iv) if a designation of a designated medical institution for specified chronic pediatric diseases has been rescinded pursuant to the provisions of the preceding Article.

- Article 19-20 (1) A prefectural governor may from time to time examine the content of medical treatment provided and medical expenses for specified chronic pediatric diseases claimed by a designated medical institution for specified chronic pediatric diseases and decide the amount of specified medical expenses for specified chronic pediatric diseases which the designated medical institution for specified chronic pediatric diseases is entitled to claim pursuant to the provisions of Article 19-3, paragraph (10).
- (2) A designated medical institution for specified chronic pediatric diseases must follow the decisions made by a prefectural governor referred to in the preceding paragraph.
 - (3) When a prefectural governor decides the amounts of medical expenses for specified chronic pediatric diseases which a designated medical institution for specified chronic pediatric diseases is entitled to claim pursuant to the provisions of paragraph (1), the prefectural governor must hear the opinions of the review committee provided in the Act on Health Insurance Claims Review and Reimbursement Services Act (Act No. 129 of 1948), the National Health Insurance Medical Fees Review Committee provided in the National Health Insurance Act (Act No. 192 of 1958), and other reviewing bodies concerning medical care provided by Cabinet Order.
 - (4) A prefecture may entrust affairs concerning payment of medical expenses for specified chronic pediatric diseases to a designated medical institution for specified chronic pediatric diseases to the Health Insurance Claims Review and Reimbursement Services, the Federation of National Health Insurance Association(hereinafter referred to as "Federation" provided in Article 45, paragraph (5) of the National Health Insurance Act, or other person provided by Order of the Ministry of Health, Labour and Welfare.
 - (5) A request for administrative review may not be filed with regard to any decision on the amount of medical expenses for specified chronic pediatric diseases under paragraph (1).

Article 19-21 Beyond what is provided for in this Section, necessary particulars concerning designated medical institutions for specified chronic pediatric diseases are provided by Order of the Ministry of Health, Labour and Welfare.

Division 3 Self-reliance Support Service for Children with Specified Chronic Pediatric Diseases

Article 19-22 (1) A prefecture is to respond to a request for consultation from children, etc. with a specified chronic pediatric disease and their family or other relevant persons, as well as offer necessary information and advice and liaison and coordination with relevant organizations and provide other services provided by Order of Ministry of Health, Labour and Welfare, with regard to various issues concerning medical treatment for children with specified chronic pediatric diseases and welfare for children, etc. with a specified chronic pediatric disease as the projects for self-reliance support service for children, etc. with a specified chronic pediatric disease.

(2) Beyond the projects listed in the preceding paragraph, a prefecture may conduct the following projects as the services for self-reliance support service for children, etc. with specified chronic pediatric diseases:

(i) a project to take temporary measures, management of medical care, daily care, and other necessary support for children with specified chronic pediatric diseases;

(ii) a project that provides opportunities for mutual exchange for children with specified chronic pediatric diseases and other services provided by Order of Ministry of Health, Labor and Welfare;

(iii) a project to provide information and other necessary support concerning employment of children with specified chronic pediatric diseases;

(iv) a project necessary to support persons actually taking care of children with specified chronic pediatric diseases;

(v) a project necessary for self-reliance support of children with specified chronic pediatric diseases.

(3) Upon implementation the services listed in the items of the preceding paragraph, a prefecture is to hear opinions from the organizations concerned and children with specified chronic pediatric diseases and their family, and other relevant persons.

(4) Beyond the preceding three paragraphs, the necessary particulars for self-reliance support for children with specified chronic pediatric diseases are provided by Order of Ministry of Health, Labour and Welfare.

Subsection 3 Medical Treatment and Education Benefits

- Article 20 (1) The prefectural government may hospitalize a child suffering from bone and joint tuberculosis or other tuberculosis and provide medical treatment and education benefits to them, in order to afford learning assistance together with medical treatment.
- (2) Medical treatment and education benefits means the provision of medical care and goods necessary for learning and for life with medical treatment.
- (3) The medical care set forth in the preceding paragraph means the performance listed in the following items:
- (i) clinical examinations;
 - (ii) provision of medical agents or therapeutic materials;
 - (iii) medical attention, operative treatment and other therapy, and medical practice;
 - (iv) admission into a hospital or clinic, and caring and other nursing incidental to the medical treatment there; and
 - (v) transfer.
- (4) Medical treatment and education benefits pertaining to the medical care set forth in paragraph (2) are entrusted to, and provided by, a hospital designated by the Minister of Health, Labor and Welfare or the prefectural governor pursuant to the provisions of the following paragraph (hereinafter referred to as a "designated treatment and education institution").
- (5) The prefectural governor is to designate the medical providers in charge of the medical care set forth in paragraph (2) with the content of organizers of hospitals.
- (6) The designation set forth in the preceding paragraph is made toward hospitals conforming to the standards specified by a Cabinet Order.
- (7) A designated treatment and education institution may decline the designation by giving not less than 30 days of advanced notice.
- (8) When a designated treatment and education institution ceases to conform to the standards specified by a Cabinet Order pursuant to paragraph (6), violates the provisions of the following Article, or is found to be extremely inappropriate as a designated treatment and education institution in charge of the medical care set forth in paragraph (2) due to any other reason, the prefectural governor may rescind its designation.

Article 21 A designated treatment and education institution must take charge of the medical care set forth in paragraph (2) of the preceding Article pursuant to the provisions specified by the Minister of Health, Labor and Welfare

Article 21-2 Provisions of Article 19-12 and Article 19-20 apply mutatis mutandis to a designated treatment and education institution. In this case, necessary terminological replacements is prescribed by Cabinet Order.

Article 21-3 (1) The prefectural governor, if it is found to be necessary to investigate whether medical fees are correctly claimed by a designated treatment and education institution, may request the manager of the designated treatment and education institution to make a necessary report, or may make relevant official carry out on-site inspection on medical records, books and documents, and other objects of the designated treatment and education institution with the consent of its manager.

(2) If the manager of a designated treatment and education institution, without justifiable ground, fails to respond to the request for reporting set forth in the preceding paragraph or makes a false report, or refuses the consent set forth in the same paragraph, the prefectural governor may instruct temporary halt of, or halt of, the payments of medical fees by the prefectural government to the relevant designated treatment and education institution.

(3) The Minister of Health, Labor and Welfare, if it is found to be an urgent necessity to protect interests of a child with regard to the affairs placed under the authority of a prefectural governor prescribed in the preceding paragraph, may instruct the prefectural governor to conduct the affairs set forth in the same paragraph.

Subsection 4 Miscellaneous Provisions

Article 21-4 (1) The national government is to promote surveys and research contributing to the treatment method of specified chronic pediatric diseases and the sound upbringing of children, etc. who require long-term treatment due to other specified chronic pediatric diseases or other diseases (referring to as "children, etc. with diseases" in paragraph (3) and the following Article).

(2) When the national government promotes surveys and research provided in the preceding paragraph, the national government is to pay attention to appropriate coordination on surveys and research on the mechanism of the occurrence, diagnosis and the treatment method of intractable diseases which serve as foundation for securing high-quality and appropriate medical care for patients with intractable diseases (which refers to the intractable diseases provided in Article 1 of Act on Medical Care for Patients with Intractable Diseases; the same applies hereinafter in this paragraph).

(3) The Minister of Health, Labour and Welfare is to actively provide results of the surveys and research provided in paragraph (1) to persons who conduct surveys and research contributing to the treatment method of specified chronic pediatric diseases and the sound upbringing of children, etc. with diseases, physicians, children, etc. with diseases, their families, and other relevant persons by appropriate means.

(4) When the Minister of Health, Labour and Welfare offers the results of the surveys and research provided in paragraph (1) pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare must pay attention to protecting personal information.

Article 21-5 Ministry of Health, Labour and Welfare is to formulate the basic policy to promote measures pertaining to implementing high-quality and appropriate medical support for specified chronic pediatric diseases and sound upbringing of other children, etc. with diseases.

Section 2 Support for Residential Life

Subsection 1 Payment of Outpatient Benefits for Children with Disabilities and Exceptional Case Outpatient Benefits for Children with Disabilities and High-cost Outpatient Benefits for Children with Disabilities

Article 21-5-2 The payment of outpatient benefits for children with disabilities and exceptional case outpatient benefits for children with disabilities are the benefits provided pursuant to the following Article and Article 21-5-4 concerning outpatient support for children with disabilities listed as follows.

- (i) child developmental support;
- (ii) medical services child developmental support (excluding support pertaining to medical support);
- (iii) after school day services
- (iv) home-visit type child developmental support
- (v) home-visit support such as nursery center, etc.

Article 21-5-3 (1) A municipality, if a recognized outpatient beneficiary custodian receives outpatient support for children with disabilities (hereinafter referred to as "designated outpatient support") from a person who provides outpatient support services for children with disabilities designated by a prefecture (hereinafter referred to as "designated operator of outpatient support services for children with disabilities") or designated developmental support medical institution (hereinafter referred to as "designated operator of outpatient support services, etc. for children with disabilities" collectively) within the effective period of grant decision on outpatient benefits payment set forth in Article 5-7, paragraph (8), is to pay outpatient benefits for children with disabilities with regard to the expenses required for the relevant designated outpatient support (excluding the expenses specified by Order of the Ministry of Health, Labour and Welfare from the expenses required for provision of meals and other expenses for daily life (hereinafter referred to as

"outpatient specified expenses)) to the relevant recognized outpatient beneficiary custodian.

(2) The amount of payment of outpatient benefits for children with disabilities is the amount obtained by deducting the amount listed in item (i) from the one listed in item (ii).

(i) the total amount of the expenses calculated in accordance with the standards specified by the Minister of Health, Labor and Welfare for the expenses for the expenses normally required for designated outpatient support for each type of outpatient support for children with disabilities (excluding outpatient specified expense), with regard to designated outpatient support provided in the same month (if the amount exceeds the expenses actually required for the relevant designated outpatient support, the amount of the relevant actually required amount (excluding outpatient specified expense));

(ii) the amount specified by a Cabinet Order taking into account the financial capacity of the household of the relevant recognized outpatient beneficiary custodian (when ten-hundredths (10/100) of the relevant amount provided by the preceding item exceeds the amount provided by the relevant Cabinet Order, the relevant amount equivalent thereto)

Article 21-5-4 (1) A municipality may pay exceptional case outpatient benefits for children with disabilities for the expenses required for the expenses (excluding outpatient specified expenses) the relevant designated outpatient support or appropriate outpatient support prescribed in item (ii) (limited within amount of grant specified in Article 21-5-7, paragraph (7)) pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare in the following cases if acknowledged to be necessary.

(i) if a recognized outpatient beneficiary custodian receives designated outpatient support in case of emergency or inevitable circumstances from the day when they made applications prescribed in of Article 21-5-6, paragraph (1) to the previous day when such grant decision took effect

(ii) if a recognized outpatient beneficiary custodian receives outpatient support for children with disabilities other than designated outpatient support (limited to the support provided by the business places which provide services to be acknowledged to satisfy the particulars prescribed in Prefectural Ordinance among the particulars prescribed in the standard provided by Prefectural Ordinance set forth in Article 21-5-19, paragraph (1) or the standard concerning equipment and operation of the services of designated outpatient support prescribed in Prefectural Ordinance (hereinafter referred to as "appropriate outpatient support").

(iii) in other cases provided by Cabinet Order.

- (2) The provisions of item (ii) of the preceding paragraph is specified in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed in items (i) through (iii); the particulars of item (iv) is specified by setting based on the standard provided in Order of the Ministry of Health, Labour and Welfare and other particulars are specified by taking into consideration the standard provided in Order of the Ministry of Health, Labour and Welfare.
- (i) employees engaged in appropriate outpatient support and their number
 - (ii) the floor area of the living room and other particulars concerning the equipment pertaining to the services of appropriate outpatient support, which are closely related to the sound development of children with disabilities, prescribed by Order of Ministry of Health, Labour and Welfare.
 - (iii) the particulars concerning operation of the services of appropriate outpatient support, which are closely related to ensuring appropriate use of services by custodians of children with disabilities and securing safety of children with disabilities and maintenance of secrets, prescribed by Order of Ministry of Health, Labour and Welfare.
 - (iv) capacity of persons pertaining to the services of appropriate outpatient support
- (3) A municipality is to determine the amount of exceptional case outpatient benefits for specified children with disabilities based on the amount obtained by per month by deducting the amount provided by Cabinet order by taking into account the financial capacity of the household of the relevant recognized outpatient beneficiary custodian respectively (when ten-hundredths (10/100) of the relevant amount provided by the relevant Cabinet Order exceeds the amount provided by a Cabinet Order, the relevant amount equivalent thereto) from the total sum of the amount provided by the following items according to the category of outpatient support for children with disabilities listed in the relevant items in the same month.
- (i) designated outpatient support; the amount of expenses calculated according to the standard specified by Minister of Health, Labour and Welfare of paragraph (2), item (i) of the preceding Article (when such amount exceeds the expenses actually required for the relevant designated outpatient support (excluding outpatient specified expenses), the relevant amount of expenses actually required for the designated outpatient support.)
 - (ii) appropriate outpatient support; the amount of expenses calculated according to the standard specified by Minister of Health, Labour and Welfare for the expenses (excluding outpatient specified expenses) normally required for appropriate outpatient support for each kind of outpatient support for children with disabilities (when such amount exceeds the expenses actually required for the relevant designated outpatient support

(excluding outpatient specified expenses), the relevant amount of expenses actually required for the designated outpatient support)

Article 21-5-5 (1) A custodian of a child with disabilities who intend to receive payment of outpatient benefits for children with disabilities or exceptional case outpatient benefits for children with disabilities (referring to as "outpatient benefits, etc. for children with disabilities" hereinafter in this subsection) must receive decision for payment of municipal outpatient benefits, etc. for children with disabilities (hereinafter referred to as "grant decision on outpatient benefits ").

(2) Grant decision on outpatient benefits is made by the municipality where the custodian of a child with disabilities has their residences; provided, however, that the custodian of the child with disabilities do not have their residence or whose residence is not obvious, another municipality where such custodian of the child with disabilities has their current residences are to make such grant decision.

Article 21-5-6 (1) When the custodian of a child with disabilities intends to receive grant decision on outpatient benefits, the custodian is to make an application to the municipality pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) If the application of the preceding paragraph has been filed, a municipality, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to make the relevant official interview with the child with disabilities or the custodian of the child with disabilities pertaining to relevant application and inspect their physical and mental status, circumstances where they are placed, and other particulars prescribed in Order of the Ministry of Health, Labour and Welfare. In this case the municipality may entrust the relevant investigation to designated operators of general consultation support business prescribed in Article 51-14, paragraph (1) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities and other persons specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "designated operators, etc. of consultation support services for children with disabilities" in this Article).

(3) The designated operators, etc. of consultation support services for children with disabilities who are entrusted pursuant to the provisions of the second sentence of the preceding paragraph are to make the persons specified by Order of the Ministry of Health, Labour and Welfare as having specified knowledge and skills relating to health or welfare for children with disabilities conduct the investigation pertaining to the relevant entrustment.

(4) The officers of the designated operators, etc. of consultation support services

entrusted pursuant to the provisions of the second sentence of paragraph (2) (meaning employees, directors, or executive officers who execute business, or the equivalent thereof, including those recognized as having the same or greater influence over corporations as employees who execute business, directors, corporate officers, or the equivalent thereof, regardless of what titles they may have, such as counselor, consultant, etc., which includes the cases of applying mutatis mutandis in the following paragraph and Article 21-5-15, paragraph (3), item (vi) including the case of applying mutatis mutandis in Article 24-9, paragraph (3) (including the case of applying mutatis mutandis in Article 24-10, paragraph (4)) and Article 24-28, paragraph (2) (including the case of applying mutatis mutandis in Article 24-29, paragraph (4))), or the persons prescribed in Order of the Ministry of Health, Labour and Welfare set forth in the preceding paragraph or the persons who used to be in such positions must not disclose personal secrets obtained concerning the relevant entrusted services without a valid reason.

- (5) With regard to application of the Penal Code and other penal provisions, an officer or employee of a designated operators, etc. of consultation support services for children with disabilities who are entrusted pursuant to the provisions of the second sentence of paragraph (2) is deemed to be an official engaged in the public services pursuant to laws and regulations.

Article 21-5-7 (1) If the application of paragraph (1) of the preceding Article is filed, a municipality is to decide the necessity of grant of payment of outpatient benefits, etc. for children with disabilities (hereinafter referred to as "decision on grant necessity" in this Article) by taking into consideration the mental and physical condition of the child with disabilities pertaining to the relevant application, the condition of the person who takes care of the relevant child with disabilities, the intention relating to use of outpatient support for children with disabilities of the relevant child with disabilities and their custodian and other particulars prescribed in Order of the Ministry of Health, Labour and Welfare.

- (2) If a municipality acknowledges it is necessary to make decision on grant necessity, it may hear the opinions of child guidance center and other organizations specified by Order of the Ministry of Health, Labour and Welfare (referring to as "child guidance center, etc." in the following paragraph, Article 21-5-10 and Article 21-5-13, paragraph (3)).
- (3) If a child guidance center, etc. acknowledges it is necessary to express the opinions of the preceding paragraph, it may hear the opinions of a child with disabilities, their custodian and family, physician and other relevant persons pertaining to the relevant decision on grant necessity for outpatient benefits.
- (4) A municipality, if Order of the Ministry of Health, Labour and Welfare

specifies it as necessary to make decision on grant necessity, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to request the custodian of the child with disabilities pertaining to the application of paragraph (1) of the preceding Article to submit a proposed plan for utilization of support for children with disabilities which designated operators of consultation support services for children with disabilities prepare prescribed in Article 24-26, paragraph (1), item (i).

- (5) The custodian of the child with disabilities who is requested to submit proposed support use plan for children with disabilities may submit the proposed support use plan for children with disabilities specified in Order of the Ministry of Health, Labour and Welfare in lieu of the one in the same paragraph, in the case where Order of the Ministry of Health, Labour and Welfare specifies.
- (6) If the proposed plan for utilization of support for children with disabilities Children with disabilities in the preceding two paragraphs is submitted, a municipality is to make a decision on grant necessity for outpatient benefits by taking into consideration the particulars specified by Order of the Ministry of Health, Labour and Welfare of paragraph (1) and the relevant proposed plan for utilization of support for children with disabilities.
- (7) If the grant decision on outpatient benefits payment is made, a municipality must determine the amount of grant of outpatient support for children with disabilities (hereinafter referred to as "amount of grant") to pay outpatient benefits, etc. for children with disabilities in the period specified by Order of the Ministry of Health, Labour and Welfare for each type of outpatient support for children with disabilities by the month.
- (8) Grant decision on outpatient benefits payment is effective limited to the period specified by Order of Ministry of Health, Labour and Welfare (hereinafter referred to as "effective period for grant decision on outpatient benefits payment")
- (9) If grant decision on outpatient benefits payment is made, a municipality must issue outpatient beneficiary certificate which describes amount of grant, effective period for grant decision on outpatient benefits payment and other particulars specified by Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "outpatient beneficiary certificate") to the relevant recognized outpatient beneficiary custodian pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (10) A recognized outpatient beneficiary custodian who intends to receive designated outpatient support is to receive relevant designated outpatient support by presenting their outpatient beneficiary certificate to the designated operators, etc. of outpatient support services for children with disabilities pursuant to the provisions of Order of the Ministry of Health, Labour and

Welfare; provided, however, that this does not apply in the case of an emergency or any other unavoidable reason.

- (11) If a recognized outpatient beneficiary custodian has received designated outpatient support from designated operators, etc. of outpatient support services for children with disabilities (limited to the cases where relevant recognized outpatient beneficiary custodian has presented their outpatient beneficiary certificate to relevant designated operators, etc. of outpatient support services for children with disabilities), a municipality may, in lieu of relevant recognized outpatient beneficiary custodian, pay the expenses (excluding outpatient specified expenses) incurred for relevant designated operators, etc. of outpatient support services for children with disabilities payable by relevant recognized outpatient beneficiary custodian to relevant designated operators, etc. of outpatient support services for children with disabilities within the extent of the amount payable to the relevant recognized outpatient beneficiary custodian as outpatient benefits for children with disabilities.
- (12) When a payment is made pursuant to the provisions of the preceding paragraph, outpatient benefits for children with disabilities is deemed to have been paid to the relevant recognized outpatient beneficiary custodian.
- (13) If outpatient benefits for children with disabilities are claimed by designated operators, etc. of outpatient support services for children with disabilities for children with disabilities, a municipality is to pay such benefits after examination in light of the standard specified by Minister of Health, Labour and Welfare of Article 21-5-3, paragraph (2), item (i) and the standards relating to the equipment and operation of the services for designated outpatient support of Article 21-5-19, paragraph (2) (limited to the part relating to handling of designated outpatient support).
- (14) The municipality may entrust the duties pertaining to the examination and payment under the preceding paragraph to a federation.

Article 21-5-8 (1) A recognized outpatient beneficiary custodian, when requiring for alternation for the amount of grant actually received and other particulars prescribed by Order of the Ministry of Health, Labour and Welfare pertaining to grant decision on outpatient support for children with disabilities, may make an application for alternation for the relevant grant decision on outpatient support for children with disabilities.

- (2) A municipality, if it is found to be necessary, may make a decision on alternation of a grant decision on outpatient benefits for a recognized outpatient beneficiary custodian upon receiving an application referred to in the preceding paragraph or authority by taking into consideration the particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

In this case, the municipality is to request the relevant recognized outpatient beneficiary custodian to submit their outpatient beneficiary certificate.

- (3) The provisions of Article 21-5-5, paragraph (2), Article 21-5-6 (excluding paragraph (1)) and the preceding Article (excluding paragraph (1)) apply mutatis mutandis to the alternation of grant decision on outpatient benefits payment in the preceding paragraph. In this case, necessary terminological replacements are prescribed by Cabinet Order.
- (4) If a decision is made on alternation of a grant decision on outpatient benefits payment of paragraph (2), a municipality is to state the particulars pertaining to the relevant decision on outpatient beneficiary certificate and return it.

Article 21-5-9 (1) A municipality which has made a grant decision on outpatient benefits may rescind the relevant grant decision on outpatient benefits payment in any of the cases listed in the following items:

- (i) if it is found that a child with disabilities pertaining to grant decision on outpatient benefits payment no longer needs to receive designated outpatient support and appropriate outpatient support;
 - (ii) if a recognized outpatient beneficiary custodian is deemed to have their place of residence in a municipality other than the relevant municipality during the effective period of grant decision on outpatient benefits payment;
 - (iii) if the child with disabilities or their custodian pertaining to the grant decision on outpatient benefits payment does not respond to inspections pursuant to the provisions of Article 21-5-6, paragraph (2) (including cases where it is applied mutatis mutandis pursuant to paragraph (3) of the preceding Article) without just cause.
 - (iv) in other cases provided by Cabinet Order.
- (2) A municipality that has rescinded a grant decision on outpatient benefits payment pursuant to the provisions of the preceding paragraph is to ask the recognized outpatient beneficiary custodian pertaining to the rescission to return the outpatient beneficiary certificate pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 21-5-10 A prefecture is to provide cooperation on technical particulars conducted by child guidance centers prescribed in Order of the Ministry of Health, Labour and Welfare and other necessary assistance for municipalities in response to requests from the municipality concerning the service conducted by municipalities pursuant to provisions of Article 21-5-5 through the preceding Article.

Article 21-5-11 (1) If a municipality applies the provisions of Article 21-5, paragraph (2) to payment of outpatient benefits for children with disabilities

received by a recognized outpatient beneficiary custodian since it finds difficult for them to bear expenses spent for outpatient support for children with disabilities due to a disaster or other special circumstances specified by an Order of the Ministry of Health, Labour and Welfare, the term "amount" referred to in item (ii) of the same paragraph is replaced with "the amount specified by the municipality within the range of the amount".

- (2) If the provisions of Article 21-5-4, paragraph (3) are applied to payment of exceptional case outpatient benefits for children with disabilities received by a recognized outpatient beneficiary custodian specified in the preceding paragraph, the term "a municipality is to determine based on the amount obtained by deducting" is replaced with "the amount obtained by deducting the amount determined by a municipality within the extent".

Article 21-5-12 (1) If the amount of the expenses spent for outpatient support for children with disabilities received by a recognized outpatient beneficiary custodian obtained (in the case the amount actually required exceeds the amount calculated from the standard specified by Minister of Health, Labour and Welfare, the relevant amount actually required) by deducting the total amount of outpatient benefits for children with disabilities and exceptional case outpatient benefits for children with disabilities paid in relation to the relevant expenses is extremely costly, a municipality must pay high-cost outpatient benefits for children with disabilities to the relevant amount of the expenses spent for outpatient support received by a recognized outpatient beneficiary custodian.

- (2) Beyond what is provided for in the preceding paragraph, necessary particulars for requirements for payment of high-cost outpatient benefits for children with disabilities, grant amount, other particulars concerning payment of high-cost outpatient benefits for children with disabilities is prescribed in Cabinet Order by considering impact of the burden of expenses spent for designated outpatient support on household finances.

Article 21-5-13 (1) With regard to a child with disabilities who receives after school day services (referring to as "attende" in this paragraph), if it is found that the welfare of the relevant attendee is likely to be impaired unless their receipt of such services is continued, a municipality may, notwithstanding the provisions of Article 21-5-3, paragraph (1), Article 21-5, paragraph (1) or paragraph (1) of the preceding Article, continue the payment of outpatient benefits for children with disabilities, exceptional case outpatient benefits for children with disabilities or high-cost outpatient benefits for children with disabilities (referring to as "outpatient benefits, etc. of after school day services for children with disabilities" in the following paragraph) pertaining to after

school day services, based on the relevant attendee's application, pursuant to the provisions of Order of Ministry of Health, Labour and Welfare even after the child attains the age of 18 until they become 20 years of age.; provided, however, that this does not apply to the case where the relevant attendee can receive the public assistance provided in Article 5, paragraph (7) of the Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities or other support.

- (2) With regard to a person who is eligible for receiving payment of benefits, etc. of after school day services for children with disabilities pursuant to the provisions of the preceding paragraph, they are deemed to be children with disabilities or the custodian of a child with disabilities and the provisions of Articles 21-5-3 through the preceding Article apply mutatis mutandis. In this case, necessary terminological replacements are prescribed by a Cabinet Order.
- (3) In the event that a municipality acknowledges it is necessary to make a decision, if it is found to be necessary in the case of paragraph (1), a municipality may hear the opinions from child guidance centers.

Article 21-5-14 Beyond what is provided for in this subsection, necessary particulars for payment of outpatient benefits for children with disabilities, exceptional case outpatient benefits for children with disabilities or high-cost outpatient benefits for children with disabilities and claim for outpatient benefits for designated operator, etc. of outpatient support services for children with disabilities is specified by Order of Ministry of Health, Labour and Welfare.

Subsection 2 Designated Operators of Outpatient Support Services for Children with Disabilities

Article 21-5-15 (1) Designation set forth in Article 21-5-3, paragraph (1) is conducted for each type of outpatient support and each office that provides outpatient support services for children with disabilities (hereinafter referred to as "outpatient support office for children with disabilities") pursuant to the provisions of Order of Ministry of Health, Labour and Welfare, based on application by the persons who provide outpatient support services for children with disabilities.

- (2) The designation of Article 21-5-3, paragraph (1) pertaining to after school day services and other outpatient support prescribed in Order of the Ministry of Health, Labour and Welfare (referring to as "outpatient support for specified children with disabilities" in this paragraph and paragraph (5) and Article 21-5-20, paragraph (1)) is to determine the amount of the relevant outpatient support for specified children with disabilities.

- (3) A prefectural governor must not make a designation of designated operator of outpatient support services for children with disabilities if an application referred to in paragraph (1) is filed and the filed application falls under any of the following items (excluding item (vii) in case of the application of medical services child developmental support):
- (i) if the applicant is not a person specified by the Prefectural Ordinance.
 - (ii) if the knowledge and skills of the employees, and the capacity of an outpatient support office for children with disabilities pertaining to relevant application do not satisfy the standards specified in the Prefectural Ordinance set forth in Article 21-5-19, paragraph (1).
 - (iii) if it is found that the applicant cannot operate outpatient support services appropriately in accordance with the standard for equipment and operation of services of designated outpatient support for children with disabilities set forth by the Prefectural Ordinance of Article 21-5-19, paragraph (2).
 - (iv) if the applicant has been sentenced to imprisonment without work or a heavier punishment and the execution of the sentence for the applicant has not yet been completed or the sentence has not yet been ceased to be applicable;
 - (v) if the applicant has been punished by a fine pursuant to the provisions of this Act, or other Acts concerning national healthcare or welfare provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (v)-2 if the applicant has been punished by a fine pursuant to the provisions of this Act, or other Acts concerning labor provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (vi) if the applicant has been rescinded designation pursuant to the provisions of pursuant to the provisions of Article 21-5-24, paragraph (1) or Article 33-18, paragraph (6) and five years have not elapsed from the date of relevant rescission (if a person whose relevant designation has been rescinded is a corporation, including a person who is or was an officer of relevant corporation or who managed the outpatient support office for children with disabilities or other employees specified by Cabinet Order (hereinafter referred to as "officers, etc." in this Article and Article 21-5-24, paragraph (1), item (xi)) within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to the relevant rescission and five years have not elapsed from the date of the relevant rescission; if a person whose relevant designation has been rescinded is not a corporation, including a person who managed the relevant corporation within sixty days prior to the date of notification and five years have not elapsed calculated from the days from the relevant rescission.);

provided, however, that excluding the cases where the relevant rescission falls under the case as determined by Order of the Minister of Health, Labour, which is found to be appropriate to determine not to fall under the rescission of designation specified in the text of this item by considering the fact which constitutes the ground to rescind the relevant designation and the status of approach for arrangement of the operation control system by the relevant designated operator of outpatient support services for children with disabilities in order to prevent occurrence of the relevant fact and the extent of responsibility borne by the relevant designated operator of outpatient support services for children with disabilities relating to the relevant fact, among the cases of rescission of designation for designated operator of outpatient support services for children with disabilities.

(vii) a person who has close relationship with the applicant (limited to a corporation; the same applies in this item), specified by Order of the Minister of Health, Labour, and Welfare, as substantially controlling the services of the relevant applicant by ownerships of shares or other reasons or having a major impact on the relevant applicant (hereinafter referred to a "parent company of applicant" in this item) and refers to a corporation having close relationship with the relevant applicant specified in by Order of the Minister of Health, Labour, and Welfare, or a person specified by Order of the Minister of Health, Labour and Welfare as a person for whom parent company substantially controlling the services of the relevant applicant by ownerships of shares or other reasons or having a major impact on the relevant applicant), and whose designation has been rescinded pursuant to the provisions of pursuant to the provisions of Article 21-5-24, paragraph (1) or Article 33-18, paragraph (6) and five years have not elapsed from the date of relevant rescission; provided, however, that excluding the cases where the relevant rescission falls under the case as determined by Order of the Minister of Health, Labour, which is found to be appropriate to determine not to fall under the rescission of designation specified in the text of this item by considering the fact which constitutes the ground to rescind the relevant designation and the status of approach for arrangement of operation control system by the relevant designated operator of outpatient support services for children with disabilities in order to prevent occurrence of the relevant fact and the extent of responsibility borne by the relevant designated operator of outpatient support services for children with disabilities relating to the relevant fact, among the cases of rescission of designation for designated operator of outpatient support services for children with disabilities.

(viii) deleted

(ix) if the applicant is a person who has submitted abolishment of the services pursuant to the provisions of Article 21-5-20, paragraph (4) the designation

- of a designated medical institution under Article 19-15 during the period from the date of the notification under Article 15 of the Administrative Procedure Act pertaining to the disposition for rescission of designation pursuant to the provisions of Article 21-5-24, paragraph (1) or Article 33-18, paragraph (6) to the date of the relevant disposition or the date of determination not to dispose (excluding a person who has an appropriate reason for the declination); and for whom five years have not elapsed since the date of the relevant notification;
- (x) if the applicant is a person who has notified abolishment of the services pursuant to the provisions of Article 21-5-20, paragraph (4) during the period from the date of inspection pursuant to the provisions of Article 21-5-22, paragraph (1) is conducted (referring to the specified date in the case of notifying the relevant specified date within ten days from the date the prefectural governor conducted the relevant inspection to the relevant applicant pursuant to the provisions of Order of the Minister of Health, Labour, and Welfare to be determined as expected date whether hearing should be carried out or not pertaining to the disposition for rescission of designation pursuant to the provisions of Article 21-5-24, paragraph (1) based on the results of the relevant inspection) (excluding a person who has an appropriate reason for the declination) and whom five years have not elapsed since the date of the relevant notification;
 - (xi) in the case where the applicant has notified abolishment of the services pursuant to the provisions of Article 21-5-20, paragraph (4) within the period specified in item (ix), the applicant is a person who used to be an officer, etc. of a corporation (excluding a corporation having a reasonable ground for abolishing the relevant services) pertaining to submission of abolishment of the relevant services within sixty days prior to the notification of the relevant services or a person who used to be a manager of a person who was not a corporation (excluding a person having a reasonable ground for abolishing the relevant services) pertaining to the relevant submission and whom five years have not elapsed since the date of the relevant notification;
 - (xii) if the applicant performed a wrongful or significantly unjustifiable act pertaining to outpatient support for children with disabilities within five years prior to the application of designation
 - (xiii) if the applicant is a corporation and any of its officers, etc. falls under any of items (iv) through (vi) or item (ix) through the preceding item.
 - (xiv) the applicant is not a corporation and any of its managers falls under any of items (iv) through (vi) or the items (ix) through (xii).
- (4) A prefecture is to specify the Prefectural Ordinances of item (i) of the preceding paragraph pursuant to the standard of Order of Ministry of Health, Labour and Welfare.

(5) If the application under paragraph (1) has been filed, the prefectural governor may determine not to grant an designation under Article 21-5-3, paragraph (1), in cases where it is found that the amount of designated outpatient support for children with disabilities for each type pertaining to the relevant application in the area including the location of the outpatient support office for children with disabilities pertaining to the relevant prefecture or the relevant application (referring to the area specified by the prefecture pursuant to the provisions of Article 33-22, paragraph (2), item (ii)) has already reached to the amount necessary for the relevant prefecture or the relevant area specified in the prefectural welfare plan for children with disabilities determined by the relevant prefecture pursuant to the provisions of paragraph (1) of the same Article or the relevant amount may be exceeded by designation of the service office pertaining to the relevant application and that it is likely to cause problems with accomplishment of the prefectural welfare plan for children with disabilities.

Article 21-5-16 (1) Unless the designation of Article 21-5-3, paragraph (1) is renewed every six years, the designation ceases to be effective upon the expiration of such period.

(2) In the case where a renewal set forth in the preceding paragraph is applied, when no disposition is implemented for the application by the expiration date of the period set forth in the same paragraph (referred to as a "effective period for designation" hereinafter in this Article), the designation before the renewal remains in force until the disposition is implemented, even after the expiration of the effective period for designation.

(3) When the designation is renewed in the case referred to in the preceding paragraph, the effective period for designation as renewed starts from the day following the expiration date of the effective period for designation before the renewal.

(4) The provisions of the preceding Article apply mutatis mutandis to renewal of designation set forth in paragraph (1). In this case, necessary terminological replacements are prescribed by a Cabinet Order.

Article 21-5-17 (1) With regard to child developmental support and other outpatient support office for children with disabilities pertaining to other outpatient support services for children with disabilities specified by Order of Ministry of Health, Labour and Welfare, in the case where application of Article 21-5-15, paragraph (1) (which includes applying mutatis mutandis in paragraph (4) of the preceding Article) pertaining to the relevant outpatient support office for children with disabilities is filed from the person who was granted the designation in the text of Article 41, paragraph (1) of Long-term

Care Insurance Act (Act No. 123 of 1997) (limited to the one pertaining in-home services specified by Article 8, paragraph (1) of the same Act of the categories specified by Order of Ministry of Health, Labour and Welfare, in accordance with the categories of outpatient support for children with disabilities practiced by the relevant outpatient support office for children with disabilities), the designation in the text of Article 42-2, paragraph (1) of the same Act (limited to the one pertaining community-based services specified by Article 8, paragraph (14) of the same Act of the categories specified by Order of Ministry of Health, Labour and Welfare, in accordance with the categories of outpatient support for children with disabilities practiced by the relevant outpatient support office for children with disabilities), the designation in the text of Article 53, paragraph (1) of the same Act (limited to the one pertaining preventive long-term care services specified by Article 8-2, paragraph (1) of the same Act of the categories specified by Order of Ministry of Health, Labour and Welfare, in accordance with the categories of outpatient support for children with disabilities practiced by the relevant outpatient support office for children with disabilities), or the designation in the text of Article 54-2, paragraph (1) of the same Act or the designation of the designated operator of welfare service for persons with disabilities of Article 29, paragraph (1) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities (limited to the one pertaining to welfare services for persons with disabilities specified by Article 5, paragraph (1) of the same Act of the categories specified by Order of Ministry of Health, Labour and Welfare, in accordance with the categories of outpatient support services for children with disabilities practiced by the relevant outpatient support services office for children with disabilities) regarding application of the provisions of Article 21-5-15, paragraph (3) which includes applying mutatis mutandis in paragraph (4) of the preceding Article; hereinafter the same applies in this paragraph) in the case where such application falls under all the following items, "of Article 21-5-19, paragraph (1)" is replace with "pertaining to the employees engaged in designated outpatient support of Article 21-5-17, paragraph (1), item (i), and "Article 21-5-19, paragraph (2)" of item (iii) of the same paragraph with "Article 21-5-17, paragraph (1), item (ii)" respectively; provided, however, that these provisions do not apply when the applicant makes a special notification pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (i) if the knowledge and skills of the employees, and the capacity of an outpatient support office for children with disabilities pertaining to relevant application satisfy the standards specified in the Prefectural Ordinance.
- (ii) if it is found that the applicant can operate outpatient support services for children with disabilities appropriately in accordance with the standard for

equipment and operation of services of designated outpatient support specified by the Prefectural Ordinance.

(2) The provisions of all the items of the preceding paragraph are specified in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed in through items (i) through (iii); the particulars of item (iv) is specified by setting based on the standard provided in Order of the Ministry of Health, Labour and Welfare and other particulars are specified by taking into consideration the standard provided in Order of the Ministry of Health, Labour and Welfare.

(i) employees engaged in designated outpatient support and their number

(ii) the floor area of living room and other particulars concerning the equipment pertaining to the designated outpatient support services, which are closely related to sound development of children with disabilities, prescribed by Order of Ministry of Health, Labour and Welfare.

(iii) the particulars concerning the operation of the designated outpatient support services, which are closely related to ensuring appropriate use of services by custodians of children with disabilities and securing safety of children with disabilities and maintenance of secrets, prescribed by Order of Ministry of Health, Labour and Welfare.

(iv) number of persons pertaining to the designated outpatient support services

(3) In the paragraph (1), in the case where a person prescribed in the same paragraph receive designation of Article 21-5-3, paragraph (1) pertaining to the application of the same paragraph, for such person, the provisions of Article 21-5-19, paragraph (3) are not applicable; with regard to application of the provisions listed in the left column of the following table, the letters listed in the middle column are to correspond to the letters of the right column of the same table.

Article 21-5-7, paragraph (13)	Article 21-5-19, paragraph (1)	Article 21-5-17, paragraph (1), item (ii)
Article 21-5-19, paragraph (1)	Prefecture	A prefecture pertaining to employees engaged in designated outpatient support of Article 21-5- 17, paragraph (1), item (i)
Article 21-5-19, paragraph (2)	Designated outpatient support services	Designated outpatient support services of Article 21-5-17, paragraph (1), item (ii)

Article 21-5-23, paragraph (1), item (i)	of Article 21-5-19, paragraph (1)	Pertaining to employees engaged in designated outpatient support of Article 21-5-17, paragraph (1), item (i)
Article 21-5-23, paragraph (1), item (ii)	Article 21-5-19 paragraph (2)	Article 21-5-17, paragraph (1), item (ii)
Article 21-5-24, paragraph (1), item (iii)	of Article 21-5-19, paragraph (1)	Pertaining to employees engaged in designated outpatient support of Article 21-5-17, paragraph (1),item (i)
Article 21-5-24 paragraph (1), item(iv)	Article 21-5-19, paragraph (2)	Article 21-5-17, paragraph (1), item (ii)

(4) If the notification is made for any of the following items by the person specified in paragraph (1) who was granted designation of Article 21-5-3, paragraph (1) pertaining to the application of the same paragraph, it is deemed as notification of abolishment or suspension pursuant to the provisions of Article 21-5-20, paragraph (4) with regard to the designated outpatient support services pertaining to the relevant designation.

(i) notification of abolishment or suspension of the services pursuant to the provisions of Article 75, paragraph (2) of the Long-Term Care Insurance Act pertaining to the services of the designated in-home service specified in Article 41, paragraph (1) of the same Act (limited to the services provided in outpatient support office for children with disabilities pertaining to the relevant designation).

(ii) notification of abolishment or suspension of the services pursuant to the provisions of Article 105-5, paragraph (2) of the Long-Term Care Insurance Act pertaining to the services of the preventative long-term care service specified in Article 53, paragraph (1) of the same Act (limited to the services provided in outpatient support office for children with disabilities pertaining to the relevant designation).

(iii) notification of abolishment or suspension of the services pursuant to the provisions of Article 46, paragraph (2) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities pertaining to the services of the designated disabled person welfare service specified in Article 29, paragraph (1) of the same Act (limited to the services provided in outpatient support office for children with disabilities pertaining to the relevant designation).

(5) If the person specified in paragraph (1) who was granted designation of Article 21-5-3, paragraph (1), intends to abolish or suspend the services of the designated community-based service specified in Article 42-2, paragraph (1) of

the Long-Term Care Insurance Act (limited to the services provided in outpatient support office for children with disabilities pertaining to the relevant designation) or the services of the designated community-based preventative long-term care service specified in Article 54-2, paragraph (1) of the same Act (limited to the services provided in outpatient support office for children with disabilities pertaining to the relevant designation), pursuant to the provisions of Order of Ministry of Health, Labour and Welfare, by one month prior to the date of abolishment or suspension, the person must notify to that effect to the prefectural governor who has made the relevant designation. In this case, if the relevant notification is made, the relevant person is deemed to notify abolishment or suspension of the services pursuant to the provisions of Article 21-5-20, paragraph (4).

Article 21-5-18 (1) In order to enable a child with disabilities to lead self-reliant daily life or social life, the establisher of a designated operator of outpatient support services for children with disabilities and designated developmental support medical institution (hereinafter referred to as "designated services operator, etc. for children with disabilities") must endeavor to effectively implement outpatient support for children with disabilities according to the intention, aptitudes, characteristics of dysfunctions and other circumstances of relevant child with disabilities, while facilitating close coordination with administrative organs, educational institutions and other relevant bodies, as well as respecting the willing of a child with disabilities or their custodian as much as possible constantly from the standpoint of children with disabilities and their custodians.

- (2) The designated services operator, etc. for children with disabilities must endeavor to improve the quality of outpatient support for children with disabilities by evaluating the quality of outpatient support for children with disabilities provided by such operator and taking other measures.
- (3) The designated services operator, etc. for children with disabilities must respect the personality of children with disabilities, comply with this Act and the orders based on this Act, and implement their duties faithfully for children with disabilities and their custodians.

Article 21-5-19 (1) The designated services operator, etc. for children with disabilities must have employees engaged in the relevant designated outpatient support, per outpatient support office for children with disabilities or per designated developmental support medical provider institution pertaining to the relevant designation in accordance with the standard specified in the Prefectural Ordinance.

- (2) The designated services operator, etc. for children with disabilities must

provide the designated outpatient support in accordance with the standard relating to equipment and operation of the services of the designated outpatient support specified in the Prefectural Ordinance.

(3) The provisions of the preceding two items are specified in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed through items (i) through (iii); the particulars of item (iv) are specified by setting based on the standards provided in Order of the Ministry of Health, Labour and Welfare and other particulars are be specified by taking into consideration the standards provided in Order of the Ministry of Health, Labour and Welfare.

(i) employees engaged in designated outpatient support and their number

(ii) the floor area of the living room and ward and other particulars concerning the equipment pertaining to the designated outpatient support services, which are closely related to sound development of children with disabilities, prescribed by Order of Ministry of Health, Labour and Welfare.

(iii) the particulars concerning the operation of the designated outpatient support services, which are closely related to ensuring appropriate use of services by custodians of children with disabilities and securing safety of children with disabilities and maintenance of secrets, prescribed by Order of Ministry of Health, Labour and Welfare.

(iv) the number of persons pertaining to the services of designated outpatient support

(4) If the designated operator of outpatient support services for children with disabilities notifies abolishment or suspension of the services pursuant to the provisions of paragraph (4) of the following Article, for the person who receives the relevant designated outpatient support within one month prior to the date of the relevant notification and the person who seeks to continue provision of support corresponding to the relevant designated outpatient support even after the date of abolishment or suspension of the relevant services, such operator must carry out liaison and coordination with other designated outpatient services operators, etc. for children with disabilities and other relevant persons and provide other benefits in order to continuously provide necessary outpatient support for children with disabilities.

Article 21-5-20 (1) If the designated operator of outpatient support services for children with disabilities intends to increase the amount of outpatient support for specified children with disabilities pertaining to the designation of Article 21-5-3, paragraph (1), the operator may apply alternation of designation of the same paragraph pursuant to the Order of Ministry of Health, Labour and Welfare.

(2) The provisions of Article 21-5-15, paragraph (3) through (5) apply mutatis

mutandis to the case where application for alternation of the designation in the preceding paragraph is made. In this case, necessary terminological replacements are prescribed by Cabinet Order.

- (3) If the designated operator of outpatient support services for children with disabilities changes the name and location of outpatient support office for children with disabilities pertaining to the relevant designation and other particulars set forth in Order of the Ministry of Health, Labour and Welfare is made, or the services of the relevant designated outpatient support whose operation had been suspended resumed, the operator must notify that effect to the prefectural governor within ten days.
- (4) If the designated operator of outpatient support services for children with disabilities intends to abolish or suspend the services of the relevant designated outpatient support for children with disabilities, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, the operator must notify the prefectural governor by one month prior to the date of abolishment or suspension.

Article 21-5-21 (1) If a prefectural governor or municipal mayor is found to be necessary to smoothly provide the benefits specified in Article 21-5-21, the governor and mayor may carry out mutual liaison and coordination with the relevant designated operator of outpatient support services for children with disabilities and other relevant persons or provide advice and other assistance for the relevant designated operator of outpatient support services for children with disabilities and other relevant persons,

- (2) Minister of Health, Labor and Welfare, in the case of liaison and coordination or assistance pursuant to the preceding paragraph by two or more prefectural governors regarding the identical designated operator of outpatient support services for children with disabilities, if it is found necessary for smooth provision of benefits specified in Article 21-5-19, paragraph (4), may provide mutual liaison and coordination between the relevant prefectures, advice and other assistance from a cross-regional viewpoint beyond the areas of the prefectures for the relevant designated operator of outpatient support services for children with disabilities.

Article 21-5-22 (1) When a prefectural governor or municipal mayor finds it to be necessary, they may make the relevant officials or relevant persons, for a person who used to be a designated operator of outpatient support services for children with disabilities, or its employee, (hereinafter referred to as "a person who used to be a designated operator, etc. of outpatient support services for children with disabilities") pertaining to the relevant designation, report or submit or present books and documents and other objects, request the

appearance of a person who was used to be a designated operator of outpatient support services for children with disabilities, or may make relevant prefecture's official ask relevant persons questions or enter any office of the outpatient support office pertaining the relevant designated operator of outpatient support services for children with disabilities, any office or other location of the services of the relevant designated outpatient support and inspect its equipment, books and documents and other objects.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to the establisher of the designated developmental support medical institution. In this case, necessary technical replacement of the terms in this case are provided by Cabinet Order.
- (3) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the questions and inspection pursuant to the provisions of paragraph (1), and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority pursuant to the provisions of paragraph (1) (including application mutatis mutandis to the preceding paragraph).

Article 21-5-23 (1) If the prefectural governor finds that the designated operator, etc. for children with disabilities falls under the cases listed in all the following items (excluding item (iii) for the establisher of the designated developmental support medical institution; the same applies to this paragraph and paragraph (5).), the prefectural governor may recommend the measures to be taken specified in the relevant items, for the relevant designated operator, etc. for children with disabilities by a set deadline.

- (i) if the knowledge or skills or capacity of the employees of outpatient support office for children with disabilities or the designated developmental support medical institution do not satisfy the standards specified by Article 21-5-19, paragraph (1) of the Prefectural Ordinance, to comply with the relevant standards;
 - (ii) if the services of the designated outpatient support are not operated appropriately in accordance with the standards relating to the equipment and operation of the services of designated outpatient support specified by Article 21-5-19, paragraph (2) of the Prefectural Ordinance, to comply with the relevant standards;
 - (iii) if the benefits specified by Article 21-5-19, paragraph (4) are not appropriately provided, to provide the relevant benefits appropriately.
- (2) the prefectural governor, in the case where recommendation is made pursuant to the provisions of the preceding paragraph and the designated operator, etc. for children with disabilities does not comply with such recommendation within the period of the same paragraph, may issue a public announcement to that effect.

- (3) the prefectural governor, in the case the designated operator, etc. for children with disabilities who has received recommendation pursuant to the provisions of paragraph (1) does not take measures pertaining to such recommendation without justifiable grounds, may order the relevant designated operator, etc. for children with disabilities to take measures pertaining to such recommendation by a set deadline.
- (4) The prefectural governor must notify the public to that effect, in the event of issuing an order pursuant to the preceding paragraph.
- (5) If a municipality finds that the designated operator, etc. for children with disabilities who provided the designated outpatient support pertaining to payment of outpatient benefits for children with disabilities falls under any of the cases listed in the items of paragraph (1), the municipality must notify the prefectural governor of the location of outpatient support office for children with disabilities or the designated developmental support medical institution pertaining to the relevant designation to that effect.

Article 21-5-24 (1) The prefectural governor, in the case of falling under any of the following items, may rescind the designation set forth in Article 21-5-3, paragraph (1) pertaining to the relevant designated operator of outpatient support services for children with disabilities or suspend the validity of the designation, in whole or in part, for a period of time to be specified:

- (i) if the designated operator of outpatient support services for children with disabilities comes to fall under any of Article 21-5-15, paragraph (3), item (iv) through (v)-2, or item (xiii) or (xiv);
- (ii) if it is found that the designated operator of outpatient support services for children with disabilities has violated the provisions of Article 21-5-18, paragraph (3);
- (iii) if the designated operator of outpatient support services for children with disabilities no longer is able to satisfy the standards specified by the Prefectural Ordinance of Article 21-5-19, paragraph (1) with regard to knowledge or skills or capacity of the employees of outpatient support office for children with disabilities pertaining to the relevant designation.
- (iv) if the designated operator of outpatient support services for children with disabilities comes to be unable to operate the services of designated outpatient support appropriately in accordance with the standards relating to the equipment and operation of the services of designated outpatient support specified by the Prefectural Ordinance of Article 21-5-19, paragraph (2).
- (v) if any wrongdoing is found with regard to claim for payment of outpatient benefits for children with disabilities or outpatient medical expenses for orthopedically impaired children;

- (vi) if the designated operator of outpatient support services for children with disabilities fails to comply with an order for reporting or submission or presentation of books and documents and other objects pursuant to the provisions of Article 21-5-22, paragraph (1), or makes a false report in response to such an order;
 - (vii) if the designated operator of outpatient support services for children with disabilities or the employees of outpatient support office for children with disabilities pertaining to the relevant designation have been requested to appear pursuant to the provisions of Article 21-5-22, paragraph (1) and have failed to answer or made a false answer to questions under the provisions of the same paragraph, or have refused, interfered with or evaded an inspection under the provisions of the same paragraph; provided, however, that this does not apply if, the employee of the outpatient support office for children with disabilities has conducted the actions and the relevant designated operator of outpatient support services for children with disabilities has fulfilled the duty of reasonable care and supervision so as to prevent the actions;
 - (viii) if the designated operator of outpatient support services for children with disabilities receives the designation of Article 21-5-3 paragraph (1) by wrongful means;
 - (ix) beyond the cases listed in the preceding items, if the designated operator of outpatient support services for children with disabilities has violated this Act and other Acts on national healthcare or welfare provided by Cabinet Order, or an order or disposition based on these Acts;
 - (x) beyond the cases listed in the preceding items, if the designated operator of outpatient support services for children with disabilities has committed a wrongful or extremely unjust act concerning outpatient support for children with disabilities;
 - (xi) in the case where the designated operator of outpatient support services for children with disabilities is a corporation and its officers, etc. include such a person who has committed a wrongdoing or unjust act with regard to outpatient support for children with disabilities within five years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.
 - (xii) in the case where the designated operator of outpatient support services for children with disabilities is not a corporation and its manager, etc. has committed a wrongdoing or unjust act with regard to outpatient support for children with disabilities within five years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.
- (2) A municipality must, if it is found that the designated operator of outpatient

support services for children with disabilities who has provided outpatient support for children with disabilities pertaining to payment of outpatient benefits, etc. for children with disabilities or outpatient medical treatment for orthopedically impaired children specified by Article 21-5-29, paragraph (1) pertaining to payment of outpatient medical expenses for orthopedically impaired children falls under any of the items of the preceding paragraph, notify the prefectural governor of the location of outpatient support office for children with disabilities pertaining to the relevant designation to that effect.

Article 21-5-25 A prefectural governor must give public notice in any of the cases listed in the following items to that effect:

- (i) if a prefectural governor has made the designation of a designated operator of outpatient support services for children with disabilities set forth in Article 21-5-3, paragraph (1);
- (ii) if abolishment of the services pursuant to the provisions of Article 21-5-20, paragraph (4) is notified; and
- (iii) if the designation of a designated operator of outpatient support services for children with disabilities has been rescinded pursuant to the provisions of paragraph (1) of the preceding Article or Article 33-18, paragraph (6).

Subsection 3 Establishment of Management Systems

Article 21-5-26 (1) The designated operator, etc. for children with disabilities must establish a management system in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare to ensure that the duties prescribed in Article 21-5-18, paragraph (3) are carried out.

(2) The designated operator, etc. for children with disabilities, according to their category set forth in the relevant following items, must give notification of particulars pertaining to the establishment of a management system to the relevant person specified in that item, in accordance with Order of the Ministry of Health, Labour and Welfare:

- (i) the designated operator of outpatient support services for children with disabilities business other those set forth in the following item through item (iv): the prefectural governor;
- (ii) the designated operator of outpatient support services for children with disabilities whose places of business of outpatient support office for children with disabilities relevant to the designation are located in a designated city prescribed in Article 252-19, paragraph (1) of the Local Autonomy Act (hereinafter referred to as the "designated city"): the mayor of the designated city;
- (iii) the designated operator of outpatient support services for children with

- disabilities whose places of business of outpatient support office for children with disabilities relevant to the designation are located in a core city prescribed in Article 252-22, paragraph (1) of the Local Autonomy Act (hereinafter, referred to as "core city"): the mayor of the core city; or
- (iv) the designated operator of outpatient support services for children with disabilities whose places of business of outpatient support office for children with disabilities relevant to the designation are located in two or more places within the prefectures and the establisher of the designated developmental support medical institution: the Minister of Health, Labour and Welfare.
- (3) If any changes have been made to the particulars in the notification which the designated operator, etc. for children with disabilities made pursuant to the preceding paragraph, that designated operator, etc. must give notification to the effect without delay to the Minister of Health, Labour and Welfare, the prefectural governor, or the mayor of the designated city or core city (hereinafter referred to as the "Minister of Health, Labour and Welfare, etc." in this subsection) to whom they gave the notification in question, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (4) If the designated operator of outpatient support services for children with disabilities business that gave the Minister of Health, Labour and Welfare, etc. the notification under paragraph (2) gives notification to another Minister, etc. other than that Minister, etc. pursuant to the same paragraph due to a change in their category set forth in the items of the same paragraph, they must also give notification to the effect to that Minister, etc. in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) The Ministers of Health, Labour and Welfare, etc. must endeavor to coordinate closely with each other to ensure that the notification under the preceding three paragraphs are made appropriately.

Article 21-5-27 (1) If the Minister of Health, Labour and Welfare, etc. who has receive a notification under paragraph (2) of the preceding Article finds it necessary for the establishment of the a management system under paragraph (1) of the same Article for the designated operator, etc. for children with disabilities (excluding the designated operator of outpatient support services for children with disabilities that has filed a notification under paragraph (4) the same Article, in cases of the Minister of Health, Labour and Welfare, etc. who has received the notification), they may order that designated operator to make a report; order them to submit or show books, documents or other materials; request that operator or their employees to appear; require the relevant personnel to question the persons concerned; or require them to reenter the places of outpatient support office for children with disabilities or offices relevant to their designation, or enter other places related to the

provision of the designated outpatient support services for children with disabilities, in order to inspect the equipment, books, documents or other materials.

- (2) If the Minister of Health, Labour and Welfare or the mayor of a designated city or core city exercises the authority prescribed in the preceding paragraph, they are to do so in close cooperation with the prefectural governor who conferred the designation upon the designated operator of outpatient support services for children with disabilities (referred to as the "relevant prefectural governor" in paragraph (5) of the following Article).
- (3) When the prefectural governor finds it necessary for the establishment of a management system under paragraph (1) of the preceding article for the designated operator of outpatient support services for children with disabilities relevant to the designation which that prefectural governor conferred or intends to confer, the prefectural governor may request the Minister of Health, Labour and Welfare or the mayor of a designated city or core city to exercise the authority set forth in paragraph (1).
- (4) If the Minister of Health, Labour and Welfare or the mayor of the designated city or core city exercises the authority prescribed in paragraph (1) in response to a request made by the prefectural governor pursuant to the preceding paragraph, they must make the notification of the results to that prefectural governor who made that request, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the questioning and inspection under paragraph (1) of this Article; the provisions of paragraph (3) of Article 19-16 apply mutatis mutandis to the authority under paragraph (1) of this Article.

Article 21-5-28 (1) If the Minister of Health, Labour and Welfare, etc. who has received the notification under Article 21-5-26, paragraph (2) finds that the designated operator, etc. for children with disabilities that has filed the notification (in the case of the Minister of Health, Labour and Welfare, etc. who has received a notification pursuant to paragraph (4) of the same Article, this does not include the designated operator of outpatient support services for children with disabilities who made the notification pursuant to the same paragraph) does not establish an appropriate management system, the Minister, etc. may recommend that designated operator, etc. for children with disabilities to establish an appropriate management system, in accordance with the requirements specified by Order of the Ministry of Health, Labour and Welfare, by the specified date.

- (2) If the Minister of Health, Labour and Welfare, etc. has issued the recommendation under the preceding paragraph, and the designated operator,

- etc. for children with disabilities that has received the recommendation fails to comply with the recommendation within the period specified in the same paragraph, the Minister, etc. may make a public announcement to that effect.
- (3) If the designated operator, etc. for children with disabilities that has received the recommendation under paragraph (1) fails to implement measures pertaining to these recommendations without just cause, the Minister of Health, Labour and Welfare, etc. may order that designated operator, etc. for children with disabilities to implement those measures within a specified period.
- (4) The Minister of Health, Labour and Welfare, etc. who has issued an order under the preceding paragraph must make a public notice of the fact.
- (5) If a designated operator of outpatient support services for children with disabilities violates an order under paragraph (3), the Minister of Health, Labour and Welfare or the mayor of a designated city or core city must send notice of the violation to the relevant prefectural governor in accordance with Order of the Ministry of Health, Labour and Welfare.

Subsection 4 Payments of Outpatient Medical Expenses for Orthopedically Impaired Children

- Article 21-5-29 (1) A municipality, in the case where a child with disabilities pertaining to grant decision on outpatient benefits payments, within effective period of grant decision on outpatient benefits payments, is to receive medical services child developmental support pertaining to medical treatment, (hereinafter referred to "outpatient medical treatment for orthopedically impaired children" in this Article), from designated operators, etc. of outpatient support service for children with disabilities (limited to hospital or other facility specified in Order of Ministry of Health, Labour and Welfare; the same applies in this subsection), for recognized outpatient beneficiary custodian pertaining to the relevant children with disabilities, pay outpatient medical expenses for orthopedically impaired children.
- (2) The amount of outpatient medical expenses for outpatient medical treatment for orthopedically impaired children is the amount obtained by deducting the amount specified by Cabinet Order (when ten-hundredths (10/100) of the relevant amount provided by the relevant Cabinet Order exceeds the amount provided by a Cabinet Order, the relevant amount equivalent thereto) from the amount calculated according to the example of calculation method of the amount of the expenses required for medical treatment of health insurance for outpatient medical treatment for orthopedically impaired children (excluding dietary treatment) per month by taking into account the financial capacity of the household of the relevant recognized outpatient beneficiary custodian.

- (3) When a child with disabilities pertaining to a decision on outpatient benefits receives outpatient medical treatment for orthopedically impaired children from a designated operator, etc. of outpatient support services for children with disabilities, the municipality may pay the expenses required for relevant outpatient medical treatment for orthopedically impaired children payable by the recognized beneficiary custodian pertaining to the relevant child with disabilities to the relevant designated operator, etc. of outpatient support services for children with disabilities in lieu of the relevant recognized outpatient beneficiary custodian, to the relevant designated operator, etc. of outpatient support services, within the limit of the amount payable to the relevant recognized beneficiary custodian as the outpatient medical expenses for orthopedically impaired children.
- (4) When a payment is made pursuant to the provisions of the preceding paragraph, the outpatient medical expenses for orthopedically impaired children for relevant recognized outpatient beneficiary custodian is deemed to have been paid.

Article 21-5-30 The provisions of Article 19-12 and Article 19-20 apply mutatis mutandis to payment of the outpatient medical expenses for orthopedically impaired children to the designated operator, etc. of outpatient support services, and the provisions of Article 20 to the designated operator, etc. of outpatient support services, respectively. In this case, necessary terminological replacements are prescribed by Cabinet Order.

Article 21-5-31 Payment of the outpatient medical expenses for orthopedically impaired children is not to be made for medical care of orthopedically impaired children to the extent provided by Cabinet Order if the child is eligible for benefits equivalent to payment of the outpatient medical expenses for orthopedically impaired children among benefits provided by Cabinet Order which are benefits for dependents' medical expenses under the Health Insurance Act or any other benefits based on Laws and Regulations in light of the condition of the relevant disabilities or to the extent covered by the benefits granted if benefits have been provided which are other than the benefits provided by the relevant Cabinet Order and which are equivalent to payment of the outpatient medical expenses for orthopedically impaired children at the expense of the national or local governments.

Article 21-5-32 Beyond what is specified in this subsection, necessary particulars concerning payment of the outpatient medical expenses for orthopedically impaired children and claim for payment of the outpatient medical expenses for orthopedically impaired children of the designated

operator, etc. of outpatient support services is specified by Ministry of Health, Labour and Welfare.

Subsection 5 Outpatient Support for Children with Disabilities and Measures for Disabled Person Welfare Service

Article 21-6 A municipality, if it is found to be extremely difficult for the custodian of a child with disabilities in need of the welfare services for persons with disabilities prescribed in Article 5, paragraph (1) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities (hereinafter referred to as "welfare services for persons with disabilities") to receive nursing care benefits or exceptional nursing care benefits prescribed in the same Act (referred to as "nursing care benefits, etc." in Article 56-6, paragraph (1)) due to any unavoidable reason, in accordance with the standards specified by a Cabinet Order, may provide outpatient support for children with disabilities or welfare services for persons with disabilities to relevant child with disabilities or entrust the provision of outpatient support for children with disabilities or welfare services for persons with disabilities to a person other than relevant municipality.

Article 21-7 A person engaged in the welfare services for persons with disabilities provided in Article 5, paragraph (1) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities, if requested to accept entrustment pursuant to the provisions of the preceding Article, must not refuse it without justifiable grounds.

Subsection 6 Child Care Support Services

Article 21-8 In order that welfare services pertaining to the child care support services provided in the following Article and other carefully-crafted welfare services in line with the condition of each region can be positively provided and that each custodian can comprehensively receive the most adequate support for fostering their children in line with the mental and physical condition, environment and other conditions of relevant children and custodians, a municipal government must endeavor to facilitate liaison and coordination for activities of the persons providing or participating in welfare services, and develop other systems in line with the condition of each region.

Article 21-9 For the purpose of contributing to the sound upbringing of children, a municipality must endeavor to implement necessary measures in order that after-school child sound upbringing services and short-term child care support

services, house-call services for all households with babies, house-call services to support childrearing, local childrearing support center services, temporary custody services, childcare for sick children and family support center services and the following services as specified by an order of the competent ministry (hereinafter referred to as "child care support services") can be carried out steadily within its district:

- (i) support services provided at a child and their custodian's residence or any other person's residence for the custodian to take care of the child;
- (ii) support services provided in a nursery center or other facilities for a custodian to take care of a child; and
- (iii) services to provide consultation to custodians of the child and provide necessary information and advice with regard to all problems concerning taking care of children in each region

Article 21-10 For the purpose of contributing to the sound upbringing of children, a municipality must perform after-school child sound upbringing services in line with the condition of each region and endeavor to promote the utilization of after-school child sound upbringing services for the children provided in paragraph (2) of Article 6-3 by such means as carrying out coordination with persons engaged in after-school child sound upbringing services other than the relevant municipality.

- Article 21-10-2 (1) For the purpose of contributing to the sound upbringing of children, a municipality is to endeavor to perform house-call services for all households with babies and house-call services to support childrearing and, in the case where child, etc. requiring assistance (excluding specified expectant mothers) are found by house-call services for all households with babies or the mayor of the head of the municipality receive referral pursuant to the provisions of Article 26, paragraph (1), item (iii) or notice pursuant to the provisions of item (xiii) of the same paragraph or referral pursuant to Article 8, paragraph (2), item (ii) of Child Abuse Prevention and Treatment Act or notice pursuant to the provisions of item (iv) of the same paragraph, is to implement house-call services to support childrearing and provide other necessary support.
- (2) A municipality may perform house-call services for all households with babies beyond guidance of Article 10, Article 11, paragraph (1) or (2), Article 17, paragraph (1) or Article 19, paragraph (1) of Maternal and Child Health Act (including application mutatis mutandis to Article 19, paragraph (2) of the same Act).
- (3) A municipality may entrust the whole or a part of the affairs of house-call services for all households with babies and house-call services to support childrearing.

(4) A person who is, or used to be, engaged in the affairs concerning house-call services for all households with babies and house-call services to support childrearing must not divulge any secret that may have come to their knowledge with regard to the relevant affairs.

Article 21-10-3 When performing house-call services for all households with babies and house-call services to support childrearing, a municipality must endeavor to secure coordination and harmonization with the project concerning maternal and child health based on Maternal and Child Health Act.

Article 21-10-4 A prefectural governor, in the case of finding the person as deemed to be a child requiring assistance upon implementing the project or affairs concerning maternal and child health based on Maternal and Child Health Act, is to notify this to the mayor or head of a municipality of the current location of the relevant person.

Article 21-10-5 (1) A person engaged in organizations relevant to medical treatment, welfare or education such as a hospital, clinic, child welfare facility, school and others and the duties relevant to medical treatment of children or expectant and nursing mothers including a doctor, dentist, public health nurse, midwife, nurse, official of child welfare facility, teacher in schools and others, in the case of finding the person deemed to be a child, etc. requiring assistance, the relevant person must endeavor to provide information for the mayor or head of a municipality of the current location of the relevant person.

(2) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code and provisions in any other Act that provide for confidentiality obligations must not be construed to preclude a report .

Article 21-11 (1) A municipality is to collect and provide necessary information concerning child care support services and, upon request from a custodian, provide consultation and necessary advice to enable the relevant custodian to utilize the most adequate Child Care Support Services, by taking into consideration the relevant custodian's wishes, the state of foster care of their child the content of the support necessary for the relevant child and other circumstances.

(2) Upon request from the custodian receiving advice set forth in the preceding paragraph, the municipal government, where necessary, is to make arrangements or carry out coordination for the utilization of Child Care Support Services and make a request for such utilization by relevant custodian to a person engaged in the Child Care Support Services

(3) A municipality may entrust the affairs concerning the collection and provision of information and consultation and advice set forth in paragraph (1), and the arrangement, coordination and requests set forth in the preceding paragraph to a person other than relevant municipality.

(4) A person engaged in child care support services must cooperate in the collection of information, arrangement, coordination and requests made pursuant to the provisions of the preceding three paragraphs as much as possible.

Article 21-12 A person who is, or used to be, engaged in the affairs concerning the provision of information, the consultation and advice, and the arrangement, coordination and requests pursuant to the provisions of paragraph (3) of the preceding Article (referred to as "coordination and other affairs" in the following Article and Article 21-14, paragraph (1)) must not divulge any secret that may have come to their knowledge with regard to such affairs.

Article 21-13 When a mayor of a municipality finds it necessary in order to ensure adequate implementation of coordination and other affairs conducted pursuant to the provisions of Article 21-11, paragraph (3), the mayor may give orders necessary for the supervision of relevant affairs to the persons accepting the entrusted affairs.

Article 21-14 (1) When a mayor of municipality finds it necessary in order to ensure adequate implementation of coordination and other affairs conducted pursuant to the provisions of Article 21-11, paragraph (3), the mayor may, within the limit necessary therefor, request a person accepting the entrusted affairs to make a report, or make relevant municipality's official ask relevant persons questions or enter any office of the person accepting relevant entrusted affairs and inspect the books and documents and other objects.

(2) The provisions of Article 18-16, paragraphs (2) and (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 21-15 A person engaged in child care support services, other than the national government, prefectural governments and municipal governments, may notify the mayor of municipality of the particulars concerning their services, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 21-16 The national and local governments must endeavor to provide information and give consultation and other appropriate assistance to persons engaged in child care support services

Article 21-17 The national government and prefectures must endeavor to encourage such studies as well as assist in measures for improvement of the quality of welfare services performed by persons engaged in child care support services, and other researches and studies necessary to support to take care of children by their custodians and promote welfare of children.

Section 3 Admission into a Midwifery Home, Maternal and Child Living Support Facility and Nursery Center

Article 22 (1) In the case where an expectant and nursing mother in the area of responsibility of the welfare office established by a prefectural government, a city and a town or village with a welfare office (hereinafter referred to as "prefecture, etc.") is unable to receive in-hospital midwifery care due to economic reasons, regardless of the necessity in terms of healthcare, the prefecture, etc., when the expectant and nursing mother applies, must provide midwifery care to her in a midwifery home; provided, however, that this does not apply when there is any unavoidable reason such as non-existence of an adjacent midwifery home.

(2) A person who is an expectant and nursing mother prescribed in the preceding paragraph and desires to receive midwifery care in a midwifery home (hereinafter referred to as "midwifery care practice") must submit to the prefecture, etc. a written application stating a midwifery home in which she desires to stay and other par specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In this case, the midwifery home may submit relevant written application in lieu of relevant expectant and nursing mother, upon her request, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) When any of the prefectures, etc. finds it necessary for an expectant and nursing mother for whom a report or notice pursuant to the provisions of Article 25-7, paragraph (2), item (iii) of, Article 25-8, item (iii) or Article 26, paragraph (1), item (iv) has been received, the prefecture, etc. must recommend relevant expectant and nursing mothers to apply for midwifery care practice.

(4) In order to contribute to the selection of a midwifery home by an expectant and nursing mother prescribed in paragraph (1) and ensuring the adequate operation of midwifery homes, the prefecture, etc. must provide information concerning the establishers of midwifery homes in the area of responsibility of the welfare office established by the relevant prefecture, etc., their facilities and their state of operation, and other particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of

the Ministry of Health, Labour and Welfare.

Article 23 (1) In the case where a custodian in the area of responsibility of the welfare office established by any of the prefectures, etc. is a female without spouse or a female in equivalent circumstances and lacks the welfare of the child whose custody must be taken by her, the prefecture, etc., when relevant custodian applies, must take into protective custody the custodian and the child in a maternal and child living support facility; provided, however, that, when there is any unavoidable reason, the arrangement for admission into another appropriate facility, the application of the Public Assistance Act (Act No. 144 of 1950) or any other adequate aid must be implemented.

(2) A person who is a custodian prescribed in the preceding paragraph and desires to receive aid in a maternal and child living support facility (hereinafter referred to as "maternal and child aid practice") must submit to the prefecture, etc. a written application stating a maternal and child living support institution in which she desires to stay and other particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In this case, the maternal and child living support facility may submit the relevant written application in lieu of the relevant custodian, upon her request, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) When a custodian prescribed in the preceding paragraph desires to stay in a maternal and child living support facility located outside the area of responsibility of the welfare office established by the prefecture, etc. due to special circumstances, relevant prefecture, etc. must facilitate necessary liaison and coordination for their admission into the relevant institution.

(4) When the prefecture, etc. finds it necessary for a custodian and her child or children for whom a report or notice pursuant to the provisions of Article 25-7, paragraph (2), item (iii), Article 25-8, item (iii) or Article 26, paragraph (1), item (v) or Anti-prostitution Act (Act of No. 118 of 1956) has been received, the prefecture, etc. must recommend the relevant custodian to apply for the maternal and child aid.

(5) In order to contribute to selection of a maternal and child living support facility by a custodian prescribed in paragraph (1) and ensuring of adequate operation of maternal and child living support facilities, the prefecture, etc. must provide information concerning the establishers of maternal and child living support facilities, their facilities and their state of operation, and other particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 24 (1) Pursuant to this Act and the Child and Child Care Support Act, in the case where a custodian' working or disease or any other reasons prescribed by a municipal ordinance causes lack in daycare of an infant, a toddler or a child prescribed in Article 39, paragraph (2) whose custody must be taken by the custodian, a municipality must provide daycare to the relevant children in a nursery center (excluding the children who received the certification of the certified children center Act Article 3, paragraph (1) and who were notified pursuant to the provisions of paragraph (11) of the same Act).

(2) The municipality must take measures necessary to ensure necessary daycare by the certified children center specified in Article 2, paragraph (6) of Act on Certified Children Centers (limited to those which received confirmation of Article 27, paragraph (1) or home daycare services, etc. (which refers to as home daycare services, etc., small-scale childcare services, home-visit daycare services or employer-provided childcare services) for the children set forth in the preceding paragraph

(3) A municipality is to provide necessary information concerning child care support services and, upon request from a custodian, provide consultation and necessary advice to enable relevant custodian to utilize the most adequate child care support services, by taking into consideration relevant custodian's wishes, the state of foster care of their child the content of the support necessary for relevant child and other circumstances.

(4) A municipality, if it is found to be necessary for a child by whom a report or notice pursuant to the provisions of Article 25-8, item (iii) or Article 26, paragraph (1), item (iv) has been received or for whom child care should be provided on a priority basis, the municipality must recommend the child's custodian to apply for a nursery center or child center in coordination between kindergarten and nursery center or support them in order that the child can receive child care.

(5) municipalities may, when it finds that even if the child prescribed in the preceding paragraph receives recommendations and support pursuant to the same paragraph, payment of the institutional-type benefits prescribed in the Child and Child Care Support Act (Article 28, paragraph (1), item (ii) of the same Act; the same applies in the following paragraph) or community-based daycare benefits or specified community-based daycare benefits prescribed in the same Act (Article 30, paragraph (1), item (ii) of the same Act) is extremely difficult to be received by the child for child care; the relevant child is sent to a nursery center or a child center in coordination between kindergarten and nursery center established by the relevant municipality, or entrusting them to a nursery center or a child center in coordination between kindergarten and nursery center set up by person other than the relevant municipality.

(6) Beyond what is provided for in the previous paragraph, for those infants and

toddlers whom despite requesting or receiving support subject to the provisions of Article 42, paragraph (1) or Article 54, paragraph (1) provided for in the Child and Child Care Support Actor have received other support, etc. from the municipality , the child still cannot receive child care, and due to unavoidable circumstances, payments for institutional-type benefits or specified community-based daycare benefits provided in the Act are extremely difficult; the municipality can take the following measures:

- (i) providing daycare by having the infants and toddlers who need the relevant daycare to admit into a nursery center or a child center in coordination between the kindergarten and a nursery center established in the relevant municipality or entrusting the admission to nursery centers or a child center in coordination between kindergarten and nursery center established other than in the relevant municipality.
 - (ii) providing daycare to the infants and toddlers who need the relevant daycare by home daycare services, etc. provided by the relevant municipality or entrust a person who provide home daycare services, etc. other than in the municipality to practice daycare by the relevant home daycare services, etc.
- (7) In order for welfare services pertaining to the child care support services provided in the following Article and other carefully-crafted welfare services in line with the condition of each region can be positively provided and that each custodian can comprehensively receive the most adequate support for fostering the custodian's children in line with the mental and physical condition, environment, and other conditions of relevant children and custodians, a municipality is to endeavor to facilitate liaison and coordination for activities of the persons providing or participating in welfare services, and develop other systems in line with the condition of each region.

**Section 4 Payments of Admission Benefits for Children with Disabilities,
High-cost Admission Benefits for Children with Disabilities and
Benefits for Meal Expenses for Specified Institutionalized Children
with Disabilities, and Admission Medical Expenses for Children with
Disabilities**

**Subsection 1 Payments of Admission Benefits for Children with
Disabilities, High-Cost Admission Benefits for Children with
Disabilities and Benefits for Meal Expenses for Specified
Institutionalized Children with Disabilities**

Article 24-2 (1) When a recognized admission beneficiary custodian provided in paragraph (6) of the following Article (referred to as a "recognized admission beneficiary custodian" hereinafter in this Article) applies for admission or institutionalization (hereinafter referred to as "admission, etc.") into an

admission institution for children with disabilities (hereinafter referred to as "designated admission institution for children with disabilities") or a designated developmental support medical institution (hereinafter referred to as "designated admission institution, etc. for children with disabilities" collectively.) designated by the prefectural governor during the period of time provided pursuant to the provisions of paragraph (4) of the following Article and the custodian receives admission support for children with disabilities from relevant designated admission institution, etc. for children with disabilities (hereinafter referred to as "designated admission support"), the prefecture is to pay admission benefits for children with disabilities to relevant recognized admission beneficiary custodian with regard to expenses spent for relevant designated admission support (excluding such expenses spent for meal provision, expenses spent for residency or stay and other expenses spent for daily life provided by an Order of the Ministry of Health, Labour and Welfare, and expenses spent on medical treatment (hereinafter referred to as "specified admission expenses")).

- (2) The amount of payment of admission benefits for children with disabilities is to be the amount obtained by deducting the amount listed in item (i) from the one listed in item (ii).
 - (i) the full amount of such expenses actually spent for the relevant designated consultation support (excluding specified institutionalize expenses), when the amount so calculated exceeds the amount of such actual expenses
 - (ii) the amount specified by taking into account the financial capacity of the household of the relevant recognized admission beneficiary custodian (when ten-hundredths (10/100) of the relevant amount provided by the relevant Cabinet Order exceeds the amount provided by a Cabinet Order, the relevant amount equivalent thereto.)

Article 24-3 (1) When the custodian of a child with disabilities intends to receive admission benefits for children with disabilities pursuant to the provisions of paragraph (1) of the preceding Article, the custodian must make an application with the prefectural government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) When an application set forth in the preceding paragraph is made, the prefecture is to decide whether to pay admission benefits for children with disabilities, by taking into consideration the type and level of the dysfunction of the child with disabilities pertaining to relevant application, the state of a caretaker of relevant child with disabilities, the state of receipt of admission benefits for children with disabilities by the custodian of relevant child with disabilities, and other particulars specified by an Order of the Ministry of Health, Labour and Welfare.

- (3) In the case where a decision is made pursuant to the provisions of the preceding paragraph, the prefectural government must hear opinions from the director of a child guidance center.
- (4) In the case where a decision to pay admission benefits for children with disabilities (hereinafter referred to as "decision on admission benefits payment") is made, a period for payments of admission benefits for children with disabilities must be specified.
- (5) A period set forth in the preceding paragraph may not exceed the period specified by an Order of the Ministry of Health, Labour and Welfare.
- (6) When a decision on admission benefits payment is made, the prefectural government must issue a beneficiary certificate (hereinafter referred to as "admission beneficiary certificate") stating the period specified pursuant to the provisions of paragraph (4) (hereinafter referred to as "benefits payment period") to the custodian of the child with disabilities for whom relevant decision on admission benefits payments is made (hereinafter referred to as "recognized admission beneficiary custodian"), pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (7) A recognized admission beneficiary custodian who intends to receive designated admission support must receive relevant designated admission support by presenting their admission beneficiary certificate to the designated institution, etc. for children with disabilities, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare; provided, however, that this does not apply in the case of an emergency or any other unavoidable reason
- (8) When a recognized admission beneficiary custodian has received designated institutional support from a designated admission institution, etc. for children with disabilities, (limited to the cases where the relevant recognized admission beneficiary custodian has presented the custodian admission beneficiary certificate to relevant designated admission institution, etc. for children with disabilities), the prefecture may pay expenses spent for the relevant designated admission support that are payable by the relevant recognized admission beneficiary custodian to the relevant designated institution, etc. for children with disabilities (excluding specified expenses), in lieu of relevant custodian, to relevant designated admission institution, etc. for children with disabilities, within the limit of the amount payable to the relevant recognized admission beneficiary custodian as the admission benefits for children with disabilities.
- (9) When a payment is made pursuant to the provisions of the preceding paragraph, the admission benefits for children with disabilities for the referenced recognized admission beneficiary custodian is deemed to have been paid.
- (10) When a designated admission institution, etc. for children with disabilities,

etc. requests admission benefits for children with disabilities, the prefecture is to pay the same after the examination in light of the standards specified by the Minister of Health, Labor and Welfare as set forth in paragraph (2), item (i) of the preceding Article and the standards on facilities and operation of the designated child with mental disabilities outpatient, etc. as set forth in Article 24-12, paragraph (2) (limited to the portions of such standards relating to handling of designated admission support).

(11) A prefectural government may entrust the federation of national health insurance to conduct the affairs concerning examination and payments pursuant to the provisions of the preceding paragraph.

Article 24-4 (1) A prefectural government making a grant decision on admission benefits payment may rescind the relevant decision on outpatient benefits payment may rescind the relevant decision on admission benefits payment in any of the cases listed in the following items:

- (i) when the prefecture finds that it no longer necessary for the child with disabilities pertaining to the grant decision on admission benefits payment to receive the designated admission support; or
- (ii) when the prefectural government finds that the recognized admission beneficiary custodian moves their place of residence to the district of any other prefecture during the benefits payment period.
- (iii) in other cases provided by Cabinet Order.

(2) A prefecture having rescinded a decision on admission benefits payment pursuant to the provisions of the preceding paragraph is to request the recognized admission beneficiary custodian pertaining to the relevant rescission to return the admission beneficiary certificate pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 24-5 In the case where the prefectural government applies the provisions of paragraph (2) of Article 24-2 to payments of admission benefits for children with disabilities to a recognized admission beneficiary custodian since it finds difficult for the custodian to bear the expenses spent for admission support for children with disabilities due to disaster or other special circumstances specified by an Order of the Ministry of Health, Labour and Welfare, the term "amount" referred to in the same paragraph, item (ii) is replaced with "the amount specified by the prefectural government within the range of (the amount)".

Article 24-6 (1) When the amount obtained (in the case the amount actually required exceeds the amount calculated from the standard specified by Minister of Health, Labour and Welfare, the relevant amount actually

required) by deducting the total amount of admission benefits for children with disabilities paid in relation to the expenses spent for designated admission support received by a recognized admission beneficiary custodian from the total amount of such expenses is extremely costly, high-cost admission benefits for children with disabilities are paid to the relevant custodian pursuant to the provisions of Cabinet Order.

- (2) Beyond what is prescribed in the preceding paragraph, the requirements for payments of high-cost admission benefits for children with disabilities, the amounts to be paid, and other necessary particulars concerning payments of high-cost admission benefits for children with disabilities are prescribed by a Cabinet Order by considering the impact of the burden of expenses spent for designated admission support on household finances.

Article 24-7 (1) When a child with disabilities pertaining to such a recognized admission beneficiary custodian that is specified by an Order of the Ministry of Health, Labour and Welfare is taken into account through the custodian's state of income and other circumstances is admitted into a designated admission institution, etc. for children with disabilities, during the benefits payment period and the children with disabilities receives designated admission support from relevant designated admission institution, etc. for children with disabilities, the prefecture is to, pursuant to the provisions of a Cabinet Order, pay benefits for meal expenses, etc. for specified institutionalized children with disabilities to relevant recognized admission beneficiary custodian with regard to the expenses spent for the provision of meals and for residence in relevant designated admission institution, etc. for children with disabilities,

- (2) The provisions of paragraphs (7) through (11) of Article 24-3 apply mutatis mutandis to payments of benefits for meal expenses, etc. for specified institutionalized children with disabilities. In this case, necessary terminological replacements are prescribed by a Cabinet Order.

Article 24-8 Beyond what is prescribed in this Subsection, necessary particulars concerning the payments of admission benefits for children with disabilities, high-cost admission benefits for children with disabilities or benefits for meal expenses, etc. for specified institutionalized children with disabilities and requests by designated admission institutions, etc. for children with disabilities for admission benefits for children with disabilities or benefits for meal expenses, etc. for specified institutionalized children with disabilities are prescribed by an Order of the Ministry of Health, Labour and Welfare.

Subsection 2 Designated Admission Institution for Children with Disabilities

Article 24-9 (1) The designation under Article 24-2, paragraph (1) is made specified by Order of Ministry of Health, Labour and Welfare, upon application by the establisher of admission institution for children with disabilities, by specifying admission capacity of the relevant admission institution for children with disabilities.

- (2) When the application for designation under the preceding paragraph has been filed, the prefectural governor may decide not to grant an designation under Article 24-2, paragraph (1), if the total maximum capacity of designated admission institution for children with disabilities pertaining the relevant application of the relevant prefectural governments, covering for which the application was filed has already reached the total required maximum capacity for the relevant designated admission institution for children with disabilities of the relevant prefecture specified in prefectural plan for welfare of persons with disabilities pursuant to the provisions of Article 33-22, paragraph (1); where the prefectural governor finds that the establishment of designated admission institution for children with disabilities for which the application was filed would result in the authorized number of residents in excess of such maximum capacity; or in any other cases where the prefectural governor finds that the establishment thereof may prejudice the attainment of the prefectural plan for welfare of persons with disabilities.
- (3) The provisions of Article 21-5-15, paragraph (3) (excluding item (vii)) apply to a designation of designated admission institution for children with disabilities of Article 24-2, paragraph (1). In this case, necessary terminological replacements are prescribed by a Cabinet Order.

Article 24-10 (1) The designation set forth in paragraph (1) of Article 24-2 must cease to be effective after a lapse of the term then in force, unless the designation is renewed every six years.

- (2) In the case where a renewal set forth in the preceding paragraph is applied, when no disposition is implemented for the application by the expiration date of the period set forth in the same paragraph (referred to as a "valid period for designation" hereinafter in this Article), the designation before the renewal is to remain in force until the disposition is implemented, even after the expiration of the valid period for designation.
- (3) When the designation is renewed in the case referred to in the preceding paragraph, the valid period for designation as renewed is to start from the day following the expiration date of the valid period for designation before the renewal.
- (4) The provisions of the preceding Article apply mutatis mutandis to renewal of designation set forth in paragraph (1). In this case, necessary terminological

replacements are prescribed by a Cabinet Order.

Article 24-11 (1) In order to enable a child with disabilities to lead a self-reliant daily or life in society according to their inherent abilities and aptitudes, the establisher of a designated admission institution, etc. for children with disabilities, must facilitate close coordination with administrative organs, educational institutions and other relevant bodies, and endeavor to effectively implement institutional support for children with disabilities according to the intention, aptitudes, characteristics of dysfunctions and other circumstances of relevant child with disabilities.

(2) The establisher of a designated admission institution, etc. for children with disabilities must endeavor to improve the quality of its admission support for children with disabilities, by carrying out assessment of the quality of its own institutional support for children with disabilities and by taking other measures.

(3) The establisher of a designated admission institution, etc. for children with disabilities must respect the character of each child with disabilities, comply with this Act or orders pursuant to this Act, and faithfully perform their own duties for children with disabilities and their custodians.

Article 24-12 (1) The establisher of a designated admission institution, etc. for children with disabilities must have employees engaged in designated admission support in accordance with the standards specified by an Order of the Ministry of Health, Labour and Welfare.

(2) The establisher of a designated admission institution, etc. for children with disabilities must provide designated admission support in accordance with the standards on facilities and operation of designated admission institutions for children with disabilities specified by an Order of the Ministry of Health, Labour and Welfare.

(3) In specifying the provisions of the preceding item (ii), in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed as follows and is to prescribe other particulars by taking into consideration Order of the Ministry of Health, Labour and Welfare.

(i) employees engaged in designated admission support and their number

(ii) the floor area of living room or ward pertaining to designated admission institution, etc. for children with disabilities and other particulars concerning the equipment of designated admission institution for children with disabilities, which are closely related to sound development of children with disabilities prescribed by Order of Ministry of Health, Labour and Welfare.

- (iii) the particulars concerning operation of designated admission institution, etc. for children with disabilities, which are closely related to ensuring appropriate use by a custodian of a child with disabilities and ensuring appropriate treatment and safety of children with disabilities and maintenance of secrets.
- (4) The standards specified by the ordinances of the prefectures of paragraph (1) and (2) must ensure appropriate support in accordance with the characteristics of respective disabilities relating to mentally disabled children, blind children (including severely amblyopic children), deaf children (including severely cloth-eared children), children with severe intellectual and physical disabilities and other children with disabilities who admit into designated admission institution, etc. for children with disabilities.
- (5) When the an establisher of designated admission institution for children with disabilities intends to decline the designation pursuant to the provisions of Article 24-14, for the person who received the relevant designated admission support and desires to continue to be provided with the services corresponding to the relevant designated admission support for children with disabilities even after the date of the relevant declination of the designation, in order to continuously provide necessary designated admission support for children with disabilities, the relevant establisher must carry out liaison and coordination with other designated admission institution for children with disabilities and persons concerned and provide other benefits.

Article 24-13 (1) When the establisher of designated admission institution for children with disabilities intends to increase the admission capacity pertaining to the designation of Article 24-2, paragraph (1), the establisher may make an application for alternation of the designation of the same paragraph pursuant to the ordinance of Ministry of Health, Labour and Welfare.

- (2) The provisions of Article 24-9, paragraphs (2) and (3) apply *mutatis mutandis* to the case where there is alternation of designation. In this case, necessary terminological replacements are prescribed by Cabinet Order.
- (3) When there is any change in their address or any other particulars specified by an Order of the Ministry of Health, Labour and Welfare, the establisher of a designated admission institution, etc. for children with disabilities, must notify the prefectural governor to that effect within 10 days pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 24-14 A designated admission institution for children with disabilities may decline its designation with not less than three months period of advance notice.

Article 24-14-2 The provisions of Article 21-5-21 apply mutatis mutandis to provision of benefits by the establisher of Designated Admission Institution set forth in Articles 24-12, paragraph (5) In this case, the phrase "the prefectural governor or the mayor of municipality" is replaced with "the prefectural governor".

Article 24-15 (1) When a prefectural governor finds it necessary, they may order a person who is, or used to be, the establisher or director or any other employee of a designated admission institution, etc. for children with disabilities, (hereinafter referred to as "designated institution establisher, etc.") to make a report or submit or present books and documents and other objects, request the appearance of a person who is, or used to be, a designated admission institution, etc. for children with disabilities, or may make the relevant prefecture's official ask relevant persons questions or enter any office of the relevant designated admission institution, etc. for children with disabilities, the other places related to operation of relevant designated admission institution, etc. for children with disabilities, and inspect books and documents and other objects.

(2) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the questioning or inspection pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority pursuant to the provisions of the preceding paragraph.

Article 24-16 (1) When the establisher of a designated admission institution, etc. for children with disabilities, (in the case of designated developmental support medical institution, excluding item (iii); the same applies hereinafter) is found to fall under any of the following items, the prefectural governor may order the establisher of the relevant designated admission institution, etc. for children with disabilities, to take the measure pertaining to the recommendation by a set deadline:

- (i) when the employees of the designated admission institution, etc. for children with disabilities, do not satisfy the standards specified by prefectural ordinance referred to in Article 24-12, paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to relevant designation or in respect of its personnel staffing, comply with the relevant standards;
- (ii) when the establisher of the designated admission institution, etc. for children with disabilities, becomes unable to operate the designated institution for children with disabilities, etc. adequately in accordance with the standards on facilities and operation of designated admission institution,

- etc. for children with disabilities, specified by Prefectural Ordinance referred to in Article 24-12, paragraph (2), comply with the relevant standards;
- (iii) when the benefits specified in Article 24-12, paragraph (5) are not provided appropriately, the relevant benefits are provided appropriately.
- (2) In the case where a recommendation is made pursuant to the provisions of the preceding paragraph, when the establisher of the designated admission institution, etc. for children with disabilities, receiving such recommendation fails to comply with the same by the due date set forth in the same paragraph, the prefectural governor may make public to that effect.
- (3) When the establisher of a designated admission institution, etc. for children with disabilities, receiving a recommendation pursuant to the provisions of paragraph (1) fails to take a measure pertaining to the recommendation without justifiable grounds, the prefectural governor may order the establisher of the relevant designated admission institution, etc. for children with disabilities, to take the measures pertaining to the recommendation by a due date to be specified.
- (4) When an order is provided pursuant to the provisions of the preceding paragraph, the prefectural governor must give public notice to that effect.

Article 24-17 In any of the cases set forth in the following items, the prefectural governor may rescind the designation set forth in Article 24-2, paragraph (1) pertaining to the relevant designated admission institution, etc. for children with disabilities, or suspend the validity of the designation, in whole or in part, for a period of time to be specified:

- (i) when the establisher of the designated admission institution for children with disabilities becomes a person falling under any of Article 21-5-15, item (iv) through (v)-2, and (xiii) or (xiv) which are applied mutatis mutandis to Article 24-9, paragraph (3);
- (ii) when it is found that the establisher of the designated admission institution for children with disabilities has violated the provisions of Article 24-11, paragraph (3);
- (iii) when the establisher of the designated admission institution for children with disabilities becomes unable to satisfy the standards specified by prefectural ordinance referred to in Article 24-12, paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to the relevant designation or in respect of its personnel staffing;
- (iv)) when the establisher of the designated admission institution for children with disabilities becomes unable to operate the designated admission institution for children with disabilities adequately, in accordance with the standards on facilities and operation of the designated admission institution, etc. for children with disabilities specified by Prefectural Ordinance referred

- to in Article 24-12, paragraph (2);
- (v) when any wrongdoing is found with regard to a request for admission benefits for children with disabilities, benefits for meal expenses, etc. for specified institutionalized children with disabilities or admission medical expenses for children with disabilities;
 - (vi) when the establisher or director or any other employee of a designated admission institution for children with disabilities (referred to as "designated admission institution establisher, etc.") fails to comply with an order for reporting or submission or presentation of books and documents and other objects pursuant to the provisions of Article 24-15, paragraph (1), or makes a false report in response to such an order;
 - (vii) when the designated admission institution establisher, etc. fails to comply with an order for appearance pursuant to the provisions of Article 24-15, paragraph (1), fails to give an answer or makes a false answer in response to a question pursuant to the provisions of the same paragraph, or refuses, interferes with, or recuses the entry or inspection pursuant to the provisions of the same paragraph; provided, however, that this does not apply when the establisher or director of the designated admission institution, etc. for children with disabilities had fulfilled their duty of reasonable care and supervision to prevent any of the acts above mentioned in the case where such an act has been committed by an employee of relevant designated admission institution for children with disabilities.
 - (viii) when the establisher of the designated admission institution for children with disabilities, etc. obtains the designation set forth in Article 24-2, paragraph (1) by wrongful means;
 - (ix) when the establisher of the designated admission institution for children with disabilities violates this Act or any other act on healthcare or welfare of citizens as specified by a Cabinet Order or any order pursuant to any of these acts or any disposition pursuant thereto, beyond the cases listed in the preceding items respectively;
 - (x) when the establisher of the designated admission institution for children with disabilities, etc. commits a wrongdoing or unjust act with regard to admission support for children with disabilities, beyond the cases listed in the preceding items respectively;
 - (xi) when the establisher of the designated admission institution for children with disabilities, etc. is a corporation and its officers, etc. or a director of the relevant designated admission institution for children with disabilities, etc. include such a person who has committed a wrongdoing or unjust act with regard to institutional support for children with disabilities within 5 years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.

(xii) when the establisher of the designated admission institution for children with disabilities, etc. is not a corporation and its manager of the relevant designated admission institution for children with disabilities, etc. such a person who has committed a wrongdoing or unjust act with regard to institutional support for children with disabilities within 5 years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.

Article 24-18 A prefectural governor must give public notice in any of the cases listed in the following items:

- (i) when a prefectural governor has made the designation of a designated admission institution for children with disabilities set forth in Article 24-2, paragraph (1);
- (ii) when a designated admission institution for children with disabilities has declined the designation pursuant to the provisions of Article 24-14; and
- (iii) when the designation of a designated admission institution for children with disabilities has been rescinded pursuant to the provisions of the preceding Article.

Article 24-19 (1) A prefectural government must provide necessary information concerning designated admission institution, etc. for children with disabilities, and provide consultations and give advice with regard to the utilization thereof.

(2) Upon request from a child with disabilities or their custodian, the prefectural government is to make arrangements or coordinate for the use of a designated admission institution, etc. for children with disabilities and, where needed, make a request for the utilization by the relevant child with disabilities to the establisher of a designated admission institution, etc. for children with disabilities.

(3) The establisher of a designated admission institution, etc. for children with disabilities must cooperate in the arrangement, coordination and requests set forth in the preceding paragraph as much as possible.

Subsection 3 Establishment of Management Systems

Article 24-19-2 The provisions of Section 2 Subsection 3 (excluding the part pertaining to the mayor of core city) apply mutatis mutandis to the establisher of a designated admission institution, etc. for children with disabilities. In this case, the necessary technical replacement is provided by Cabinet Order.

Subsection 4 Payments of Admission Medical Expenses for Children with Disabilities

- Article 24-20 (1) When a child with disabilities pertaining to a decision on admission benefits payment receives the institutional support for children with disabilities pertaining to therapy (hereinafter referred to as "admission medical care for children with disabilities") from a designated admission institution, etc. for children with disabilities (limited to such hospitals and other facilities as specified by an Order of the Ministry of Health, Labour and Welfare; the same applies hereinafter in this Article, the following Article and Article 24-23) during the benefits payment period, the prefectural government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, is to pay admission medical expenses for children with disabilities to the recognized admission beneficiary custodian pertaining to the relevant child with disabilities with regard to the expenses spent for the relevant institutional medical care for children with disabilities; and
- (2) The amount of admission medical expenses for children with disabilities are the total amount of the amounts listed in the following items per month:
- (i) the amount obtained by deducting the one provided by a Cabinet Order (when ten-hundredths (10/100) of the relevant amount provided by the relevant Cabinet Order exceeds the amount provided by a Cabinet Order, the relevant amount equivalent thereto) from the total amount of expenses spent by the referenced recognized admission beneficiary custodian for admission medical care for children with disabilities (excluding dietary treatment) in a specified month calculated by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance; by taking into account the financial capacity of the household of relevant recognized admission beneficiary custodian and other circumstance.
 - (ii) the amount obtained by deducting the amount provided by the Minister of Health, Labor and Welfare, by taking into consideration the standard coverage provided in Article 85, paragraph (2) of the Health Insurance Act, the state of income of the recognized admission beneficiary custodian and other circumstances, from the amount calculated with regard to the relevant admission medical care for children with disabilities (limited to dietary treatment) by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance.
- (3) When a child with disabilities pertaining to a decision on admission benefits payment receives admission medical care for children with disabilities from a designated admission institution, etc. for children with disabilities, the prefectural government may pay such expenses spent for relevant institutional medical care for children with disabilities payable by the recognized beneficiary custodian pertaining to the relevant child with disabilities to the relevant designated institution for children with disabilities, etc., in lieu of the

relevant recognized beneficiary custodian, to the relevant designated institution for children with disabilities, etc., within the limit of the amount payable to the relevant recognized admission beneficiary custodian as the institutional medical expenses for children with disabilities.

(4) When a payment is made pursuant to the provisions of the preceding paragraph, the institutional medical expenses for children with disabilities for relevant recognized admission beneficiary custodian is deemed to have been paid.

Article 24-21 The provisions of Article 19-12 and Article 19-20 are for the payment of medical expenses for children with disabilities to a designated admission institution, etc. for children with disabilities, and the provisions of Article 21 for a designated institution, etc. for children with disabilities apply *mutatis mutandis*; in this case, necessary terminological replacements are prescribed by a Cabinet Order.

Article 24-22 A payment of admission medical expenses for children with disabilities is not be made within the limits equivalent to the amount that a recipient can receive according to the state of the referenced dysfunction as prescribed in the subsequent sentence. When the recipient can receive dependent medical treatment expenses pursuant to the Health Insurance Act or other benefits pursuant to relevant laws and regulations and such expenses or benefits are specified by Cabinet Order and fall under the payment of admission medical expenses for children with disabilities, the limit specified by a Cabinet Order applies as the limit referred to in the preceding sentence, and when any benefit other than those specified by relevant Cabinet Order that falls under the payment of admission medical expenses for children with disabilities is paid and borne by the national government or local government, the amount so paid applies as the limit referred to in the preceding sentence.

Article 24-23 Beyond what is prescribed in this Subsection, necessary particulars concerning the payments of admission medical expenses for children with disabilities and the requests by designated admission institutions for children with disabilities, etc. for admission medical expenses for children with disabilities are prescribed by an Order of the Ministry of Health, Labour and Welfare.

Subsection 5 Payments of Admission Benefits for Children with Disabilities, High-cost Admission Benefits for Children with Disabilities and Benefits for Meal Expenses for a Designated Admission Institution for Children with Disabilities, and Exception

of Admission Medical Expenses for Children with Disabilities

- Article 24-24 (1) For the time being, with regard to a child with disabilities under admission, etc. in any of the designated admission institution, etc. for children with disabilities specified by an Order of the Ministry of Health, Labour and Welfare (hereinafter referred to as "admittee" in this paragraph), when a prefectural government finds that welfare of the admittee is likely to be impaired unless the designated admission support for the admittee is continued, the prefectural government, notwithstanding the provisions of Article 24-2, paragraph (1), Article 24-6, paragraph (1), Article 24-7, paragraph (1) or Article 24-20, paragraph (1), may continue to pay or provide admission benefits, etc. for children with disabilities (hereinafter referred to as "admission benefits for children with disabilities") prescribed for in the provisions of Article 50, item (vi)-3 to the relevant admittee based on their application, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, until the relevant admittee becomes able to adapt themselves to their social surroundings, even after the admittee attains the age of 18, until the relevant admittee attains the age of 20 ; provided, however, that this does not apply to the case where relevant admittee can receive the treatment and care services provided in Article 5, paragraph (6) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities or other support.
- (2) With regard to a person who is eligible for admission benefits, etc. for children with disabilities pursuant to the provisions of the preceding two paragraphs, the person is deemed to be a child with disabilities or the custodian of a child with disabilities and the provisions of Articles 24-2 through 24-7 and Articles 24-19 through 24-22 apply. In this case, necessary terminological replacements are prescribed by Cabinet Order.
- (3) In the case referred to in paragraph (1), the prefectural governor must hear opinions from the director of a child guidance center.

Section 5 Payments of Consultation Support Benefits for Children with Disabilities and Consultation Support Benefits for Specialized Children with Disabilities

Subsection 1 Payments of Consultation Support Benefits for Children with Disabilities and Consultation Support Benefits for Specialized Children with Disabilities

Article 24-25 The payments of consultation benefits for children with disabilities and consultation benefits for specified children with disabilities are the benefits provided pursuant to the next Article and Article 21-5-4 concerning

consultation support for children with disabilities.

Article 24-26 (1) A municipality is to pay consultation support benefits for children with disabilities to a person listed in the following each item (hereinafter referred to as "custodian eligible for consultation support benefits for children with disabilities"), the expenses required for consultation support for children with disabilities specified in the relevant each item, for the categories of cases set forth respectively in the relevant item.

- (i) a custodian of a child with disabilities pertaining to the application of Article 21-5-6, paragraph (1) or Article 21-5-8, paragraph (1) for which submission of proposed plan for utilization of support for children with disabilities was required pursuant to the provisions of Article 21-5-7, paragraph (4) (including the case of applying mutatis mutandis to Article 21-5-8, paragraph (3)), in the case where consultation support for children with disabilities pertaining the relevant designation is provided by a person who practices consultation support services for children with disabilities (hereinafter referred to as "designated operator of consultation support services for children with disabilities") designated by the mayor of municipality (referring to as "designated use of support for children with disabilities" in the following paragraph) and a decision on payment of benefits pertaining to the relevant application is made.
 - (ii) recognized outpatient beneficiary custodian in the case where continuous designated use of support for children with disabilities (referring to "designated continuous use of support for children with disabilities" in the following paragraph) pertaining the relevant designation is provided by a designated operator of consultation support services for children with disabilities.
- (2) The amount of consultation support benefits for children with disabilities is the amount of expenses calculated, in accordance with the standards specified by the Minister of Health, Labor and Welfare, with regard to expenses generally spent for the designated use of support for children with disabilities or designated continuous use of support for children with disabilities (hereinafter referred to as "designated consultation support for children with disabilities") (the full amount of such expenses actually spent for the relevant designated consultation support when the amount so calculated exceeds the relevant actual amount of the expenses required for consultation support for children with disabilities).
- (3) When a custodian eligible for consultation support benefits for children with disabilities has received designated consultation support from a designated operator, etc. of consultation support service for children with disabilities, the municipality may pay expenses spent for the relevant designated consultation

support payable by the relevant custodian eligible for consultation support benefits for children with disabilities to the relevant designated operator of consultation support services for children with disabilities on behalf of relevant custodian, within the limit of the amount payable to the relevant custodian eligible for consultation support benefits for children with disabilities as this payment constituting as consultation support benefits for children with disabilities.

- (4) When a payment is made pursuant to the provisions of the preceding paragraph, consultation support benefits for children with disabilities for the relevant custodian eligible for consultation support benefits for children with disabilities is deemed to have been paid.
- (5) When a designated operator of consultation support services for children with disabilities requests consultation support benefits for children with disabilities, the municipality is to pay the same after the examination in light of the standards specified by the Minister of Health, Labor and Welfare as set forth in paragraph (2) and the standards on facilities and operation of designated consultation support services for children with disabilities as set forth in Article 24-31, paragraph (2) (limited to the portions of such standards relating to handling of designated consultation support for children with disabilities).
- (6) A municipality may entrust the federation of national health insurance to conduct the affairs concerning examination and payments pursuant to the provisions of the preceding paragraph.
- (7) Beyond what is prescribed in the preceding paragraphs, necessary particulars concerning the payments of consultation support benefits for children with disabilities and requests by designated operator of consultation support services for children with disabilities for consultation support benefits for children with disabilities are prescribed by an Order of the Ministry of Health, Labour and Welfare.

Article 24-27 (1) When a municipality finds necessary, in the case where custodian eligible for consultation support benefits for children with disabilities receive consultation support for children with disabilities other than designated consultation support for children with disabilities (limited to the services applicable to the particulars prescribed by Ministry of Health, Labour and Welfare which are prescribed in the standards concerning operation of the services of designated consultation support for children with disabilities prescribed by Order of Ministry of Health, Labour and Welfare of Article 24-31, paragraph (1) and the ones prescribed by Order of Ministry of Health, Labour and Welfare of paragraph (2) of the same Article, which refers to as "appropriate consultation support for children with disabilities), the municipality may pay specified consultation support benefits for children with

disabilities, for the expenses required for appropriate consultation support for children with disabilities.

- (2) The amount of specified consultation support benefits for children with disabilities is determined by the municipality by using the amount of expenses calculated from the standards prescribed by Minister of Health, Labour and Welfare of paragraph (2) of the preceding Article (in the case such amount actually exceeds the amount required for the relevant appropriate consultation support for children with disabilities, the relevant amount actually required for the relevant appropriate consultation support for children with disabilities).
- (3) Beyond what is prescribed in the preceding two paragraphs, necessary particulars concerning the payments of specified consultation support benefits for children with disabilities are prescribed by an Order of the Ministry of Health, Labour and Welfare.

Subsection 2 Designated Operator of Consultation Support Services for Children with Disabilities

Article 24-28 (1) The designation of designated operator of consultation support services for children with disabilities set forth in Article 24-26, paragraph (1), item (i) is made for each institution that practice consultation support services for children with disabilities (hereinafter referred to as "consultation support services office for children with disabilities") as the one who practice consultation services specified in Article 5, paragraph (18) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) The provisions of Article 21-5-15, paragraph (3) (excluding items (iv) and (xiv)) apply to designation of designated operator of consultation support services for children with disabilities of Article 24-26, paragraph (1), item (i). In this case, the term "a person specified by prefectural ordinance" in Article 21-5-15, paragraph (3), item (i) is replaced with "a corporation". Beyond this, necessary terminological replacements are prescribed by a Cabinet Order.

Article 24-29 (1) The designation of Article 24-26, paragraph (1), item (i) ceases to be effective after a lapse of the term then in force, unless the designation is renewed every 6 years.

- (2) In the case where a renewal set forth in the preceding paragraph is applied, when no disposition is implemented for the application by the expiration date of the period set forth in the same paragraph (referred to as a "effective period for designation" hereinafter in this Article), the designation before the renewal remains in force until the disposition is implemented, even after the expiration

of the effective period for designation.

- (3) When the designation is renewed in the case referred to in the preceding paragraph, the effective period for designation as renewed starts from the day following the expiration date of the effective period for designation before the renewal.
- (4) The provisions of the preceding Article apply mutatis mutandis to renewal of designation set forth in paragraph (1). In this case, necessary terminological replacements are prescribed by Cabinet Order.

Article 24-30 (1) In order to enable a child with disabilities to lead a self-reliant daily or social life according to their inherent abilities and aptitudes, designated operator of consultation support services for children with disabilities must facilitate close coordination with administrative organs, educational institutions and other relevant bodies, and endeavor to effectively implement institutional support for children with disabilities according to the intention, aptitudes, characteristics of dysfunctions and other circumstances of the relevant child with disabilities constantly from the standpoint of children with disabilities and their custodians.

- (2) The designated operator of consultation support services for children with disabilities must endeavor to improve the quality of its consultation support for children with disabilities by carrying out assessment of the quality of its own institutional support for children with disabilities and by taking other measures.
- (3) The designated operator of consultation support services for children with disabilities must respect the character of each child with disabilities, comply with this Act or orders pursuant to this Act, and faithfully perform their own duties for children with disabilities and their custodians.

Article 24-31 (1) The designated operator of consultation support service for children with disabilities must have employees engaged in the relevant designated consultation support for children with disabilities in accordance with the standards specified by an Order of the Ministry of Health, Labour and Welfare for each designated operator of consultation support service office for children with disabilities pertaining to the relevant designation.

- (2) The designated operator of consultation support service for children with disabilities must provide designated consultation support for children with disabilities in accordance with the standards on facilities and operation of designated consultation support services for children with disabilities specified by an Order of the Ministry of Health, Labour and Welfare.
- (3) When a designated operator of consultation support services for children with disabilities makes a notification of abolition or suspension of operation

pursuant to the provisions of paragraph (2) of the following Article, the designated operator of consultation support services for children with disabilities must conduct liaison and coordination with other designated operator of consultation support services for children with disabilities and relevant persons, and provide other benefits to ensure that the a person, who has received the designated consultation support for children with disabilities within one month before the date of the notification and wishes to continue receive the provision of support equivalent to the designated consultation support for children with disabilities even after the date of abolition or the suspension of the operation, continues to receive the necessary designated consultation support for children with disabilities.

- Article 24-32 (1) When the name and location of the consultation support services office for children with disabilities pertaining to the designation and other particulars specified by Order of the Ministry of Health, Labour and Welfare are changed, or when the suspended operation of designated consultation support for children with disabilities is resumed, the designated operator of consultation support services for children with disabilities must notify the mayor of municipality to that effect within ten days, in accordance with the provisions of Order of the Ministry of Health, Labour and Welfare.
- (2) When a designated operator of consultation support services for children with disabilities intends to abolish or suspend the operation of designated consultation support for children with disabilities, the designated operator of consultation support services for children with disabilities must notify the mayor of municipality to that effect one month before the date of its abolition or suspension, in accordance with Order of the Ministry of Health, Labour and Welfare.

Article 24-33 When a mayor of municipality finds it necessary to smoothly carry out the provision of the benefits prescribed in Article 24-31, paragraph (3) by a designated operator of consultation support services for children with disabilities, the mayor of municipality may conduct liaison and coordination between the designated operator of consultation support services for children with disabilities and other relevant persons, or provide advice and other assistance to the designated operator of consultation support services for children with disabilities and other relevant persons.

Article 24-34 (1) When it is found necessary, a mayor of municipality may order a person who is, or used to be, the designated operator of consultation support services for children with disabilities or the employee of the consultation services support office for children with disabilities pertaining to the

designation (hereinafter referred to as the "person, etc. who used to be the designated operator of consultation support services for children with disabilities" in this paragraph) to make a report or submit or present books and documents and other objects, request the appearance of the designated operator of consultation support services for children with disabilities or the employee of the designated operator of consultation support services for children with disabilities or the person, etc. who was the employee of the designated consultation support services office for children with disabilities, or may make the official ask relevant persons questions or enter any consulting support services office for children with disabilities pertaining to the designation of the designated operator of consultation support services for children with disabilities and other places related to the operation of consultation support for children with disabilities and inspect equipment, books and documents and other objects.

- (2) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the question or the inspection under the provisions of the preceding paragraph, and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority under the provisions of the preceding paragraph.

Article 24-35 (1) When a mayor of a municipality finds that a designated operator of consultation support services for children with disabilities falls under any of the following items, the mayor of a municipality may recommend the designated operator of consultation support services for children with disabilities to take measures prescribed in each item, by a due date to be specified.

- (i) in the event that the knowledge or skills of the employees at the consultation support service office for children with disabilities relevant to the designation or the number of employees do not meet the standards specified in Article 24-31, paragraph (1) of the Order of the Ministry of Health, Labour and Welfare, to comply with the relevant standards.
- (ii) in the event that the operation of the designated operator of consultation support services for children with disabilities is not properly conducted in accordance with the standards for the operation of the designated operator of consultation support services for children with disabilities specified in Article 24-31, paragraph (2) of the Order of the Ministry of Health, Labour and Welfare, to comply with the relevant standards.
- (iii) if the provision of benefits prescribed in Article 24-31, paragraph (3) is not carried out properly, the relevant provision of benefits are carried out properly.
- (2) In the case where a recommendation is made pursuant to the provisions of the preceding paragraph, when the designated operator of consultation support

services for children with disabilities receiving the recommendation fails to comply with the same by a set deadline, in the same paragraph, the mayor of a municipality may make public to that effect.

- (3) When the designated operator of consultation support services for children with disabilities receiving a recommendation pursuant to the provisions of paragraph (1) fails to take a measure pertaining to the recommendation without justifiable ground, the mayor of a municipality may order the designated operator of consultation support services for children with disabilities to take the measure pertaining to the recommendation by a set deadline.
- (4) When an order is provided pursuant to the provisions of the preceding paragraph, the mayor of a municipality must give a public notice to that effect.

Article 24-36 In any of the cases set forth in the following items, a mayor of municipality may rescind the designation set forth in Article 24-26, paragraph (1), item (i) pertaining to the relevant designated operator of consultation support services for children with disabilities or suspend the validity of the designation, in whole or in part, for a period of time to be specified:

- (i) when the designated operator of consultation support services for children with disabilities becomes a person falling under any of Article 21-5-15, paragraph (3), item (v), item (v-ii) or item (xiii) which is applied mutatis mutandis in Article 24-28, paragraph (2);
- (ii) when it is found that the designated operator of consultation support services for children with disabilities has violated the provisions of Article 24-30, paragraph (3)
- (iii) when the designated operator of consultation support services for children with disabilities becomes unable to satisfy the standards specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 24-31, paragraph (1) in respect of the knowledge or skills of its employees of consultation support services office for children with disabilities pertaining to the designation or in respect of its personnel staffing;
- (iv) when the designated operator of consultation support services for children with disabilities becomes unable to conduct the operation of designated consultation support for children with disabilities adequately in accordance with the standards on operation of designated consultation support for children with disabilities specified by Order of the Ministry of Health, Labour and Welfare referred to in Article 24-31, paragraph (2);
- (v) when any wrongdoing is found with regard to a claim for consultation support benefits for children with disabilities;
- (vi) when the designated operator of consultation support services for children with disabilities fails to comply with an order for reporting or submission or

- presentation of books and documents and other objects pursuant to the provisions of Article 24-34, paragraph (1), or makes a false report in response to such an order;
- (vii) when the designated operator of consultation support services for children with disabilities or its employees of consultation support services office for children with disabilities pertaining to the designation fails to comply with an order for appearance pursuant to the provisions of Article 24-34, paragraph (1), fails to give an answer or makes a false answer in response to a question pursuant to the provisions of the same paragraph, or refuses, interferes with, or recuses the entry or inspection pursuant to the provisions of the same paragraph; provided, however, that this does not apply when the designated operator of consultation support services for children with disabilities had fulfilled the operator's duty of reasonable care and supervision to prevent any of the acts above mentioned in the case where such an act has been committed by an employee of consultation support services office for children with disabilities;
 - (viii) when the designated operator of consultation support services for children with disabilities obtains the designation set forth in Article 24-26, paragraph (1) by wrongful means;
 - (ix) when the designated operator of consultation support services for children with disabilities violates this Act or any other act on welfare of citizens as specified by Cabinet Order or any order pursuant to any of these acts or any disposition pursuant thereto, beyond the cases listed in the preceding items respectively;
 - (x) when the designated operator of consultation support services for children with disabilities commits a wrongdoing or an unjust act with regard to the consultation support for children with disabilities, beyond the cases listed in the preceding items respectively; or
 - (xi) when an officer of the designated operator of consultation support services for children with disabilities, a manager of consultation support services office for children with disabilities pertaining to the designation or other employee specified by Cabinet Order include such a person who has committed a wrongdoing or unjust act with regard to the consultation support for children with disabilities for children with disabilities within five years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.

Article 24-37 A mayor of municipality must give public notice in any of the cases listed in the following items:

- (i) when the designation of designated operator of consultation support services for children with disabilities set forth in Article 24-36, paragraph (1), item (i)

- is made;
- (ii) when a notification of abolition of operation of designated support services for children with disabilities has been given pursuant to Article 24-32, paragraph (2); and
 - (iii) when the designation of designated operator of consultation support services for children with disabilities has been rescinded pursuant to the provisions of the preceding Article.

Subsection 3 Development of Operational Control System

- Article 24-38 (1) The designated operator of consultation support services for children with disabilities must establish a management system in accordance with Order of the Ministry of Health, Labour and Welfare to ensure that the duties prescribed in Article 24-30, paragraph (3) are carried out.
- (2) The designated operator of consultation support services for children with disabilities, according to their category set forth in the relevant following items, must give notification of particulars pertaining to the establishment of a management system to the relevant person specified in that item, in accordance with the Order of the Ministry of Health, Labour and Welfare.
- (i) a designated operator of consultation support services for children with disabilities other those set forth in the following item and item (iii), the prefectural governor;
 - (ii) a designated operator of consultation support services for children with disabilities whose places of consultation support services for children with disabilities relevant to the designation are all located in a municipality: the mayor of the municipality;
 - (iii) a designated operator of consultation support services for children with disabilities whose places of consultation support services for children with disabilities relevant to the designation are located in two or more prefectures, the Minister of Health, Labour and Welfare.
- (3) A designated operator of consultation support services for children with disabilities who has made the notification pursuant to the provisions of the preceding paragraph, if there is a change in the notified particulars, must notify the Minister of Health, Labour and Welfare, the prefectural governor or the mayor of municipality (hereinafter referred to as the "Minister of Health, Labour and Welfare, etc." in this Subsection) to that effect without delay, in accordance with Order of the Ministry of Health, Labour and Welfare.
- (4) When a designated operator of consultation support services for children with disabilities who has made a notification pursuant to the provisions of paragraph (2) makes a notification to the Minister of Health, Labour and Welfare, etc. other than the Minister of Health, Labor and Welfare, etc.

pursuant to the provisions of the same paragraph due to changes in the categories listed in each item of the same paragraph, the designated operator of consultation support services for children with disabilities must also notify the Minister of Health, Labour and Welfare, etc. for whom the notification was made to that effect, in accordance with Order of the Ministry of Health, Labour and Welfare.

- (5) The Minister of Health, Labor and Welfare, etc. is to work closely with each other so that the notification pursuant to the provisions of the preceding three paragraphs will be made properly

Article 24-39 (1) When a Minister of Health, Labour and Welfare, etc. who received the notification pursuant to the provisions of paragraph (2) of the preceding Article finds it necessary for the development of management system pursuant to the provisions of paragraph (1) of the same Article in the designated operator of consultation support services for children with disabilities who made the notification (with regard to the Minister of Health, Labor and Welfare, etc. who received the notification pursuant to the provisions of paragraph (4) of the same Article, the designated operator of consultation support services for children with disabilities who made the notification pursuant to the same paragraph is excluded), the Minister of Health, Labour and Welfare, etc. may order the designated operator of consultation support services for children with disabilities to make a report or submit or present books and documents and other objects, request the appearance of the designated operator of consultation support services for children with disabilities or the employee of the designated operator of consultation support services for children with disabilities, or may make the official ask relevant persons questions or enter any establishment or consultation support services office for children with disabilities pertaining to the designation of the designated operator of consultation support services for children with disabilities and other places related to the provision of consultation support for children with disabilities and inspect equipment, books and documents and other objects.

- (2) When the Minister of Health, Labour and Welfare exercise the authority set forth in the preceding paragraph, it is conducted in close cooperation with the mayor of municipality who has made the designation pertaining to the designated operator of consultation support services for children with disabilities (hereinafter referred to as the "relevant municipal mayor" in this paragraph and paragraph (5) of the following Article), and when the prefectural governor exercises the authority set forth in the preceding paragraph, it is conducted in close cooperation with the relevant municipal mayor.

- (3) When a mayor of municipality finds it necessary for the development of a management system pursuant to the provisions of paragraph (1) of the preceding Article in the designated operator of consultation support services for children with disabilities pertaining to the designation made or will be made by the mayor of municipality, the mayor of municipality may request the Minister of Health, Labour and Welfare or the prefectural governor to exercise the authority set forth in paragraph (1).
- (4) When a Minister of Health, Labour and Welfare or a prefectural governor exercised the authority set forth in paragraph (1) in response to a request from a mayor of municipality pursuant to the provisions of the preceding paragraph, the Minister of Health, Labour and Welfare or the prefectural governor must notify the mayor of municipality who requested the exercise of the authority about the result, in accordance with Order of Ministry of Health, Labour and Welfare
- (5) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the question or the inspection under the provisions of paragraph (1), and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the exercise of the authority under the provisions of paragraph (1).

Article 24-40 (1) When a Minister of Health, Labour and Welfare, etc. who received the notification pursuant to the provisions of Article 24-38, paragraph (2) finds that a designated operator of consultation support services for children with disabilities who made the notification (for the Minister of Health, Labor and Welfare, etc. who received the notification pursuant to the provisions of paragraph (4) of the same Article, the designated operator of consultation support services for children with disabilities who made the notification pursuant to the same paragraph is excluded) has not developed an appropriate operational control system in accordance with the standards specified by Order of the Ministry of Health, Labour and Welfare set forth in paragraph (1) of the same Article, the Minister of Health, Labour and Welfare, etc. may recommend the designated operator of consultation support services for children with disabilities to develop an appropriate operation control system by a set deadline, in accordance with Order of the Ministry of Health, Labour and Welfare.

- (2) Minister of Health, Labour and Welfare, etc. in a case of providing recommendation pursuant to the provisions of the preceding paragraph, may provide public notice of the fact that the relevant designated operator of consultation support services for children with disabilities receiving such recommendation fails to comply with the same by the due date set forth in the same paragraph.
- (3) When a designated operator of consultation support services for children with

disabilities receiving a recommendation pursuant to the provisions of paragraph (1) fails to take a measure pertaining to the recommendation without justifiable ground, the Minister of Health, Labour and Welfare, etc. may order the designated operator of consultation support services for children with disabilities to take the measure pertaining to the recommendation by a due date to be specified.

(4) The Minister of Health, Labour and Welfare, etc. who has issued an order under the preceding paragraph must make a public notice of the fact.

(5) If a designated operator of consultation support services for children with disabilities violates an order under paragraph (3), the Minister of Health, Labour and Welfare or the prefectural governor must send notice of the violation to the relevant municipal mayor in accordance with Order of the Ministry of Health, Labour and Welfare.

Section 6 Protective Measures for an Aid-requiring Child

Article 25 (1) A person who discovers an aid-requiring child must give notification directly to a welfare office or child guidance center established by the municipal or prefectural government, or to the relevant welfare office or child guidance center through a commissioned child welfare volunteer; provided, however, that this does not apply to a child of 14 years of age or more who has committed a crime. In this case, notification is given to the family court.

(2) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code and provisions in any other Act that provide for confidentiality obligations must not be construed to preclude a report under the preceding paragraph.

Article 25-2 (1) In order to pursue adequate protective care singly or communally for an aid-requiring child requiring extended aid (a person requiring extended assistance set forth in Article 31, paragraph (4) and a person requiring extended aid prescribed for in Article 33, paragraph (10) (referring as to person requiring extended assistance etc. the same applies to the following paragraph) a local government must endeavor to set up a regional council of countermeasures for appropriate aid or appropriate assistance for children requiring assistance and specified expectant mother (hereinafter referred to as a "council") consisting of relevant bodies, relevant organizations and persons engaged in the duties relevant to welfare of children, and other relevant persons (hereinafter referred to as "relevant bodies, etc.").

(2) A council is to exchange information concerning an aid-requiring child or a child requiring assistance and their custodians (who has actual custody of a

child, that is, a person who has parental authority, a custodian of a minor, or any other person, and who actually cares for the relevant child.) (hereinafter referred to as "child requiring assistance, etc.") or specified expectant mother (referring to as "child eligible for assistance, etc.") and other information necessary to pursue adequate protective care for aid-requiring child and adequate assistance for child requiring assistance or specified expectant mother, confer on the contents of the support for child eligible for assistance, etc.

- (3) When a local government establishes a council, the head of the local government must give public notice to that effect pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (4) The head of a local government who establishes a council is to designate only one coordinating organization of countermeasures for aid-requiring child to be selected from the relevant bodies, etc. constituting the council.
- (5) A coordinating organization of countermeasures for an aid-requiring child is to conduct overall management of affairs concerning the council, accurately understand the state of the implementation of the support for an support requiring child, etc. so as to enable its adequate implementation and carry out liaison and coordination with the child guidance center, a person that provides house-call services, a maternal and children's comprehensive support center specified in Maternal and Child Health Act and other relevant bodies, etc., where needed.
- (6) A coordinating organization of countermeasures for an aid-requiring child is to endeavor to assign a person who may appropriately carry out the affairs pertaining the services of the preceding paragraph based on specialized knowledge and skills (referring to as "coordinator" in the preceding paragraph and paragraph (8)) pertaining to council (including the one established by a local government in collaboration with local authorities (excluding local governments)) established by local authorities by Order of Minister of Health, Labour and Welfare.
- (7) A coordinating organization of countermeasures for an aid-requiring child must endeavor to assign coordinator pertaining to council (excluding the one established by the relevant local authority in collaboration with a local government) established by local authorities (excluding local governments) by Order of Minister of Health, Labour and Welfare.
- (8) The coordinator center deployed in coordinating organization of countermeasures for aid-requiring child must receive training conforming to the standards specified by the Minister of Health, Labor and Welfare.

Article 25-3 (1) A council, when it finds necessary in order to exchange information and confer as prescribed in paragraph (2) of the preceding Article,

may request relevant bodies, etc. to furnish materials or information, state their opinions, or provide other necessary cooperation.

- (2) Relevant bodies, etc., when a council requests for materials or information, must state their opinions, or provide other necessary cooperation, endeavor to respond to such request.

Article 25-4 Beyond what is prescribed in the preceding two Articles, necessary particulars concerning the organization and operation of a council are prescribed by the Council.

Article 25-5 In accordance with the categories of the relevant bodies, etc. constituting a council listed in the following items, no person prescribed in each such item must divulge any secret coming to their knowledge with regard to the duties of the council without justifiable ground:

- (i) organs of the national or a local government: A person who is, or used to be, an official of any such organ;
- (ii) coporation: A person who is, or used to be, an officer or employee of any such corporation; and
- (iii) persons other than those listed in the preceding two items: A person who is, or used to be, a member of the council.

Article 25-6 When a welfare office or child guidance center established by a municipal or prefectural government finds it necessary in the case where notification pursuant to the provisions of Article 25, paragraph (1) is received, they are to promptly ascertain an understanding of the state of the referenced child.

Article 25-7 (1) A municipality (excluding towns and villages prescribed in the following paragraph) must accurately understand the state of the implementation of the support for an aid-requiring child or specified expectant mother (referring to as "aid-requiring child, etc. " in the following item) and take any of the measures set forth in the following items when the municipality finds necessary for a child for whom notification has been received or consultation has been provided pursuant to the provisions of Article 25, paragraph (1) or their custodian (hereinafter referred to as "child, etc. under notification"):

- (i) refer any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center; or
- (ii) make a welfare officer for persons with intellectual disabilities (hereinafter

- referred to as "welfare officer for persons with disabilities") prescribed in Article 9, paragraph (6) of the Act on the Welfare of Persons With Intellectual Disabilities (Act No. 37 of 1960) or a certified social worker of the welfare office established by the municipality provide guidance to a child, etc. under notification.
- (iii) report a child for whom practice of children's self-reliant living assistance is found appropriate the prefectural governor pertaining to such practice.
 - (iv) give notice of, any person who is found to be in need of a request of an appearance and an investigation or a question pursuant to the provisions of Article 8-2, paragraph (1) of Child Abuse Prevention and Treatment Act, or an entry and an investigation or a question pursuant to the provisions of Article 29 or Article 9, paragraph (1) of the same act, or a temporary custody pursuant to the provisions of Article 33, paragraph (1) or (2), to a prefectural governor or a director of a child guidance center.
- (2) A town or village without a welfare office must accurately understand the state of the implementation of the support for an aid-requiring child, etc., and take any of the measures set forth in the following items when the relevant town or village finds it necessary for a child, etc. under notification or an expectant and nursing mother:
- (i) referring any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of a medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center;
 - (ii) referring any person for whom a measure set forth in item (ii) of the following Article is found appropriate to the welfare office established by the prefectural government to which relevant town or village belongs; or
 - (iii) reporting a person for whom the midwifery care practice or the maternal and child assistance practice is found appropriate to the prefectural governor pertaining to such practice.
 - (iv) reporting a child for whom practice of children's self-reliant living assistance is found appropriate to the prefectural governor pertaining to such practice.
 - (v) giving notice of, any person who is found to be in need of a request of an appearance and an investigation or a question pursuant to the provisions of Article 8-2, paragraph (1) of Child Abuse Prevention and Treatment Act, or an entry and an investigation or a question pursuant to the provisions of Article 29 or Article 9, paragraph (1) of the same act, or a temporary custody pursuant to the provisions of Article 33, paragraph (1) or (2), to a prefectural governor or a director of a child guidance center.

Article 25-8 The head of a welfare office established by a prefectural government

must take a measure set forth in any of the following items, when they find it necessary for a child for whom notification pursuant to the provisions of Article 25, paragraph (1) or a referral pursuant to the provisions of paragraph (2), item (ii) of the preceding Article or paragraph (1), item (iv) of the following Article is made, or a child, their custodian, or an expectant and nursing mother for whom consultation is provided:

- (i) referring any person who is found to be in need of a measure set forth in Article 27, and any person who is found to be in need of medical, psychological, pedagogical, sociological or mental health judgment, to the child guidance center;
- (ii) having children or their custodians be guided by a welfare officer for persons with intellectual disabilities or a social welfare secretary of the welfare office;
- (iii) reporting on, or giving notice of, any person for whom it is found appropriate to use the daycare practice, etc. (which refers to as midwifery practice, maternal and child assistance practice or use of daycare practice or the measures pursuant to Article 24, paragraph (5); the same applies hereinafter) to the head of the prefectural or municipality pertaining to such daycare practice, etc.; or
- (iv) report a child for whom practice of children's self-reliant living assistance is found appropriate, to the prefectural governor pertaining to such practice.
- (v) reporting on, or giving notice of, any person for whom it is found appropriate to take a measure pursuant to the provisions of Article 21-6 to the head of the municipality pertaining to such a measure.

Article 26 (1) A director of a child guidance center must take a measure set forth in any of the following items when the director finds necessary for a child for whom notification pursuant to the provisions of Article 25, paragraph (1) of this Act or a referral pursuant to the provisions of Article 25-7, paragraph (1), item (i) or paragraph (2), item (i) of the same Article or item (i) of the preceding Article of this Act, or Article 6-6, paragraph (1) or Article 18, paragraph (1) of the Juvenile Act (Act No. 168 of 1948) is made, or for a child, their custodian or an expectant and nursing mother for whom consultation is provided:

- (i) reporting on any person who is found to be in need of a measure set forth in the following Article to the prefectural governor;
- (ii) having children or their custodians to commute to a child welfare office and office of other relevant institutions or relevant bodies to be guided by a child welfare officer or a commissioned child welfare volunteer in the relevant office or the office or at the residence or residence of the relevant children or their custodians, or entrust such guidance to a child and family support center established by a person other than the prefectural government or to a

person other than the prefectural government who is engaged in the specialized consultation support services provided in Article 5, paragraph (18) of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities (hereinafter referred to as "consultation support services for persons with disabilities, etc." in paragraph (1), item (ii) of the following Article and Article 34-6) and other persons qualified to provide appropriate guidance set forth by Order of Ministry of Health, Labour and Welfare.

- (iii) providing information, responding to consultation (excluding the one which requires specialized knowledge and skills.), conducting surveys and guidance (excluding the case that requires medical, psychological, educational, social scientific and mental health judgement) for welfare of children and expectant and nursing mothers. Refer any person for whom it is found to be necessary to take other measures (excluding the one which requires specialized knowledge and skills).
 - (iv) referring any person for whom it is found appropriate to take a measure set forth in of Article 25-7, paragraph (1), item (ii) or item (ii) of the preceding Article to the Welfare Office;
 - (v) reporting on, or giving notice of, any person for whom it is found appropriate to use the daycare practice, etc. to the head of the prefectural or municipality pertaining to such use of daycare practice, etc.;
 - (vi) reporting a child for whom practice of children's self-reliant living assistance is found appropriate the prefectural governor pertaining to such practice.
 - (vii) reporting on, or giving notice of, any person for whom it is found appropriate to take a measure pursuant to the provisions of Article 21-6 to the head of the municipality pertaining to such a measure.
 - (viii) giving notice of any person for whom it is found appropriate to practice the services contributing to the sound upbringing of children carried out by after-school child sound upbringing services and short-term child care support services, house-call services to support child care, local childrearing support center services, family support center services, to the head of municipality pertaining to such practice of the services.
- (2) A report pursuant to the provisions of item (i) of the preceding paragraph must state the address, name, age, history, character and conduct, health condition and family environment of the referenced child, the intent of relevant child and their custodian with regard to the measure provided in the same item, and other referential particulars concerning promotion of welfare of the child.

Article 27 (1) A prefectural government must take any of the following measures set forth in the following items with regard to a child for whom a report

pursuant to paragraph (1), item (i) of the preceding Article or a referral pursuant to Article 18, paragraph (2) of the Juvenile Act is made:

- (i) providing an admonition to the child or their custodian, or cause them to submit a written pledge;
 - (ii) when a director of a child guidance center finds necessary, they may take temporary custody of a child or entrust an appropriate person including child welfare officer, social welfare officer, a commissioned child welfare volunteer or child and family support center established in the relevant prefecture or the officials pertaining to consultation support services practiced by the relevant prefecture, to do so, until a measure set forth in Article 26, paragraph (1) is taken in order to secure the child's safety promptly and take appropriate custody or to understand their mental and physical conditions, the circumstances in which the child is placed and other conditions.
 - (iii) entrusting the child to a small scale foster home services provider or a foster parent, or admitting the child into an infant home, a foster home, a facility for children with disabilities, a psychological treatment facility for children or a children's self-reliance support facility; or
 - (iv) referring the child to a family court if it is found appropriate to submit the child to the family court's inquiry.
- (2) With regard to a child prescribed in Article 43-3 or 43-4, the prefectural government may, in lieu of the measure set forth in item (iii) of the preceding paragraph, entrust a designated medical institution (limited to medical services facilities for children with disabilities prescribed in Article 12, item(ii)) to hospitalize the child and provide them with therapy, etc. equivalent to those that would be provided in an institution orthopedically impaired children or an institution for severely-retarded children.
- (3) When a prefectural governor intends to take a measure set forth in paragraph (1) for a child referred pursuant to the provisions of Article 18, paragraph (2) of the Juvenile Act, the prefectural governor must follow the instruction based on a decision by the family court.
- (4) When the referenced child has a person who has parental authority (excluding the head of a child welfare institution who exercises the parental authority pursuant to the provisions of Article 47, paragraph (1); the same applies hereinafter) or a custodian of a minor, the measure set forth in paragraph (1), item (iii) or paragraph (2) may not be taken against the intent of relevant person who has parental authority or relevant custodian of a minor, except in the case referred to in the preceding paragraph.
- (5) In the case where a measure set forth in paragraph (1), item (ii) or (iii) or paragraph (2) is cancelled, suspended, or changed to any other measure, the prefectural governor must hear opinions from the director of a child guidance center.

(6) In the case where any of the measures set forth in paragraph (1), items (i) through (iii) (excluding those taken pursuant to the provisions of paragraph (3) and those taken pursuant to the provisions of item (i) or the proviso of item (ii) of Article 28, paragraph (1)) or those set forth in paragraph (2) is taken, or in the case where a measure set forth in paragraph (1), item (ii) or (iii) or in paragraph (2) is cancelled, suspended, or changed to any other measure, pursuant to the provisions of a Cabinet Order, the prefectural governor must hear opinions from the Prefectural Child Welfare Council.

Article 27-2 (1) With regard to a child who has received a decision on protective custody set forth in Article 24, paragraph (1), item (ii) of the Juvenile Act pursuant to the provisions of Article 24, paragraph (1) or Article 26-4, paragraph (1) the same act, the prefectural government must take a measure to admit the child into a children's self-reliance support facility in accordance with relevant decision (excluding having them commute from the place of residence where the child's custodian lives) or a measure to admit the child into a foster home.

(2) With regard to the application of this Act, a measure prescribed in the preceding paragraph is deemed to be a measure to admit the referenced child into a children's self-reliance support facility or a foster home as set forth in paragraph (1), item (iii) of the preceding Article; provided, however, that this does not apply when the provisions of paragraphs (4) and (6) of the preceding Article (excluding the portions pertaining to the cases where a measure is cancelled, suspended, or changed to any other measure) apply, and when the provisions of Article 28 apply.

Article 27-3 When it is necessary to take a compulsory measure that may unintentionally be conducive to restriction on a child's liberty of action or deprivation of the child's liberty, the prefectural governor must refer that case to the family court, except in the cases permitted pursuant to the provisions of Articles 33-2 and 47.

Article 27-4 A person who is, or used to be, engaged in the affairs concerning the affairs concerning Adoption Support Services prescribed in the preceding paragraph must not divulge any secret coming to their knowledge with regard to the relevant affairs.

Article 28 (1) In the case where a custodian abuses their child or extremely neglects the duty of custody of their child or in any other case where the custodian's exercise of the custody extremely harms the welfare of the relevant child, when taking a measure set forth in Article 27, paragraph (1), item (iii) is

contrary to the intention of a person who has parental authority or a custodian of a minor for the child, the prefectural government may take a measure set forth in any of the following items:

- (i) taking a measure set forth in Article 27, paragraph (1), item (iii) with approval from the family court, when the custodian is a person who has parental authority or a custodian of a minor; and
 - (ii) delivering the child to a person who has parental authority or a custodian of a minor, when the custodian is neither a person who has parental authority nor a custodian of a minor; provided, however, that a measure set forth in Article 27, paragraph (1), item (iii) is taken with approval from the family court, when such delivery is found inappropriate for welfare of the child.
- (2) The period for a measure taken pursuant to the provisions of item (i) and the proviso of item (ii) of the preceding paragraph is not to exceed two years from the date of commencement of relevant measure; provided, however, that the prefectural government may renew relevant period with approval from the family court, when it is found that the custodian is likely to abuse the child, extremely neglect the custody of the child, or cause any other harm to the welfare of relevant child, in light of effects, etc. of the guidance to the custodian pertaining to the referenced measure (which means the guidance set forth in Article 27, paragraph (1), item (ii); the same applies hereinafter in this Article and Article 33, paragraphs (2) and (9)) unless the referenced measure is continued.
- (3) When there are any inevitable circumstances in the case where an application for approval pertaining to the renewal pursuant to the provisions of the proviso to the preceding paragraph is made, the prefectural government may continue to take the relevant measure until a decision for relevant application becomes final and binding, even after the period for relevant measure expires; provided, however, that the same is limited to the cases where, if a decision to dismiss relevant application is made, it is found still necessary to take relevant measure after considering the result of relevant decision.
- (4) In the case where an application for approval for the proviso to the paragraph (1), item (i) or (ii) or the proviso to the paragraph (2) (hereinafter referred to as "approval for measures") is made, the family court may request the prefectural government to report on, or state its opinions on, the guidance to the custodian pertaining to the relevant application, or to submit necessary materials concerning the child and their custodian pertaining to the relevant application, by a set deadline.
- (5) In the case where the family court issues recommendation pursuant to the preceding paragraph, it is to notify the relevant custodian to that effect.
- (6) In the case where a family court carries out the inquiry procedure for

approval for measures, when the family court finds reasonable to afford guidance to the referenced custodian in order to coordinate domestic or other environments after termination of the referenced measure, the family court may recommend the prefectural government to afford the guidance to the relevant custodian.

- (7) In the case where the family court issues recommendation pursuant to the provisions of paragraph (4) and if a decision to dismiss the relevant application for approval for the measures is made, when the family court finds it reasonable to afford guidance to the referenced custodian in order to coordinate domestic or other environments after termination of the referenced measure, the family court may recommend the prefectural government to afford the guidance to the relevant custodian.
- (8) The provisions of the paragraph (5) apply to the recommendation of the preceding paragraph (2).

Article 29 When a prefectural governor finds necessary in order to take a measure pursuant to the provisions of the preceding Article, the prefectural governor must make a commissioned child welfare volunteer or the relevant prefecture's official engaged in the affairs concerning welfare of children enter the residence or residence of the referenced child or their workplace and make necessary inspections or questioning. In this case, the prefectural governor must make the commissioned child welfare volunteer, or the official carry their identification and produce it upon request by any relevant person.

- Article 30 (1) If a person (excluding persons to whom children are entrusted pursuant to laws and regulations and persons who merely lodge children) starts living together with a child other than children within the fourth degree of kinship at the person's own home (including the case of a single-person household) with the intention of living together for more than three months (or more than one month, if the child is an infant) or lives together at the person's own home for consecutive two months or more (or 20 days or more, if the child is an infant) by separating the child from the person who has parental authority or the custodian of a minor, that person living together must notify the prefectural governor through the mayor of municipality within three months (or within one month, if the child is an infant) from the date of start of such living together; provided, however, that this does not apply when they have discontinued living together within this notification period.
- (2) When a person who has given notification as prescribed in the preceding paragraph discontinues living together, the person must notify the prefectural governor through the mayor of municipality within one month from the date of such discontinuation.

- (3) When it is difficult for a custodian to foster the child at their home due to economic reasons, etc., the custodian must consult with the welfare office established by the municipal or prefectural government, the child guidance center, a child welfare officer or a commissioned child welfare volunteer.

Article 30-2 A prefectural governor may provide necessary instructions to, or request necessary reporting from, small scale foster home services provider, foster parents (limited to the one entrusted pursuant to provisions of Article 27, paragraph (1), item (iii); the same applies to Article 33-8, paragraph (2), Article 33-10, Article 33-14, paragraph (2), Article 44-3, Article 45-2, Article 46, paragraph (1), Article 47, Article 48, and Article 48-3) and the head of child welfare institution and the heads of child welfare institutions, and the persons prescribed in paragraph (1) of the preceding Article, with regard to the assistance for children.

Article 31 (1) With regard to a child admitted into a maternal and child living support facility pursuant to the main clause of Article 23, paragraph (1), the prefecture, etc. may continue to take protective custody of the child in the maternal and child living support facility until the child attains the age of 20, when the prefecture, etc. has received an application from the child's custodian and finds it necessary to do so.

(2) The prefectural government may continue the entrustment or continue the measure to have the referenced child reside in the referenced child welfare institution pursuant to the provisions of Article 27, paragraph (1), item (iii), until the referenced child attains the age of 20 if the child is a child entrusted to a small scale foster home services provider or a foster parent or admitted into a foster home, an admission institution for children with disabilities (limited to welfare services facility for children with disabilities set forth in Article 42, paragraph (1)), a psychological treatment facility for children or a children's self-reliance support facility pursuant to the provisions of the same item, or take the measures to mutually change the relevant measures.

(3) The prefectural government may continue the entrustment or continue the measure to have the referenced child reside in the referenced child welfare institution pursuant to the provisions of Article 27, paragraph (1), item (iii), until the referenced child attains the age of 20, if the child is a child admitted into a designated developmental support medical institution, an admission institution for children with disabilities (limited to medical services facility set forth in Article 42, paragraph (2)), children with severe intellectual disabilities or has both severe intellectual and physical disabilities pursuant to the provisions of the same item, or take the measures to mutually change the relevant measures.

- (4) The prefectural government is take measures of Article 27, paragraph (1), items (i) through (iii) or paragraph (2) for a person requiring extended assistance (which refers to the person who has not attained 20 years old who falls under any of the following items). In this case, with regard to application of the provisions of Article 28, the following replacements are applied: "a custodian, for their child" with "a child requiring assistance (a person requiring extended assistance set forth in Article 31, paragraph (4) and a person requiring extended assistance (referring as to person requiring extended assistance, etc.; the same applies to the following paragraph.)", "to a custodian" with "to a person who has custody of a person requiring extended assistance", Article 27, paragraph (1), item (iii)" with "Article 27, paragraph (1), item(iii) pursuant to the provisions of the same paragraph"; in item (i) of the same paragraph "parental authority of a child" with "parental authority of a person requiring extended assistance", "a custodian" with "a person who has custody of a person requiring extended assistance", "Article 27, paragraph(1), item (iii)" with "Article 27, paragraph (1), item (iii) pursuant to the provisions of Article 31, paragraph (4)"; in item (ii) of the same paragraph, "parental authority of a child" with "parental authority of a person requiring extended assistance", "a child" with "a person requiring extended assistance", "Article 27, paragraph (1), item (iii)" with "Article 27, paragraph (1), item (iii) pursuant to the provisions of Article 31, paragraph (4)", "Article 27, paragraph (1), item (iii)" with "Article 27, paragraph (1), item (iii) pursuant to the provisions of Article 31, paragraph (4)"; in the proviso of paragraph (2) of the same Article, "a custodian" with "a person who has custody of a person requiring extended assistance", "Article 27, paragraph (1), item (iii)" with "Article 27, paragraph (1), item (iii) pursuant to the provisions of Article 31, paragraph (4)", "a child" with "a person requiring extended assistance"; in paragraph (4) of the same Article, "a custodian" with "a person who has custody of a person requiring extended assistance", "a child" with "a person requiring extended assistance"; and in through paragraphs (5) through (7) of the same Article, "a custodian" with "a person who has custody of a person requiring extended assistance".
- (i) a person who is a child pertaining to application of approval concerning the measures taken when the child has not attained 18 years old, and for whom the relevant application the decision has not become final and binding, and for whom the measures by Article 28, paragraph (1), item (i) or paragraph (2) proviso or the provisions of paragraph (2) has not been taken after the decision for approval of the relevant application becomes final and binding.
- (ii) a person for whom the measures pursuant of the provisions through paragraph (2) to this paragraph have been taken (excluding the person listed in the preceding item).
- (iii) a person for whom the temporary measure pursuant of the provisions

through paragraph (2) to this paragraph have been taken (excluding the person listed in the preceding item).

- (5) With regard to the application of this Act, the assistance or the measure provided in each of the preceding paragraphs are deemed to be the maternal and child assistance practice or a measure provided in paragraph (1), items (i) through (iii) or paragraph (2), of Article 27.
- (6) In the case referred to in paragraph (2) or (4), the prefectural governor must hear the opinions from the director of a child guidance center.

Article 32 (1) A prefectural governor may delegate the authority to take measures or implementation of children's self-reliant living assistance set forth in Article 27, paragraph (1) or (2), in whole or in part, to the director of a child guidance center.

(2) A prefectural governor or a mayor of municipality may delegate the authority to take measures set forth in Article 21-6 or the authority of the Midwifery Care Practice or the Maternal and Child Assistance Practice, or the authority of the assistance provided in the proviso of Article 23, paragraph (1), and the authority pursuant to the provisions of Articles 24-2 through 24-7 and Article 24-20, in whole or in part, to the head of a welfare office under the management of the prefectural governor or mayor of municipality.

(3) A mayor of municipality may delegate the authority of the daycare practice in nursery center and the coordination and request pursuant to the provisions of Article 24, paragraph (3), recommendation pursuant to the provisions of paragraph (4) of the relevant Article and the authority related to the measure pursuant to the provisions of paragraph (5) or (6) in the same Article in whole or in part, to the head of the welfare office under the management of the municipality or to the board of education set up in the relevant municipality.

Article 33 (1) When a director of a child guidance center finds it necessary, the director may take temporary custody of a child, or entrust an appropriate person to do so until a measure set forth in Article 26, paragraph (1) is taken in order to secure the child's safety promptly and take appropriate custody or to understand their mental and physical conditions, the circumstances in which the child is placed and other conditions.

(2) If a prefectural governor finds it necessary, the governor may have the director of a child guidance center take temporary custody of a child or entrust an appropriate person to do so until a measure set forth in Article 26, paragraph (1) is taken in order to secure the child's safety promptly and take appropriate custody or to understand the child's mental and physical conditions, the circumstances in which they are placed and other conditions.

(3) The period for temporary custody pursuant to the preceding two paragraphs

must not exceed two months from the date of commencement of relevant temporary custody.

- (4) Notwithstanding the provisions of the preceding paragraph, a director of a child guidance center or a prefectural governor may, when the director finds it necessary, continue the temporary custody pursuant to the provisions of paragraph (1) or (2).
- (5) When continuing temporary custody of a child pursuant to the provisions of the preceding paragraph is contrary to the intention of a person who has parental authority or a custodian of a minor for the relevant child, and the director of a child guidance center or a prefectural governor intends to continue taking temporary custody of the relevant child or intends to do so two months or more after continuing the temporary custody, the director of a child guidance center or a prefectural governor must obtain approval of the family court; provided, however, that this does not include in the case where application for approval of proviso of Article 28, paragraph (1), item (i) or (ii) or a request for a trial for loss of parental authority pursuant to the provisions of Article 33-7 or suspension of parental authority pursuant to the provisions of Article 33-7 pertaining to the relevant child or request for dismissal of a custodian of a minor pursuant to the provisions of Article 33-9 pertaining to the custodian of a minor of the relevant child is made.
- (6) When there are any inevitable circumstances in the case where an application for approval pertaining to continuing temporary custody of a child pursuant to the provisions of the preceding paragraph by the director of a child guidance center or a prefectural governor is made, two months after the commencement of temporary custody or even after two months or more after continuing the temporary custody pursuant to the provisions of the same paragraph, the director of a child guidance center or the prefectural government may continue to take the relevant temporary custody until a decision for relevant application becomes final and binding; provided, however, that the same is limited to the cases where, if a decision to dismiss the relevant application is made, it is found still necessary to take relevant temporary custody after considering the result of the relevant decision.
- (7) In the case where the relevant temporary custody continued to be taken, with regard to application of the case where the decision for application of approval pertaining continuous temporary custody pursuant to the provisions of the text of the paragraph (5) becomes final and binding, the term "in case of intending to continue taking temporary custody, or continued taking temporary custody" is replaced with "the decision for application for approval pertaining continuous temporary custody becomes final and binding".
- (8) When a director of a child guidance center finds it necessary, with regard to a child for whom temporary custody has been taken, until the child attains the

age of 20, and the following measures are taken, the director may continue taking temporary custody or be entrusted with temporary custody.

(i) a person who require measures to be taken pursuant to the provisions of Article 31, paragraph (4), is reported to the prefectural governor.

(ii) children, etc. having terminated compulsory education under the age of 20 for whom find it appropriate to implement children's self-reliant living assistance services is to report this to the prefectural governor about the relevant implementation.

(9) When the prefectural governor finds it particularly necessary, the prefectural governor may have the director of a child guidance center continue taking temporary custody or be entrusted with, regarding a child for whom temporary custody has been taken, until the child attains the age of 20, and the following measures pursuant to the provisions of Article 31, paragraph (4) (excluding the measures of guidance taken after receiving recommendation pursuant to Article 28, paragraph (4); the same applies to paragraph (11)) are taken

(10) When the director of a child guidance center finds it necessary, the director may take temporary custody of a person requiring extended assistance (which refers to the person who has not attained 20 years old who falls under any of the following items; the same applies to this paragraph and the following paragraph) or entrust an appropriate person to do so until a measure set forth in Article 26, paragraph (1) is taken in order to secure the persons safety promptly and take appropriate custody or to understand their mental and physical conditions, the circumstances in which the person is placed and other conditions.

(i) a person who is a child pertaining to application of approval concerning the measures taken when the child has not attained 18 years old, and for whom the relevant application the decision has not become final and binding, and for whom the measures set forth in Article 28, paragraph (1), item (i) or paragraph (2) proviso or pursuant to the provisions of paragraph (2) have not been taken after the decision for approval of the relevant application becomes final and binding.

(ii) a person for whom the measures pursuant of the provisions paragraphs (2) through (4) of Article 31 have been taken (excluding the person listed in the preceding item)

(11) When the prefectural governor finds it necessary, the prefectural governor may have the director of a child guidance center to take temporary custody of a person requiring extended assistance or to entrust an appropriate person to do so until a measure set forth in Article 31, paragraph (4) is taken in order to secure the person's safety promptly and take appropriate custody or to understand their mental and physical conditions, the circumstances in which the person is placed and other conditions.

(12) The temporary custody pursuant to the provisions of paragraph (8) to the preceding paragraph is deemed as the one pursuant to the provisions of paragraph (1) or (2) with regard to application of this Act.

Article 33-2 (1) The director of a child guidance center must exercise parental authority over a child for whom temporary custody was taken there and having neither a person who has parental authority nor a custodian of a minor until the child comes to have either a person who has parental authority or a custodian of a minor; provided, however, that permission from the prefectural governor must be obtained pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provisions of Article 797 of the Civil Code.

(2) The director of a child guidance center may take temporary custody for a child having neither a person who has parental authority nor a custodian of a minor and take measures necessary for welfare of the child with regard to the child's custody, education, and disciplinary action; provided, however, that corporal punishment can not be used.

(3) The person who has parental authority or the custodian of a minor in the preceding paragraph may not unreasonably interfere with the measures pursuant to the preceding paragraph.

(4) When there is an urgent necessity to secure safety of the child's life and body, the measures pursuant to the provisions of paragraph (2) may be taken even against the will of the person who has parental authority or the custodian of a minor.

Article 33-2-2 (1) The director of a child guidance center may retain items possessed by a child under temporary custody, if the director's own possessions during such temporary custody is likely to be harmful to welfare of the child.

(2) If the items retained pursuant to the provisions of the preceding paragraph are likely to decay or get lost or it is extremely difficult to retain them, the director of a child guidance center may sell those items and retain their proceeds.

(3) In the case where it is obvious that a person other than the referenced child has the right to demand restitution with regard to the things retained pursuant to the provisions of the preceding two paragraphs, the director of a child guidance center must return those items to such a right holder.

(4) When the director of a child guidance center is unable to find out the person who has the right to demand restitution prescribed in the preceding paragraph or their address, the director of a child guidance center must give public notice to request the right holder to come forward within 6 months.

(5) In the case where nobody comes forward as prescribed in the preceding

paragraph within the period set forth in the same paragraph, the referenced items are to belong to the prefectural government establishing the referenced child guidance center.

- (6) When a temporary custody is cancelled, the director of a child guidance center must return the items retained by them to the referenced child, excluding those returned pursuant to the provisions of paragraph (3). In this case, the items to be returned may be delivered to the custodian of the child, when the director of a child guidance center finds inappropriate for welfare of the child to deliver them to the relevant child.
- (7) Expenses spent for retaining the things pursuant to the provisions of paragraph (1), sale thereof pursuant to the provisions of paragraph (2) and public notice pursuant to the provisions of paragraph (4) are borne by the person receiving them, if any.

Article 33-3 (1) In the case where a child under temporary custody escapes or dies, when there are any articles left behind, the director of a child guidance center must retain and deliver them to the relevant child's custodian or relative or their heir, excluding the things to be returned to their right holders pursuant to the provisions of paragraph (3) of the preceding Article.

- (2) The provisions of paragraphs (2), (4), (5) and (7) of the preceding Article apply *mutatis mutandis* to the case referred to in the preceding paragraph.

Article 33-4 In the case of cancellation of a measure or midwifery practice, maternal and child assistance practice or implementation of children's self-reliant living assistance services listed in any of the following items, the prefectural governor, the mayor of municipality, the welfare office's director or the director of a child guidance center, in advance, must explain the reason for such cancellation of the relevant measure or midwifery practice, maternal and child assistance practice or implementation of children's self-reliant living assistance services to the person prescribed in the referenced item and hear the person's opinion; provided, however, that this does not apply in the case where the person specified in each item for whom the measure was implemented has requested the cancellation of such measure or midwifery practice, maternal and child assistance practice or children's self-reliant living assistance services, or in any other cases specified by Order of the Ministry of Health, Labour and Welfare.

- (i) measures set forth in Article 21-6, Article 24, paragraphs (5) and (6), Article 25-7, paragraph (1), item (ii), Article 25-8, item (ii), Article 26, paragraph (1), item (ii), and Article 27, paragraph (1), item (ii): The custodian of the child pertaining to the relevant measure;
- (ii) the midwifery care practice: the expectant and nursing mother pertaining

- to the referenced midwifery care practice;
- (iii) the maternal and child assistance practice and the daycare practice: the custodian of the child pertaining to the referenced maternal and child assistance practice or daycare practice; or
- (iv) measures set forth in paragraph (1), item (iii) and Article 27, paragraph (2): the person who has parental authority over, or the custodian of a minor of, the child pertaining to the referenced measure.
- (v) implementation of children's self-reliant living assistance services children, etc. having terminated compulsory education under the age of 20 pertaining to the relevant children's self-reliant living assistance services or children, etc. having terminated compulsory education over the age of 20.

Article 33-5 The provisions of Chapter 3 of the Administrative Procedure Act (excluding Articles 12 and 14) do not apply when imposing the cancellation of a measure set forth in Article 21-6, Article 24, paragraph (5) or (6), Article 25-7, paragraph (1), item (ii), Article 25-8, item (ii), Article 26, paragraph (1), item (ii) or Article 27, paragraph (1), item (ii) or (iii), or Article 27, paragraph (1), item (ii) or (iii) or paragraph (2) or (7) or canceling midwifery practice, maternal and child assistance practice or implementation of children's self-reliant living assistance services.

Article 33-6 (1) A prefecture, in the case of application by children, etc. having terminated compulsory education under the age of 20, pursuing their independence, must provide children's self-reliant living assistance pursuant to the provisions of Order of Ministry of Health, Labour and Welfare by itself or entrusting to a person who provide children's self-reliant living assistance services (excluding prefectures; the same applies to the following paragraph) to the children, etc. having terminated compulsory education under the age of 20; provided, however, that in the case where are unavoidable reasons, other appropriate aid must be provided

(2) A person such as a child, etc. having terminated compulsory education under the age of 20 and wishing provision of children's self-reliant living assistance services must submit a written application stating the residence in which the person desires to stay, and other particulars specified by Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare. In this case, a person who provides the child's self-reliant living assistance services may submit the relevant written application in lieu of the child, etc. having terminated compulsory education under the age of 20, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) A prefecture, if a child, etc. having terminated compulsory education under

the age of 20 desires to stay the residence in the area of the prefecture other than the relevant prefecture due to special circumstances, conduct liaison and coordination necessary to move into the relevant residence.

- (4) A prefecture, if it is found to be necessary for the children for whom the prefecture received report pursuant to the provisions of Article 25-7, paragraph (1), item (iii) or paragraph (2), item (iv), Article 25-8, item (iv) or Article 26, paragraph (1), item (vi) or the children, etc. having terminated compulsory education under the age of 20 whom it received report pursuant to the provisions of Article 33, paragraph (8), item (ii), the prefecture must recommend such children to apply for implementation of children's self-reliant living assistance services.
- (5) A prefecture, for the purpose of contributing to selection of residence and securing of appropriate operation of children's self-reliant living assistance services for the children, etc. having terminated compulsory education under the age of 20, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, must provide information with regard to a person who provides children's self-reliant living assistance services within the area, the status of operation of the relevant services and other particulars specified by Order of the Ministry of Health, Labour and Welfare.
- (6) The provisions of paragraphs (1) through (3) and the preceding paragraph apply mutatis mutandis to children, etc. having terminated compulsory education over the age of 20. In this case, "must conduct; provided, however, that due to unavoidable reason, must provide other appropriate assistance." must be replaced with "must endeavor to conduct.", "must seek to" with "must endeavor to seek to".

Article 33-6-2 (1) A director of a child guidance center may request confirmation of eligibility of special adoption specified in Article 164, paragraph (2) of Domestic Relations Case Procedure Act (Act No.52 of 2011), to the family court, with regard to special adoption between a child and a person who is eligible for adoptive parent.

- (2) A director of a child guidance center, in the case where there is actually no person who desires to become their adoptive parent under an adoption arrangement, for a child pertaining to the request pursuant to the provisions of the preceding paragraph, the director must endeavor to make a request pursuant to the provisions of Article 817-2, paragraph (1) of Civil Code pertaining to the relevant child, to persons appropriate for foster parents for adoption or others.

Article 33-6-3 (1) A director of a child guidance center may participate in the procedures of adjudication case to confirm eligibility for special adoption

pertaining to a child (referring to adjudication case to confirm eligibility for special adoption specified in Article 3-5 of Domestic Relations Case Procedure Act.

- (2) The director of a child guidance center who participates in the procedures pursuant to the provisions of the preceding paragraph is deemed as an interested person specified in Article 42, paragraph (7) of Domestic Relations Case Procedure Act.

Article 33-7 A director of a child guidance center may conduct loss of parental authority or request for a trial for suspension of parental authority or loss of right of administration of property or request for recession of these trials pursuant to the text of Article 834, Article 834-2, paragraph (1), Article 835 or the provisions of Article 836 of Civil Code pertaining to the parent of a child, beyond the persons specified in these provisions.

Article 33-8 (1) A director of a child guidance center must request, with regard to the children who have no person to exercises parental authority, etc. if it is found to be necessary for their welfare, request selection of a custodian of a minor to the family court.

- (2) A director of a child guidance center must exercise parental authority over a child admitted there and having neither a person who has parental authority nor a custodian of a minor until the child comes to have either a person who has parental authority or a custodian of a minor (excluding the person who operate small scale foster home services, or a child entrusted to a foster parent or a child admitted in a child welfare institution or a child under temporary custody.); provided, however, that permission from the prefectural governor is obtained pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provisions of Article 797 of the Civil Code.

Article 33-9 When the custodian of a minor for a child, etc. causes a wrongful act, an extreme misbehavior, or any other reason inadequate for custodianship, a request for dismissal of the custodian of a minor pursuant to the provisions of Article 846 of the Civil Code may be made by the director of a child guidance center, beyond the persons prescribed in the same Article.

Article 33-9-2 The national government must endeavor to promote surveys and research to contribute to the sound upbringing of aid-requiring child including analysis of the cases pertaining to aid for aid-requiring child and others.

Section 7 Prevention of Abuse of Children for Whom Admission Measures

Are Taken

Article 33-10 The term "abuse of children for whom admission measures are taken, etc." as used in this Act means the following acts committed by a person engaged in small scale foster home services, a foster parent or a person living together, the head of an infant home, a foster home, a facility for children with disabilities, a psychological treatment facility for children or a children's self-reliance support facility and their staff or other employees, the manager and other employees of designated developmental support medical institution the director of a child guidance center who establishes an institution to take temporary custody for children specified in Article 12-4, the staff of the relevant institution and other employees or a person engaged in the duties to take temporary custody of children by receiving entrustment of Article 33, paragraphs (1) and (2) (herein after collectively referred to as "institution staff, etc.") to a child to be admitted or a child under temporary custody (hereinafter referred to as "a child for whom admission measures are taken, etc.")

- (i) assaulting the child for whom admission measures are taken, etc. in a manner that will cause or is likely to cause external injury on the body of the child;
- (ii) engaging in indecent acts against the child for whom admission measures are taken, etc. or cause the child for whom admission measures are taken, etc. to engage in indecent acts;
- (iii) substantially reducing the amount of food for the child for whom admission measures are taken, etc. or abandon and neglect the child for whom admission measures are taken, etc. for a long time period in a manner that may interfere with normal development of the child mentally or physically, or leaving a person living together other than the custodian to commit any act that is equivalent to those listed in the preceding two items or the following item, or otherwise materially failing to perform the duty of custody as a custodian; or
- (iv) using significantly violent language or take an extreme attitude of rejection against the child for whom admission measures are taken, etc., or otherwise speaking or behaving in a manner that would be significantly traumatic to the child for whom admission measures are taken, etc.

Article 33-11 Institutional staff, etc. must not abuse a child for whom admission measures are taken, etc. and take any other actions that have a mentally and physically harmful effect on a child for whom admission measures are taken, etc.

Article 33-12 (1) A person who found a child who seems to suffer from abuse of a

child for whom admission measures are taken, etc. must promptly notify this to the welfare office established by the prefecture, the child guidance center, the prefectural administrative organ, the prefectural child welfare council or the municipality through the welfare office established by the prefecture, the child guidance center, the prefectural administrative organ that have the authority to take the measures prescribed in article 33-14, paragraph (1) or paragraph (2) (hereinafter referred to as the "prefectural administrative organ" in this section), the prefectural child welfare council or the municipality, or the commissioned child welfare volunteer.

- (2) A person who found a child who seems to suffer from abuse of a child for whom admission measures are taken, etc., if the child who seems to suffer from the relevant abuse of a child for whom admission measures are taken, etc., also falls under the category of a child who seems to suffer from child abuse and has given a report pursuant to the provisions of the preceding paragraph, is not required to give a report pursuant to the provisions of Article 6, paragraph (1) of Child Abuse Prevention and Treatment Act.
- (3) When a child for whom admission measures are taken, etc. suffers from abuse of a child for whom admission measures are taken, etc., the child for whom admission measures are taken, etc. may notify to that effect to the child guidance center, the prefectural administrative organ or the welfare office established by the prefecture.
- (4) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code and provisions in any other Act that provide for confidentiality obligations must not be construed to preclude a report under the paragraph (1) (excluding false reports and reports filed through negligence; the same applies in the following paragraph).
- (5) Institutional staff, etc. is not subject to any unfavorable treatment such as dismissal from the relevant institution on the ground of having made a report under paragraph (1).

Article 33-13 When a welfare office established by the prefecture, a child guidance center, a prefectural administrative organ, a prefectural child welfare council or a municipality receives a report pursuant to the provisions of paragraph (1) of the preceding Article or a notification pursuant to the provisions of paragraph (3) of the same Article, the director, employee or other staff of the welfare office established by the prefecture, the official of the prefectural administrative organ or the municipality, the member or the temporary member of the prefectural child welfare council who received the report or the notification, or the commissioned child welfare volunteer who mediated relevant notification, must not divulge any information that comes to their knowledge in the course of their duties and that may identify the person

who made the notification.

Article 33-14 (1) When a prefecture receives a report pursuant to the provisions of Article 33-12, paragraph (1), a notification pursuant to the provisions of paragraph (3) of the same Article or a notice pursuant to the provisions of paragraph (3) or paragraph (1) of the following Article, or when it is found necessary for the child who consulted with the prefecture, the prefecture is to promptly take measures to grasp the status of the child for whom admission measures are taken, etc. and to confirm the fact related to the relevant report, notification, notice or consultation.

(2) If the measures prescribed in the preceding paragraph are taken, a prefectural government, when it is found necessary, is to take appropriate measures to prevent abuse of a child for whom admission measures are taken, etc. for a child for whom admission measures are taken, etc. related to the relevant report, notification, notice or consultation and to protect the child for whom admission measures are taken, etc. and other children for whom admission measures are taken, etc. who live with the child for whom admission measures are taken, etc. by securing small scale foster home services, foster parents, infant home, facilities for children with disabilities, etc., psychological treatment facility for children, designated developmental support medical institutions, institutions for temporary protection of children prescribed in Article 12-4 or services provided by a person who takes temporary custody under the consignment set forth in Article 33, paragraph (1) or paragraph (2) or proper management of services or proper education.

(3) When a welfare office established by the prefecture, a child guidance center or a municipality receives a report pursuant to the provisions of Article 33-12, paragraph (1) or a notification pursuant to the provisions of paragraph (3) of the same Article or takes the measures based on the Child Abuse Prevention and Treatment Act, and when it is found necessary to take the measures set forth in paragraph (1), the director of the welfare office established by the prefecture, the director of child guidance center or the mayor of municipality must promptly notify the prefectural governor to that effect.

Article 33-15 (1) When a prefectural child welfare council receives a report pursuant to the provisions of Article 33-12, paragraph (1) or a notification pursuant to the provisions of paragraph (3) of the same Article, the prefectural child welfare council must promptly notify the prefectural governor to that effect.

(2) When a prefectural governor takes the measures prescribed in paragraph (1) or paragraph (2) of the preceding Article, the prefectural governor must promptly report to the prefectural child welfare council about the details of the

measures, the status of the child for whom admission measures are taken, etc. and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

- (3) When a prefectural child welfare council receives a report pursuant to the provisions of the preceding paragraph, the prefectural child welfare council may state opinions to the prefectural governor regarding the particulars related to the report.
- (4) A prefectural child welfare council may, when it is found necessary to carry out the affairs prescribed in the preceding paragraph, request institutional staff, etc. and other relevant persons to attend a meeting of the council for explanations and submit materials.

Article 33-16 A prefectural governor, every year, is to announce the status of abuse of a child for whom admission measures are taken, etc., the measures taken in the event of abuse of a child for whom admission measures are taken, etc. and other particulars specified by Order of the Ministry of Health, Labour and Welfare.

Article 33-17 The national government is to analyze the cases of abuse of a child for whom admission measures are taken, etc. and investigate and research the measures for prevention and early detection of abuse of a child for whom admission measures are taken, etc. and the particulars contributing to appropriate measures in the event of abuse of a child for whom admission measures are taken, etc.

Section 8 Report and Publication of Information That Contributes to the Use of Support for Information Disclosure

Article 33-18 (1) When a designated operator of outpatient support services for children with disabilities, a designated operator of consultation support services for children with disabilities, and an establisher of a designated admission institution, etc. for children with disabilities (hereinafter referred to as the "designated operator" in this Article) intends to start providing designated outpatient care support, designated consultation support for children with disabilities or designated admission support (hereinafter referred to as the "support for information disclosure" in this Article), or when otherwise specified by Order of the Ministry of Health, Labour and Welfare, the designated operator must report the information on support for information disclosure (refers to the information on the content of the support for information disclosure to be provided and the operational status of the business operator or the institution that provides the support for information

disclosure, which is specified by Order of the Ministry of Health, Labour and Welfare as appropriate to be published in order to ensure that a custodian of child with disabilities who uses or intends to use support for information disclosure has an opportunity to use the support for information disclosure properly and smoothly; the same applies in paragraph (8)) to the prefectural governor having jurisdiction over the location of the place of the office or the institution that provides the relevant "support for information disclosure", in accordance with the provisions of Order of the Ministry of Health, Labour and Welfare

- (2) A prefectural governor, after receiving the report pursuant to the provisions of the preceding paragraph, must give public notice of the content of the report in accordance with the provisions of Order of the Ministry of Health, Labour and Welfare.
- (3) A prefectural governor, when it is found necessary to make a public announcement pursuant to the provisions of the preceding paragraph, may investigate the content of the report for the designated operator who made the report, to the extent necessary to confirm the authenticity of the report under the provisions of paragraph (1).
- (4) If a designated operator does not make a report under the provisions of paragraph (1) or makes a false report, or does not accept an investigation under the provisions of the preceding paragraph or interferes with the investigation, a prefectural governor may order the designated operator to make the report or correct the content of the report, or accept the investigation, by a set deadline.
- (5) When a prefectural governor disposes of a designated operator of consultation support services for children with disabilities pursuant to the provisions of the preceding paragraph, the prefectural governor must notify the mayor of municipality who has made the designation to that effect without delay.
- (6) If a designated operator of outpatient support services for children with disabilities or an establisher of the designated admission institution for children with disabilities, etc. does not comply with the order under the provisions of paragraph (4), the prefectural governor may rescind the designation of the designated operator of outpatient support services for children with disabilities or the designated admission institution for children with disabilities, or suspend the effect of all or part of the designation for a period of time to be specified.
- (7) When it is found appropriate to rescind the designation of designated operator of consultation support services for children with disabilities, or suspend the effect of all or part of the designation for a period of time to be specified in the case where the designated operator of consultation support services for children with disabilities does not comply with the order under the provisions

of paragraph (4), the prefectural governor must provide notice of the effect indicating the reasons to the mayor of municipality who has made the designation.

- (8) A prefectural governor is to consider disclosing the information that is information on the quality of support for information disclosure and information on employees engaged in the support for information disclosure (excluding those that correspond to information on the support for information disclosure) and provided by the designated operator who wishes to receive those specified by Order of the Ministry of Health, Labour and Welfare, in order to ensure that a custodian of a child with disabilities who uses or intends to use the support for information disclosure has an opportunity to use the relevant support for information disclosure properly and smoothly.

Section 9 Welfare Plan for Children with Disabilities

Article 33-19 (1) The Minister of Health, Labour and Welfare is to develop a system for providing outpatient care support for children with disabilities, admission support for children with disabilities and consultation support for children with disabilities (hereinafter referred to as the "outpatient care support, etc. for children with disabilities" in this paragraph, the following paragraph, and Article 33-22, paragraph (1) and paragraph (2)) and establish basic guidelines for ensuring smooth implementation of the outpatient care support, etc. for children with disabilities (hereinafter referred to as the "basic guidelines" in this Article, paragraph (1) of the following Article and paragraph (1) of Article 33-22).

- (2) The basic guidelines are to specify the following particulars.
- (i) basic particulars concerning securing a system for providing outpatient support, etc. for children with disabilities;
 - (ii) particulars pertaining to the goals relevant to securing a system for providing outpatient support, etc. for children with disabilities.
 - (iii) particulars pertaining to the preparation of a municipal plan for the welfare of children with disabilities set forth in paragraph (1) of the following succeeding Article and the prefectural plan for welfare of children with disabilities set forth in Article 33-22, paragraph (1).
 - (iv) particulars necessary to ensure the unimpeded implementation of outpatient care support, etc. for children with disabilities.
- (3) Basic guidelines may be formulated in an integrated manner with the guidelines prescribed in Article 87, paragraph (1) of the Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities.
- (4) When formulating the basic guidelines or when intending to change them, the

Minister of Health, Labour and Welfare is to first implement measures necessary to ensure that they reflect the opinions of children with disabilities, their families, and other relevant parties.

- (5) The Minister of Health, Labour and Welfare is to change the basic guidelines without delay if deemed necessary after due consideration of the actual life situations of children with disabilities, etc., changes in the environment of children with disabilities, etc., and other circumstances.
- (6) The Minister of Health, Labour and Welfare must make a public notice without delay when the basic guidelines are established or changed.

Article 33-20 (1) The municipality is to formulate a plan for securing a system for providing outpatient support for children with disabilities and consultation support for children with disabilities and for smoothly implementing outpatient support for children with disabilities and consultation support for children with disabilities (hereinafter referred to as the "municipal plan for the welfare of children with disabilities"), in accordance with the basic guidelines.

(2) The following particulars are established in the municipal plan for welfare of children with disabilities.

(i) particulars regarding to the goals relevant to establishing the systems for providing outpatient support for children with disabilities and consultation support for children with disabilities.

(ii) expected amount required per year by the type of the designated outpatient support or the designated consultation support for children with disabilities.

(3) Beyond the particulars set forth in the preceding items, efforts are made to specify the following particulars in the municipal plan for the welfare of children with disabilities.

(i) policy for securing the estimated required quantities according to the type of the designated outpatient care support or the designated consultation support for children with disabilities, prescribed in item (ii) of the preceding paragraph.

(ii) particulars pertaining to coordination with medical institutions, educational institutions and other relevant organizations related to securing a system for providing the designated outpatient care support or the designated consultation support for children with disabilities prescribed in item (ii) of the preceding paragraph.

(4) The municipal plan for the welfare of children with disabilities must be prepared after due consideration of the number of children with disabilities, etc. and the state of their disabilities within the relevant municipality.

(5) The municipality is to endeavor to prepare a municipal plan for the welfare of children with disabilities after accurately confirming and duly considering the mental and physical state of the children with disabilities within the relevant

municipality, the environment of the children and other particulars.

- (6) The municipal plan for the welfare of children with disabilities may be established in an integrated manner with the municipal plan for the welfare of persons with disabilities prescribed in Article 88, paragraph (1) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities
- (7) The municipal plan for the welfare of children with disabilities must be harmonized with the municipal plan for persons with disabilities prescribed in Article 11, paragraph (3) of the Basic Act for Persons with Disabilities (Act No. 84 of 1970), the regional welfare plans prescribed in Article 107, paragraph (1) of the Social Welfare Act, and plans prescribed by other acts specifying particulars pertaining to the welfare of children with disabilities.
- (8) The municipal government is to endeavor first to take the measures necessary to reflect the opinions of residents when intending to establish or change the municipal plan for welfare of children with disabilities.
- (9) In the event of establishing a council pursuant to Article 89-3, paragraph (1) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the municipal government must endeavor to hear the opinions of the council before establishing a municipal plan for the welfare of children with disabilities, or making changes thereto.
- (10) A municipality with a council organization prescribed in Article 36, paragraph (4) of the Basic Act for Persons with Disabilities must first consult the council organization before establishing a municipal plan for the welfare of children with disabilities or making changes thereto.
- (11) The municipality must hear the opinions of the prefecture before establishing a municipal plan for the welfare of children with disabilities or making changes thereto.
- (12) After establishing or changing a municipal plan for the welfare of children with disabilities, the municipality must submit the plan to the prefectural governor without delay.

Article 33-21 The municipality is to periodically conduct investigations, analyses, and assessments of the particulars set forth in the items in paragraph (2) of the preceding article (including the particulars mentioned in each item in paragraph (3) of the same article in the event of specifying the particulars therein for the municipal plan for the welfare of children with disabilities), and when it is deemed necessary, make changes to the municipal plan for the welfare of children with disabilities or implement the necessary measures.

Article 33-22 (1) The prefectural government is to establish a plan ensuring a system providing outpatient care support, etc. for children with disabilities and

- the unimpeded implementation of other outpatient care support, etc. for children with disabilities (hereinafter referred to as the "prefectural plan for welfare of children with disabilities"), from a broad perspective encompassing multiple municipalities in order to contribute to the realization of a municipal plan for welfare of children with disabilities based on the basic guidelines.
- (2) The prefectural plan for welfare of children with disabilities is to specify the following particulars.
- (i) particulars pertaining to the goal of ensuring the establishment of a system providing outpatient support, etc. for children with disabilities.
 - (ii) expected amount required for each type of the designated outpatient support or the designated consultation support for children with disabilities per year and per type of service in the areas specified by the relevant prefecture.
 - (iii) the total number of residents required for a designated admission institution, etc. for children with disabilities.
- (3) Beyond the particulars set forth in the preceding items, efforts are to be made to specify the following particulars in the prefectural plan for the welfare of children with disabilities.
- (i) policy for securing the required quantities estimated by type and area of the designated outpatient support prescribed in item (ii) of the preceding paragraph.
 - (ii) particulars pertaining to the implementation of measures improve the quality of the designated outpatient care support or the designated consultation support for children with disabilities by area prescribed in item (ii) of the preceding paragraph
 - (iii) particulars pertaining to implementation of measures to improve the quality of designated admission support for children with disabilities for a designated admission institution, etc. for children with disabilities.
 - (iv) particulars pertaining to coordination with medical institutions, educational institutions and other relevant bodies related to securing a system for providing the designated outpatient support per area in item (ii) of the preceding paragraph.
- (4) The prefectural plan for the welfare of children with disabilities may be established in an integrated manner with the prefectural plan for the welfare of persons with disabilities prescribed in Article 89, paragraph (1) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities
- (5) The prefectural plan for the welfare of children with disabilities must be harmonized with the prefectural plan for persons with disabilities prescribed in Article 11, paragraph (2) of the Basic Act for Persons with Disabilities, the prefectural plan for community welfare support prescribed in Article 108,

- paragraph (1) of the Social Welfare Act, and plans prescribed by other acts specifying particulars pertaining to the welfare of children with disabilities.
- (6) In the event of establishing a council prescribed in Article 89-3, paragraph (1) of the Act on the Comprehensive Support for the Daily and Social Life of Persons with Disabilities, the prefectures must first hear the opinions of the council before establishing a prefectural plan for the welfare of children with disabilities or making any changes thereto.
- (7) The prefectures must first hear the opinions of the council organizations prescribed in Article 36, paragraph (1) of the Basic Act for Persons with Disabilities before establishing a prefectural plan for the welfare of children with disabilities or making any changes thereto.
- (8) The prefectures must notify the Minister of Health, Labour and Welfare without delay in the event of establishing a prefectural plan for the welfare of children with disabilities or making any changes thereto.

Article 33-23 The prefectures are to periodically conduct investigations, analyses, and assessments of the particulars set forth in the items of paragraph (2) of the preceding article (including particulars set forth in each item in paragraph (3) of the same article when specifying the particulars therein for the prefectural plan for welfare of children with disabilities), and when it is deemed necessary, make changes to the prefectural plan for welfare of children with disabilities or implement other necessary measures.

Article 33-24 (1) Prefectural governor may provide municipalities with necessary advice for technical particulars on drafting a municipal plan for the welfare of children with disabilities.

2. The Minister of Health, Labour and Welfare may provide prefectures with necessary advice for drafting method of prefectural plan for the welfare of children with disabilities and other important technical particulars on drafting the prefectural plan for the welfare of children with disabilities.

Article 33-25 If municipalities or prefectures intend to implement a project specified by a municipal plan for the welfare of children with disabilities or a prefectural plan for the welfare of disabled children, the national government is to provide advice and other forms of assistance necessary for the smooth implementation of the relevant project.

Section 10 Miscellaneous Provisions

Article 34 (1) No person must commit an act listed in any of the following items:
(i) placing a child with physical disabilities or morphological abnormalities for

- public viewing;
 - (ii) having a child to act as a beggar, or beg by exploiting a child;
 - (iii) having a child under 15 years of age to perform acrobatics or stunt horse riding for the purpose of public entertainment;
 - (iv) having a child under 15 years of age to engage in such money earning acts as singing, dancing, tricks and other performances from house to house or on the road, or in other equivalent places;
 - (iv)-2 having a child to engage in such money earning acts as sale, distribution, exhibition or collection of goods or provision of services, from 10:00 p.m. to 3:00 a.m., from house to house or on the road, or in other equivalent places;
 - (iv)-3 having a child under 15 years of age who engages in such money earning activities as sale, distribution, exhibition or collection of goods or provision of services from house to house or on the road, or in other equivalent places to enter any place where any business falling under those listed below is operated, in order for the child to conduct their work there; the applicable businesses in this regard are businesses for entertaining and catering, etc. set forth in Article 2, paragraph (4) of the Act on Control and Improvement of Amusement Businesses, etc. (Act No. 122 of 1948), store-based sex-related amusement special business set forth in paragraph (6) of the same Article, and store-based telephonic dating agency business set forth in paragraph (9) of the same Article is operated;
 - (v) having a child under 15 years of age to engage in such money earning acts as entertaining at an alcoholic party;
 - (vi) having a child to commit an obscene act;
 - (vii) handing over a child knowingly to a person who is likely to commit any of the acts listed in the preceding items or a person who is likely to commit any other act violating laws and regulations concerning criminal punishment toward a child, or deliver a child to other person with the knowledge of a risk of further delivery of the child to a person who is likely to commit any of the acts as listed above;
 - (viii) making arrangements to take care of a child for the purpose of profit, if it is arranged by a person other than legitimate employment agencies for adults and children; or
 - (ix) keep a child under one's control, with the intent of having the child to commit an act making an impact that is mentally and physically harmful to the child.
- (2) A foster home, a facility for children with disabilities, the developmental support centers for children or a children's self-reliance support facility must not exploit children admitted there against the purposes provided respectively in through Articles 41 through 43 and Article 44.

Article 34-2 Beyond what is provided for in this Act, necessary particulars concerning guarantee of welfare is prescribed by a Cabinet Order.

Chapter III Services, Foster Parents for Child Welfare and Adoptive Foster Parents for Child Welfare and Facilities

Article 34-3 (1) The prefectural government is to conduct outpatient support services for children with disabilities or consultation support services for children with disabilities (hereinafter referred to as "outpatient support services for children with disabilities".)

(2) A person other than the national and prefectural governments may engage in children's self-reliant living assistance services by notifying the prefectural governor, in advance, of the particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(3) When any of the particulars in the notification pursuant to the provisions of the preceding paragraph is changed, a person other than the national and prefectural governments must notify the prefectural governor to that effect within 1 month from the date of the change.

(4) When a person other than the national and prefectural governments intends to abolish or suspend the outpatient support services for children with disabilities, the person must, in advance, notify the prefectural governor of the particulars specified by an Order of the Ministry of Health, Labour and Welfare.

Article 34-4 (1) A person other than the national and prefectural governments may engage in children's self-reliant living assistance services or small scale foster home services by notifying the prefectural governor, in advance, of the particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) When any of the particulars in the notification pursuant to the provisions of the preceding paragraph is changed, a person other than the national and prefectural governments must notify the prefectural governor to that effect within 1 month from the date of the change.

(3) When a person other than a national government or a prefecture intends to abolish or suspend a child welfare institution or small scale foster home services, the person must notify the prefectural governor of the particulars specified by an Order of the Ministry of Health, Labour and Welfare in advance.

Article 34-5 (1) When a prefectural governor finds it necessary for the welfare of

children, the prefectural governor may request a person engaged in the day care support for children with disabilities, children's self-reliant living assistance services to make reporting, or make relevant prefecture's official ask relevant persons questions or enter any office or facility of the relevant person and inspect equipment, books and documents and other objects.

(2) The provisions of Article 18-16, paragraphs (2) and (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

Article 34-6 When a person engaged in children's self-reliant living assistance services or small scale foster home services, such as outpatient support operator, etc. for children with disabilities violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto or pursues profit unjustly with regard to such services or commits an unjust act with regard to the treatment of any child pertaining to such services, the prefectural governor may order the person to restrict or suspend relevant services.

Article 34-7 When a person engaged in consultation support services for persons with disabilities, etc., small scale foster home services, or children's self-reliant living assistance services is requested to accept entrustment pursuant to the provision of Article 26, paragraph (1), item (ii) or paragraph (1), item (ii) or Article 27, paragraph (7), the person must not refuse it without justifiable grounds.

Article 34-8 (1) A municipality may provide after-school child sound upbringing services.

(2) A person other than the national, prefectural and municipal government may provide after-school child sound upbringing services.

(3) A person other than the national, prefectural and municipal government must notify the prefectural governor of any changes to the particulars specified by Order of the Ministry of Health, Labour and Welfare, within one month from the day when the change was effected.

(4) A person other than the national, prefectural and municipal government, when intending to abolish or suspend a child welfare institution, must notify the prefectural governor of the particulars specified by an Order of the Ministry of Health, Labour and Welfare not less than one month prior to the date of such abolition or suspension.

Article 34-8-2 (1) A municipality must specify the standards by Ordinance on facilities and operation of child welfare institution and on child care by foster parents. In this case, those standards are ones that can ensure a living standard necessary for physical, mental, and social development of children.

- (2) A municipality, upon specifying the Ordinance of the preceding paragraph, take into consideration the standard specified by Order of Ministry of Health, Labor and Welfare.
- (3) A person who provides after-school child sound upbringing services must comply with the standard of the paragraph (1).

Article 34-8-3 (1) A prefectural governor, in order to maintain the minimum standards set forth in the preceding Article, may request the establisher of child welfare institutions, the head of child welfare institution and a foster parent to submit necessary reports to the person who provides after-school child sound upbringing services and make relevant official ask relevant persons questions or enter any of their facilities where the services are provided and inspect equipment, books and documents and other objects.

- (2) The provisions of Article 18-16, paragraph (ii) and (iii) apply mutatis mutandis to a case under the preceding paragraph.
- (3) A mayor or a head of municipality, when it comes to be found that after-school child sound upbringing services do not satisfy the standard of paragraph (1) of the preceding Article, may order the person who provides the relevant services to take measures necessary to satisfy the relevant standard.
- (4) A mayor or a head of municipality, when a person who provides after-school child sound upbringing services violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto or pursues profit unjustly with regard to such services or commits an unjust act with regard to the treatment of any child pertaining to such services, the mayor or head of municipality may order the person to restrict or suspend relevant services.

Article 34-9 A municipality may provide short-term child care support services pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Article 34-10 A municipality may provide house-call services for all households with infants or house-call services to support child, pursuant to the provisions of the Social Welfare Act.

- Article 34-11 (1) A municipality, a social welfare corporation or other person may provide local childrearing support center services pursuant to the provisions of the Social Welfare Act.
- (2) A person engaged in local childrearing support center services, when performing their duties, must not divulge any secret concerning personal circumstances.

Article 34-12 (1) A municipality, a social welfare corporation or other person may provide temporary custody services, by notifying the particulars specified by Order of the Ministry of Health, Labour and Welfare pursuant to the provisions Order of the Ministry of Health, Labour and Welfare to a prefectural governor in advance.

(2) A municipality, a social welfare corporation or other person must notify a prefectural governor of any changes to the particulars occurred which had been notified pursuant to the provisions of the preceding paragraph, within one month from the day when the change was effected.

(3) A municipality, a social welfare corporation or other person must when intending to abolish or suspend temporary custody services, notify a prefectural governor of the particulars prescribed in Order of the Ministry of Health, Labour and Welfare to prefectural governors in advance.

Article 34-13 A person who provides temporary custody services must comply with standards prescribed by an Order of the Ministry of Health, Labour, and Welfare as necessary for implementation of the relevant services.

Article 34-14 (1) A prefectural governor, in order to maintain the standard of the preceding Article, may request the person engaged in temporary custody services to report the particulars found to be necessary, or to make relevant prefecture's official ask relevant persons questions or enter any office or facility of relevant person and inspect equipment, books and documents and other objects

(2) The provisions of Article 18-16, paragraphs (ii) and (iii) apply mutatis mutandis to a case under the preceding paragraph.

(3) If the prefectural governor, when it comes to be found that temporary custody services do not satisfy the standard of paragraph (1) of the preceding Article, may order the person who provide the relevant services to take measures necessary to satisfy the relevant standard.

(4) When a person engaged in temporary custody services violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto, or pursues unjustly profit with regard to such services or commits an unjust act with regard to the treatment of any infant or toddler pertaining to such services, the prefectural governor may order the person to restrict or suspend the relevant services.

Article 34-15 (1) The municipality may provide home daycare services, etc.

(2) A person other than the national, prefectural and municipal government may provide home daycare services, etc. by obtaining from the mayor or head of municipality, pursuant to the provisions of Order of the Ministry of Health,

Labour,

(3) When a prefectural governor has received an application for permission of the preceding paragraph concerning temporary custody services, the prefectural governor must examine such application by the standard listed as follows (limited to the standard listed in item (iv), in the case where the applicant of the relevant permission is a social welfare corporation or an incorporated educational institution) other than to examine whether the application conforms to the standards specified by the Ordinance of paragraph (1) of the following Article.

- (i) the applicant has the financial basis necessary to provide the relevant home daycare services, etc.
- (ii) the person who provides the relevant home daycare services, etc. (in the case where the person is a corporation, an executive officer (referring to an employee, board director, corporate executive officer or any other person equivalent thereto) is to have the trust of the public.
- (iii) the senior officials in charge of the practice have knowledge or experience concerning social welfare services.
- (iv) none of the following are applicable:
 - (a) if the applicant is a person punished with imprisonment without work or a heavier punishment and the execution of relevant penalty has yet been completed or has not yet expired.
 - (b) if the applicant has been punished by a fine pursuant to the provisions of this Act, or other Acts concerning national welfare provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (c) if the applicant has been punished by a fine pursuant to the provisions of Acts concerning labor provided by Cabinet Order and the execution of the penalty for the applicant has not yet been completed or has not yet expired;
 - (d) The applicant for whom certification has been rescinded pursuant to the provisions of Article 58, paragraph (2), and five years have not elapsed from the date of the relevant rescission (if a person for whom the relevant certification is rescinded is a corporation, within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to relevant rescission, or an employee who executes services for a corporation, board director, executive officer and other person who is deemed as having equal or greater control; the same applies to (e)) or a person who manages the services or employee specified by Cabinet Order (referring to as "officers, etc. in this item and Article 35, paragraph (5), item (iv)) or (the applicant for whom certification has been rescinded is not a corporation, including a person for whom five years have not elapsed from the date of relevant rescission and who used to

be a manager of a person who practice the relevant services within sixty days before the date of notification); provided however, that excluding the case where it is reasonable to acknowledge that rescission of designation in the text of item (d) is not applicable, by taking into the fact of the disposition of rescission of the relevant designation and development of the approach to arrangement of operation control system by the person who provides home care services, etc. to prevent occurrence of the relevant fact and the extent of responsibility of the relevant person who provides home care services, etc.

- (e) if a person who has close relationship with the applicant (limited to a corporation; the same applies in (e)), specified by Order of the Ministry of Health, Labour, and Welfare, as substantially controlling the services of the relevant applicant by ownerships of shares or other reasons or having a major impact on the relevant applicant and whose number of officers exceed 50% (hereinafter referred to a "parent company of applicant" in (e)) or a corporation having close relationship with the relevant applicant specified in by Order of the Minister of Health, Labour, and Welfare, among the persons specified by Order of the Minister of Health, Labour and Welfare as a person for whom the identical person with an official of parent company of the applicant whose number of officers exceed 50% or as substantially controlling the services of the relevant applicant by ownerships of shares or other reasons or having a major impact on the relevant applicant or the person who have relationship with the person whom the identical person with an official of the relevant parent company of the applicant whose number of officers exceed 50% or as substantially controlling the services of the relevant applicant by ownerships of shares or other reasons or having a major impact on the relevant applicant; the same applies to Article 35, paragraph (5), item (iv)) has been rescinded designation pursuant to the provisions of pursuant to the provisions of Article 58, paragraph (2) and five years have not elapsed from the date of the relevant rescission; provided, however excluding the case where it is reasonable to acknowledge that rescission of designation in the rescission of certification of home care services, in (e) of the text of this item is not applicable by taking into the fact of the disposition of rescission of the relevant designation and development of the approach to arrangement of operation control system by the person who provides home care services, etc. to prevent occurrence of the relevant fact and the extent of responsibility of the relevant person who provides home care services, etc.
- (f) When the applicant is a person who declines the designation pursuant to the provisions of Article 58, paragraph (2) during the period commencing on the date of the notice pursuant to the provisions of Article 15 of the

- Administrative Procedure Act pertaining to the rescission of designation and ending on the date on which relevant disposition is implemented or decided to be discontinued (excluding a person having a reasonable ground for relevant abolishment) and for whom five years have not elapsed since the date of certification of abolishment of the relevant services;
- (g) if the applicant is a person who has submitted abolishment of the services pursuant to the provisions of Article 58, paragraph (2) during the period from the date the inspection pursuant to the provisions of Article 34-17, paragraph (1) is conducted (referring to the specified date in the case of notifying the relevant specified date within ten days from the date the prefectural governor conducted the relevant inspection to the relevant applicant pursuant to the provisions of Order of the Minister of Health, Labour, and Welfare to be determined as expected date whether hearing should be carried out or not pertaining to the disposition for rescission of certification pursuant to the provisions of Article 58, paragraph (2) based on the results of the relevant inspection) (excluding a person who has an appropriate reason for the relevant abolishment) and for whom five years have not elapsed since the date of certification of abolishment of the relevant services;
 - (h) in the case of application for abolishment of certification of the services pursuant to the provisions of paragraph (7) within the period specified in (f), if the applicant is a person who used to be an officer, etc. a corporation pertaining to the relevant application within sixty years prior to the notice of (f) (excluding the corporation with reasonable ground concerning abolishment of the relevant services) or a manager of the person who provide the services as not a corporation pertaining to the relevant application (excluding the corporation with reasonable ground concerning abolishment of the relevant services) and for whom five years have not elapsed since the date of certification of abolishment of the relevant services.
 - (i) if the applicant performed a wrongful or significantly unjustifiable act pertaining to child care within five years prior to the application of certification of the preceding paragraph.
 - (j) if an applicant is a corporation and any of the officials, etc. falls under any of (a) through (d) or (f) through (i); and
 - (k) When an applicant is not a corporation and whose manager falls under any of (a) through (d) or (f) through (i).
- (4) A mayor or head of municipality, in the case of granting certification of paragraph (2), if the municipal child welfare council is established, must hear the opinions from such council, or in other cases, hear opinions from the custodians of children and other relevant parties pertaining to child welfare.

- (5) Based on the examination pursuant to the paragraph (3), when the a mayor of municipality deems as applicable, as the applicant meets the standard specified by Ordinance of paragraph (1) of the following Article and the operator that practice the services meets the standard listed in the items of paragraph (3) (limited to the standards when the operator is a social welfare corporation or incorporated educational institution, limited to the standard listed in the item (iv) of the same paragraph), the mayor may provide the certification of paragraph (2); provided, however, that the mayor of municipality may decide not to grant an certification of paragraph (4), in cases where the total capacity of use (limited to the one pertaining to the category of children up to elementary school entrance listed in Article 19, paragraph (1), items (ii) and (iii) of the same Act) of specified community-based child care facilities (referring to specified community-based child care facilities specified in Article 29, paragraph (3), item (i) and excluding the part pertaining to children up to elementary school entrance which the worker, etc. specified by Article 43, paragraph (3), item (i) of the same Act has custody in employee-provided childcare services; the same applies in this paragraph.) in area providing education/child care including the location of the nursing center (referring to as the area specified by the relevant prefecture pursuant to the provisions of Article 62, paragraph (2), item (i) of Act on Child and Childcare Support; the same applies in this paragraph) pertaining the relevant application has already reached the total necessary capacity of users pertaining to specified childcare facilities of the relevant area for providing childcare specified in prefectural childcare support project of the relevant prefecture pursuant to the provisions of Article 62, paragraph (1) of the same Act or it is determined that such capacity will be exceeded by establishment of the nursing center pertaining to the relevant application, or it is determined that such application falls under the case specified by Order of Health, Labor and Welfare, where it is likely to be the cause problems with the accomplishment of the relevant prefectural childcare support project.
- (6) If the mayor of municipality does not grant the certification pertaining to the application of paragraph (2) concerning home daycare services, etc., the mayor must notify the applicant to that effect and of the reason.
- (7) A person other than the national, prefectural and municipal government must, when intending to abolish or suspend home daycare services, etc., obtain approval of the mayor or head of municipality pursuant to the provisions of Order of Health, Labor and Welfare.

Article 34-16 (1) The municipality must determine the standard concerning equipment and operation of home daycare services, etc. In this case, such standard must ensure the level of child care necessary for physical, mental and

social development of children.

- (2) The municipality is to specify the Ordinance of the preceding paragraph, in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed as follows and is to take into consideration the standard specified by Order of the Ministry of Health, Labour and Welfare for other particulars.
 - (i) person engaged in home daycare services and their number
 - (ii) the particulars concerning operation of home daycare services, etc., which are closely related to sound development of children, prescribed by Order of Ministry of Health, Labour and Welfare.
- (3) A person who provide home daycare services, etc. must comply with the standard of the paragraph (1).

Article 34-17 (1) In order to maintain the standards set forth in paragraph (1) of the preceding Article, the mayor of municipality may request to report the particulars determined as necessary, or make relevant official ask relevant persons questions or enter any of their facilities where home daycare services, etc. are provided, and inspect equipment, books and documents and other objects.

- (2) The provisions of Article 18-16, paragraphs (ii) and (iii) apply mutatis mutandis to the case under the preceding paragraph.
- (3) When any facilities or operation of a child welfare institution fails to attain the minimum standards set forth in the preceding Article, the mayor of municipality may recommend its establisher to make necessary improvements. When the establisher of the institution fails to follow this recommendation and the mayor of municipality finds such failure to be harmful to child welfare, the mayor of municipality may order the establisher to make necessary improvements.
- (4) The mayor of municipality, if home daycare services, etc. do not conform to the standard of paragraph (1) of the preceding Article, and are found to be extremely harmful for child welfare, may order the person who provides such services to restrict or suspend relevant services.

Article 34-18 (1) A person other than the national and prefectural government may engage in day care services for sick children by notifying the prefectural governor, in advance, of the particulars specified by an Order of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

- (2) A person other than the national, prefectural and municipal government must notify the prefectural governor of any changes to the particulars specified by Order of the Ministry of Health, Labour and Welfare, within one month from

the day when the change was effected.

- (3) When a person other than the national and prefectural governments intends to abolish or suspend day care services for sick children, the person, in advance, must notify the prefectural governor of the particulars specified by an Order of the Ministry of Health, Labour and Welfare.

Article 34-18-2 (1) A prefectural governor, if it is found to be necessary for the welfare of children, is to request a person engaged in day care services for sick children to report the particulars determined as necessary, or make the relevant official ask relevant persons question or enter any office or facility of relevant person and inspect equipment, books and documents and other objects.

(2) The provisions of Article 18-16, paragraphs (ii) and (iii) apply mutatis mutandis to a case under the preceding paragraph.

- (3) When a person engaged in day care services for sick children violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto or pursues unjustly profit with regard to such services or commits an unjust act with regard to the treatment of any child pertaining to such services, the prefectural governor may order the person to restrict or suspend relevant services.

Article 34-18-3 (1) A person other than the national and prefectural governments may provide family support center services pursuant to the provisions of the Social Welfare Act.

- (2) Upon performing their duties, a person engaged in family support center services must not divulge any secrets concerning personal circumstances.

Article 34-19 The prefectural governor must create the registry of foster parents for child welfare and the registry of adoptive foster parents for child pursuant to the provisions of Order of Ministry of Health, Labour and Welfare, to entrust children pursuant to the provisions of Article 27, paragraph (1), item (iii).

Article 34-20 (1) When the person or a person living together falls under any of the following items, the person may not become a foster parent or an adoptive foster parent for child welfare.

- (i) a person who has been sentenced to imprisonment without work or a heavier punishment and the execution of the sentence for the applicant has not yet been completed or the sentence has not yet been ceased to be applicable;
- (ii) a person who has been sentenced to imprisonment without work or a heavier punishment and the execution of the sentence for the applicant has not yet been completed or the sentence has not yet been ceased to be applicable pursuant to the provisions of this Act, Act on Regulation and

Punishment of Acts Relating to Child Prostitution and Child Pornography, and the Protection of Children (Act No. 52 of 1999);

(iii) a person who has committed child abuse or abuse of children for whom admission measures are taken and other persons who had engaged in any extremely inappropriate conduct the welfare of the child;

(2) When the prefectural governor, when a foster parent or an adoptive foster parent for child welfare or a person living together falls under any of the following items, the prefectural governor must promptly delete the relevant foster parent or an adoptive foster parent for child welfare the registry of foster parents for child welfare and the registry of adoptive foster parents registry.

Article 34-21 Beyond what is specified by this Act, the necessary particulars concerning the procedures for the registry of foster parents for child welfare and the registry of adoptive foster parents for child and other particulars concerning foster parents and adoptive foster parents registry is specified by Ministry of Health, Labour and Welfare.

Article 35 (1) The national government is to establish a child welfare institution (excluding midwifery homes, maternal and child living support facilities, nursery centers and child center in coordination between kindergarten and nursery center) pursuant to the provisions of a Cabinet Order.

(2) A prefectural government must establish a child welfare institution pursuant to the provisions of a Cabinet Order, a child welfare center (excluding children child center in coordination between kindergarten and nursery center; the same applies in Article 45, Article 46, Article 49, Article 50, item (ix), Article, item (vii), Article 56-2, Article 57, and Article 58).

(3) A municipal government, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, establish a child welfare institution by notifying the prefectural governor, in advance, of the particulars specified by an Order of the Ministry of Health, Labour and Welfare.

(4) A person other than the national, prefectural and municipal governments may establish a child welfare institution, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, with the prefectural governor's approval.

(5) When a prefectural governor has received an application for certification of the preceding paragraph concerning nursery center, the prefectural governor must examine whether the application conforms to the standards specified by the Prefectural Ordinance of Article 45, paragraph (1) (limited to the one pertaining to nursing centers; the same applies to paragraph (8)), and examine the application based on the following standard (limited to the standard listed in item (iv), in the case where the applicant of the relevant permission is a

social welfare corporation or an incorporated educational institution).

- (i) the applicant has the financial basis necessary to manage the relevant nursing center.
- (ii) the senior officials in charge of the practice have knowledge or experience concerning social welfare services. The person who manages the relevant nursing center (in the case where the person is a corporation, an executive officer) is to have the trust of the public.
- (iii) the senior officials in charge of the practice have knowledge or experience concerning social welfare services.
- (iv) the person does not fall under any of the following items:
 - (a) The applicant is a person punished by imprisonment without work or a heavier punishment and the execution of the relevant penalty has yet to been completed has not yet expired.
 - (b) The applicant is a person fined pursuant to this Act or other Acts concerning national welfare or school education provided in the Cabinet Order, completed the payment thereof or is no longer executed.
 - (c) The applicant is a person sentenced to a fine pursuant to the provisions of acts relating to labor provided by Cabinet Order, completed the payment thereof or is no longer executed.
 - (d) The applicant whose certification has been rescinded pursuant to the provisions of Article 58, paragraph (2), and for whom five years have not elapsed from the date of the relevant rescission (if the person whose certification has been rescinded is a corporation, including the person who used be the official, etc. of the relevant corporation within sixty days prior to the date of notification pursuant to the provisions of Article 15 of the Administrative Procedures Act pertaining to relevant rescission, and five years have not elapsed from the date of relevant rescission, and if a person for whom relevant certification is rescinded is not a corporation, including a person who used to be a manager of the relevant nursing center within sixty days prior to the date of relevant notification and five years have not elapsed from the date of relevant rescission); provided however, excluding the case where it is reasonable to acknowledge that rescission of the relevant certification in the text of sub-item (d) is not applicable, by taking into the fact of the disposition of rescission of the relevant certification and development of the approach to arrangement of operation control system by the establisher of the relevant nursing center to prevent occurrence of the relevant fact and the extent of responsibility of the establisher of the relevant nursing center related to other situations concerning the facts.
 - (e) When A person who has a close relationship with the applicant for whom certification has been rescinded pursuant to the provisions of Article 58, paragraph (1) and five years have not elapsed from the date of relevant

rescission; provided, however, that excluding the case where it is reasonable to acknowledge that rescission of designation in the text of sub-item (e) is not applicable, by taking into the fact of the disposition of rescission of the relevant designation and development of the approach to operation control system and the extent of responsibility of the establisher of the relevant nursing center related to other situations concerning the facts.

- (f) if a person who has close relationship with the applicant for whom certification has been rescinded pursuant to the provisions of Article paragraph (1) from the date of the notice pursuant to the provisions of Article 15 of the Administrative Procedure Act pertaining to deposition for rescission to the date of decision to execute deposition or not to do so, five years have not elapsed from the date of relevant abolition of the relevant nursery center (excluding the person having reasonable reason for the relevant abolition)
 - (g) if the applicant is a person who has abolished the nursing center pursuant to the provisions of Article 12, during the period from the date when the inspection pursuant to Article 46, paragraph (1) was performed to the decision due date for hearing (referring to the date in the case of notifying the specified date when the decision on where hearing pertaining the deposition of rescission of certification is executed or not pursuant to the provisions of Article 58, paragraph (1) based on the inspection), for whom five years have not yet elapsed from approval of abolition of the relevant nursing center.
 - (h) if abolition of the nursing center is approved during the period specified in sub-item (f), and the applicant was an officer, etc. of a corporation pertaining to the relevant application (excluding a corporation having a reasonable reason for abolition of the relevant nursing center.) or a manager of non-corporation pertaining to the relevant application (excluding the one having a reasonable reason for abolition of the relevant nursing center), for whom five years have not yet elapsed from approval of abolition of the relevant nursing center.
 - (i) if the applicant performed a wrongful or significantly unjustifiable act pertaining medical support for specified chronic pediatric diseases, within five years prior to the application of the preceding paragraph.
 - (j) if the applicant is a corporation and whose officer, etc. falls under any of (a) through (d) or (f) through (i); and
 - (k) if the applicant is not a corporation and whose manager falls under any of (a) through (d) or (f) through (i).
- (6) A prefectural governor, when intending to provide certification for establishment of a nursing center pursuant to the provisions of paragraph (4),

- must hear opinions from a prefectural child welfare council in advance.
- (7) A prefectural governor must, when intending to provide certification for establishment of a nursing center pursuant to the provisions of paragraph (4), in order to make a designation under the preceding paragraph, the prefectural governor must consult with the mayor of municipality where the nursing center pertaining to the application of the relevant certification is located in advance.
- (8) A prefectural governor is to provide a certification, as a result of the examination based on the paragraph (5), when it deems as applicable that the application satisfies the standards specified by Prefectural Ordinance of Article 45, paragraph (1) and that the establisher falls under the standards listed in the items of paragraph (5) (limited to the standards when the operator is a social welfare corporation or incorporated educational institution, limited to the standards listed in the item (iv) of the same paragraph), the prefectural governor is to provide the certification of paragraph (4); provided, however, that the prefectural governor may decide not to grant a certification of paragraph (4), if the total capacity of use (limited to the one pertaining to the category of children up to elementary school entrance listed in Article 19, paragraph (1), items (ii) and (iii) of the same Act) of specified community-based child care facilities (referring to specified community-based child care facilities specified in Article 29, paragraph (3), item (i) and excluding the part pertaining to children up to elementary school entrance which the worker, etc. specified by Article 43, paragraph (3), item (i) of the same Act has custody in employee-provided childcare services; the same applies in this paragraph) in an area providing child care including the location of the nursing center (referring to as the area specified by the relevant prefecture pursuant to the provisions of Article 62, paragraph (2), item (i) of Act on Child and Childcare Support; the same applies in this paragraph) pertaining the relevant application has already reached the total necessary capacity of users pertaining to the specified childcare facilities of the relevant area for providing child care specified in prefectural childcare support project of the relevant prefecture pursuant to the provisions of Article 62, paragraph (1) of the same Act or it is determined that such capacity will be exceeded by establishment of the nursing center pertaining to the relevant application, or it is determined that such application falls under the case specified by Order of Health, Labor and Welfare, where it is likely to hinder the plan of the relevant prefectural childcare support project.
- (9) If the prefectural governor does not provide certification pertaining to the application of paragraph (4) concerning nursing center, the prefectural governor must notify relevant applicant to that effect and of the reason.
- (10) The child welfare institution may have a personal training facility as its

auxiliary facility.

- (11) When a municipality intends to abolish or suspend a child welfare institution, the municipality must notify the prefectural governor of the particulars specified by an Order of the Ministry of Health, Labour and Welfare not less than one month prior to the date of such abolition or suspension (if the relevant child welfare institution is a nursing center, three months prior).
- (12) When a person other than the national and prefectural governments intends to abolish or suspend the child welfare institution, the person must obtain the prefectural governor's approval pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare

Article 36 A midwifery home is a facility intended for admitting expectant and nursing mothers who are unable to receive in-hospital midwifery care due to economic reasons, regardless of the necessity in terms of healthcare, and providing midwifery care to them.

Article 37 An infant home is a facility intended for admitting and fostering infants (including toddlers in the case where it is particularly necessary for ensuring a steady living environment or due to other reasons in terms of healthcare), as well as providing consultation and other assistance to those who have left there.

Article 38 A maternal and child living support facility is a facility intended for admitting and protecting females without a spouse or females in equivalent circumstances and the children whose custody must be taken by those females and supporting their life to encourage their self-reliance, as well as intended for providing consultation and other assistance to those who have left there.

Article 39 (1) A nursery center is a facility intended for providing daycare to infants or toddlers requiring daycare based by having them commute from their custodians on a daily basis (limited to the one whose capacity of users is 20 persons or more and excluding center in coordination between kindergarten and nursery center.)

(2) Notwithstanding the provisions of the preceding paragraph, a nursery center may, when it is particularly needed, provide daycare to other children lacking daycare by having them commute from their custodians on a daily basis.

Article 39-2 (1) Child center in coordination between kindergarten and nursery center is an institution which aims at promoting infants' and toddlers' mental and physical development by integratedly practicing daycare for infants and

toddlers who require education for the toddlers of three years or older (which refers as to education performed in schools specified by the Act which is specified in Article 6, paragraph (1) of Basic Education Act (Act. No. 120 of 2006) and daycare and providing appropriate environments in order to promote their sound upbringing, as the basis of compulsory education and subsequent education.

(2) Child center in coordination between kindergarten and nursery center is specified in the Act on Certified Children Centers, beyond the provisions of this Act.

Article 40 A children's recreational facility is a facility, such as a child play space and a child center, intended for providing children with sound opportunities for play in order to promote their health or enrich their sentiments.

Article 41 A foster home is a facility intended for admitting, and providing foster care with, children without a custodian (excluding infants; provided, however, that infants are also included in the case where it is particularly necessary for ensuring a steady living environment or due to other reasons; the same applies hereinafter in this Article), abused children, and other children in need of foster care in terms of their environment, as well as those intended for providing consultation and other assistance for self-reliance to those who have left.

Article 42 A facility for children with disabilities is to aim at providing support specified in the relevant items by having children with disabilities admit into such facility according to categories listed in the following item.

(i) welfare services facility for children with disabilities: aid, guidance for daily life and provision of knowledge and skills required for independence and self-supporting.

(ii) medical services facility for children with disabilities: aid, guidance for daily life and provision of knowledge and skills required for independence and self-supporting.

Article 43 A developmental support center for children is to aim at providing support specified in the relevant items by having children with disabilities commute from their custodian on a daily basis.

(i) welfare services child developmental support center: instructions on basic actions in daily life, provision of knowledge and skills required for independence and self-supporting or adaptive trainings to group living; and

(ii) medical services child developmental support center: instruction on basic

actions in daily life, provision of knowledge and skills required for independence and self-supporting or adaptive trainings to group living, and medical treatment.

Article 43-2 A psychological treatment facility for children is a facility intended for admitting children who have difficulties in adaptation to social life, due to their family environment, friendship in schools or other environmental reasons, stay there for a short time, or have those children commute there from their custodians, mainly providing necessary treatment concerning psychology guidance and life guidance to those children for adaptation to society and supporting their self-reliance, as well having the intention of providing consultation and other assistance to those who have left there.

Article 44 A children's self-reliance support facility is a facility intended for admitting children who have committed, or are likely to commit, delinquencies and other children in need of life guidance, etc. due to their family environment or other environmental reasons or having those children commute there from their custodians, and providing necessary guidance to those children in accordance with their individual circumstances and supporting their self-reliance, as well as having the intention of providing consultation and other assistance to those who have left there.

Article 44-2 (1) A child and family support center is a facility intended for providing consultation related to children from family and others, among which specialized knowledge and skills, and giving necessary advice to them, in respond to request from municipality, beyond providing necessary support such as technical advice, and providing guidance pursuant to the provisions of Article 26 paragraph (1), item (ii) and Article 27, paragraph (1), item (ii), as well as intended for comprehensively carrying out liaison and coordination with child guidance centers, child welfare institutions, etc. and affording other assistance specified by an Order of the Ministry of Health, Labour and Welfare.

(2) An employee of a child and family support center, when performing their duties, must not divulge any secrets concerning personal circumstances.

Article 44-3 The person engaged in the services specified in the paragraphs of Article 6-3, a foster parent and the establisher of child welfare center (excluding designated admission institution for children with disabilities and the developmental support centers for children pertaining to designated outpatient support) respect the character of children and expectant and nursing mothers, other users of these services or admittees of the relevant child welfare institution, comply with this Act or orders pursuant to this Act,

and faithfully perform their own duties for the aforementioned persons.

Article 45 (1) A prefecture must specify the standards by Prefectural Ordinance concerning the equipment and operation of child welfare center. In this case, those standards must be the ones that can ensure the living level necessary for physical, mental, and social development of children.

(2) The prefecture is to specify the Ordinance of the preceding paragraph, in accordance with the standards specified by Order of Ministry of Health, Labour and Welfare concerning the particulars listed as follows and is to take into consideration the standards specified by Order of the Ministry of Health, Labour and Welfare concerning other particulars.

(i) employees deployed in the child welfare institution and their number

(ii) The floor area of living room or ward pertaining to child welfare institution and other particulars concerning the equipment of child welfare institution, which are closely related to the sound development of children with disabilities prescribed by Order of Ministry of Health, Labour and Welfare.

(iii) the particulars concerning operation of child welfare institution, which are closely related to securing appropriate treatment of the contents of childcare in nursing center and other children (expectant and nursing mothers in midwifery home), maintenance of confidentiality and sound development of children prescribed by Order of Ministry of Health, Labour and Welfare.

(3) The establisher of the child welfare institution must comply with the standards of paragraph (1).

(4) The establisher of a child welfare institution is to endeavor to improve the level of its facilities and operation.

Article 45-2 (1) The Minister of Health, Labor and Welfare must specify the minimum standards on child care by foster parents. In this case, those minimum standards are the ones that can ensure the living level necessary for physical, mental, and social development of children.

(2) A foster parent must comply with the standards of the preceding paragraph.

Article 46 (1) A prefectural governor, in order to maintain the standards set forth in Article 45, paragraph (1) and paragraph (1) of the preceding Article, may request the establisher of the child welfare facility, the head of the child welfare facility, and the foster parents to submit necessary reports and may make an official engaged in the affairs concerning child welfare ask relevant questions of relevant persons or enter and inspect any facilities, inspect equipment, books and documents, and other objects.

(2) The provisions of Article 18-16, paragraphs (2) and (3) apply mutatis mutandis to the case referred to in the preceding paragraph.

- (3) A prefectural governor may recommend necessary improvements to the establisher of the facility when the facility or its management do not meet the standards set forth in Article 45, paragraph (1) or may order necessary improvements when the establisher of the facility fails to follow recommendations and it is found to be harmful to child welfare.
- (4) When any facility or operation of the child welfare facilities fails to attain the standards set forth in Article 45, paragraph (1) and the prefectural governor finds such failure to be extremely harmful to child welfare, the prefectural governor may, after hearing opinions from the prefectural child welfare council, order the establisher of the facility to suspend its services.

Article 46-2 (1) When the head of the child welfare facility has been entrusted by a prefectural governor or a mayor of municipality (in the case where the authority concerning the measures prescribed in the provisions of Article 24, paragraph (5) or (6) is delegated to a board of education established in relevant municipality pursuant to the provisions of Article 32, paragraph (3), that board of education) with measures pursuant to the provisions of this Act, or the midwifery care practice, or the maternal and child assistance practice, the head must not refuse such entrustment without justifiable grounds.

- (2) The establisher of a nursery center or certified children center or a person engaged in domestic daycare services, etc. must cooperate in coordination and requests made pursuant to the provisions of Article 24, paragraph (3) as much as possible.

Article 47 (1) The head of a child welfare facility must exercise parental authority over any child staying in the institution that does not have a custodian or a person that exercises parental authority over the child until such time as there is a custodian or a person that exercises parental authority over the child; provided, however, that approval for adoption pursuant to the provisions of Article 797 of the Civil Code must be obtained from the prefectural governor, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.

- (2) The director of a child guidance center must exercise parental authority over a child entrusted to a person engaged in small scale foster home services or a foster parent and that does not have a custodian or a person who exercises parental authority over the child until such time as there is a custodian or a person who exercises parental authority over the child; provided, however, that approval for adoption pursuant to the provisions of Article 797 of the Civil Code must be obtained from the prefectural governor, pursuant to the provisions of Order of the Ministry of Health, Labor and Welfare.
- (3) The head of a child welfare facility, a person specified by an Order of the

Ministry of Health, Labor and Welfare as provided in Article 6-3, paragraph (8), or a foster parent who takes care of a child at the foster parent's residence may take necessary measures for the welfare of the child with regard to custody, education, and disciplinary action, even with regard to a child placed in or entrusted to the facility who already has a custodian or other figure with parental authority; provided, however, that corporal punishment is not permitted.

- (4) A person who exercises parental authority over a child or a custodian of a minor as set forth in the preceding paragraph must not unjustly interfere with the measures prescribed in the same paragraph.
- (5) Measures pursuant to the provisions of paragraph (3) may be taken even against the will of the person who exercises parental authority or the custodian of a minor, when it is found urgently necessary for securing the life or physical safety of the child. In this case, the head of a child welfare institution, a person engaged in small scale foster home services, or a foster parent must promptly report on the measures taken to the head of the prefecture or municipality which made a decision on the outpatient benefits or decision on the admission benefits, the measures set forth in Article 21-6, Article 24, paragraph (5) or paragraph (6), or Article 27, paragraph (1), item (iii), the midwifery care practice or the maternal and child assistance practice, or the certification of education and nursing benefits prescribed in Article 20, paragraph (4) of the child and child care support Act pertaining to that child.

Article 48 The head of a foster home, a facility for children with disabilities, a child psychological treatment facility, or a children's self-reliance support facility, a person specified by Ordinance of the Ministry of Health, Labor and Welfare provided in Article 6-3 paragraph (8) who takes care of a child in a private residence, or a foster parent must send the children admitted in those institutions or entrusted to those foster parents to school as if they were the custodians prescribed in the School Education Act.

Article 48-2 The head of an infant home, a mother and child living support facility, a foster home, a child psychological treatment facility, and a children's self-reliance support facility must endeavor to provide consultation and advice concerning foster care of children to residents in the region where the institution is located, to the extent not detrimental to the protective care services for children performed by the institution.

Article 48-3 The head of an infant home, a foster home, a facility for children with disabilities, a child psychological treatment facility, and a children's self-reliance support facility, as well as a person engaged in a small scale foster

home services and a foster parent must take necessary measures for the referenced child to be cared for at home (including a nurturing environment similar to a home-rearing environment and a good and nurturing home environment), such as support for reintegration of parent and child, in close coordination with municipalities, child guidance centers, child and family support centers, educational institutions, medical institutions and other relevant organs, for the referenced child admitted in the facility, a person engaged in small-scale residential child care services or a child entrusted by the foster parent and their parents.

Article 48-4 (1) A nursery center must provide information concerning its daycare to residents in the region where that nursery center is mainly utilized, and must endeavor to provide consultation and advice concerning daycare of infants, toddlers, etc., to the extent not detrimental to the daycare services provided by that nursery center.

(2) A nursery teacher working in a nursery center must endeavor to acquire, maintain and improve their knowledge and skills necessary to provide consultation and afford advice concerning daycare of infants, toddlers, etc.

Article 49 Beyond what is provided for in this Act, other necessary particulars concerning children's self-reliant living assistance services, after-school child sound upbringing services, visiting services for all infants and families, visiting services for support of child care, local child care support center services, temporary custody services, small scale foster home services, home-care services, small-scale daycare services, home-visit daycare services, on-site daycare services, sick child care services and support services for child care activities, employees of child welfare institutions and other necessary particulars concerning child welfare institutions must be prescribed by an Order.

Chapter IV Expenses

Article 49-2 With regard to the persons admitted by the prefectural governments into a child welfare institution established by the national government based on the measures provided in Article 27, paragraph (1), item (iii), the national treasury is to pay expenses spent for those persons after that admission.

Article 50 The following expenses must be paid by prefectures:

- (i) expenses required for the Prefectural Child Welfare Council;
- (ii) expenses required for Child Welfare Officers and commissioned child welfare volunteers;

- (iii) expenses required for the child guidance center (excluding expenses set forth in item (ix));
- (iv) deleted;
- (v) expenses required for measures set forth in Article 20;
- (v)-2 expenses required for payment of medical expenses for specified chronic disease in children
- (v)-3 expenses required for services to support the self-reliance of children with chronic specified diseases in children.
- (vi) expenses required for the midwifery care practice or the maternal and child assistance practice afforded by municipalities in the midwifery homes or mother and child living support facilities established by the prefecture (this must mean the expenses required for maintaining the standards set forth in Article 45, paragraph (1) with regard to the midwifery care practice or the maternal and child assistance practice; the same must apply in the following item and item (iii) of the following Article.);
- (vi)-2 expenses required for the Midwifery Care Practice or the Maternal and Child Assistance Practice afforded by the prefectural government;
- (vi)-3 expenses required for payments of admission benefits for children with disabilities, high-cost admission benefits for children with disabilities, benefits for meals expenses, etc. for specified institutionalized children with disabilities, or admission medical expenses for children with disabilities (hereinafter referred to as "admission benefits, etc. for children with disabilities");
- (vii) expenses required for admission or entrustment and expenses spent for maintaining the standards set forth in Article 45, paragraph (1) or Article 45-2, paragraph (1) with regard to the public assistance after admission or for child care after entrustment when the prefectural government takes the measures prescribed in Article 27, paragraph (1), item (iii) (with regard to a child admitted in an infant home, a foster home, a facility for children with disabilities, a children's psychological treatment facility or a children's self-reliance support facility established by the national government, the expenses spent for such child after such admission must be excluded)
- (vii)-2 expenses required for entrustment and treatment after entrustment in the case where a prefecture takes the measures prescribed in Article 27, paragraph (2);
- (vii)-3 expenses required for the implementation of children's self-reliant living assistance (limited to those pertaining to children, etc. having terminated compulsory education under the age of 20) to be provided by the prefecture;
- (viii) expenses required for temporary custody; and
- (ix) expenses required for the facilities of the child guidance center and for the facilities of child welfare institutions established by the prefectural

government and their personnel training facilities.

Article 51 The following expenses must be paid by municipalities.

- (i) expenses required for payments of outpatient benefits for children with disabilities, outpatient benefits for specified children with disabilities or high-cost outpatient benefits for children with disabilities, or outpatient medical expenses for orthopedically impaired children;
- (ii) expenses required for the measures set forth in Article 21, paragraph (6);
- (iii) expenses required for the midwifery care practice or the maternal and child assistance practice afforded by the municipality (excluding services pertaining to midwifery homes or mother and child living support facilities established by the prefecture.);
- (iv) expenses required for the measures referred to in Article 24, paragraph (5) or (6) (limited to those pertaining to a nursery center established by the prefecture or the municipality, and child center in coordination between kindergarten and nursery center , or domestic daycare services, etc. conducted by the prefecture or the municipality);
- (v) expenses required for the measures referred to in Article 24, paragraphs (5) or (6) (limited to those pertaining to nursery centers established by persons other than prefectures and municipalities or nursery center or child center in coordination between kindergarten and nursery center , or home-style daycare services, etc. conducted by persons other than prefectures and municipalities.);
- (vi) expenses required for payment of consultation support benefits for children with disabilities or specified consultation support benefits for children with disabilities for disabilities.
- (vii) expenses required for facilities and personnel training facilities of child welfare institutions established by the municipality;
- (viii) expenses required for municipal child welfare councils;

Article 52 When a child pertaining to a measure taken pursuant to the provisions of Article 24, paragraph (5) or (6) of the Child and Childcare Support Act falls under any of the following items. When a child is the child of a custodian who is entitled to receive institutional type benefits, specified institutional type benefits, community-based daycare benefits or specified community-based daycare benefits pursuant to the provisions of Article 28, paragraph (1) (excluding those pertaining to item (ii)), Article 29, paragraph (1) or Article 30, paragraph (1) (excluding those pertaining to item (ii)), the municipality will not be required to pay expenses pursuant to the provisions of item (iv) or (v) of the preceding Article to that extent.

Article 53 The national treasury, pursuant to the provisions of Cabinet Order, must bear one half of the expenses paid by local governments prescribed in Article 50 (excluding items (i) through (iii) and item (ix)) and Article 51 (excluding items (iv), (vii) and (viii)).

Article 54 Deleted

Article 55 The head of a prefecture that has paid one quarter of the expenses prescribed in Article 51, items (i) through (iii), item (v) and item (vi) pursuant to the provisions of Cabinet Order.

Article 56 (1) In the case where expenses provided in Article 49-2 are paid by the national treasury, the Minister of Health, Labor and Welfare may collect the full amount of those expenses or part thereof from the person or their supporter under duty (which means a supporter under duty provided in the Civil Code; the same applies hereinafter) in accordance with the financial capacity recognized by the prefectural governor.

(2) The head of a prefecture that has paid the expenses prescribed in Article 50, item (v), item (vi), item (vi)-2, or items (vii) through (vii)-3 or a municipality that has paid the expenses prescribed in Article 51, items (ii) through (v) may collect all or part of those expenses from the person or the person responsible for the person's support, in accordance with that person's ability to bear those expenses.

(3) Affairs for the collection and storage of money pursuant to the provisions of the preceding paragraph may be entrusted to a private individual pursuant to the provisions of a Cabinet Order, only when it is found to contribute to the securing of income and the promotion of the benefits of the person or the person responsible for their support.

(4) The prefectural governor or the mayor or head of municipality, when necessary in relation to the recognition of the ability to bear expenses under the provisions of paragraph (1) or the collection of expenses under the provisions of paragraph (2), may request the person or the person responsible for their support to report on the state of income of the person or the person responsible for their support, or request a public agency to inspect necessary documents or provide necessary materials.

(5) The collection of expenses under the provisions of paragraph (1) or paragraph (2) may be commissioned to the prefecture or municipality where the place of residence or property of the person or the person responsible for their support is located.

(6) When a person fails to pay the expenses collected pursuant to the provisions of paragraph (1) or paragraph (2) within the designated time limit, disposition

may be made for the expenses prescribed in paragraph (1) by applying the rules for collection of national tax delinquency and for the expenses prescribed in paragraph (2) by applying the rules for collection of local tax delinquency. In this case, the order of the statutory lien of the money collected must come after national tax and local tax.

(7) In the case where the head of a nursery center or child center in coordination between a kindergarten and nursery center has made efforts to receive, with the same care as a prudent manager, payment from the custodian of an infant or toddler listed in the following items of the amount equivalent to the amount to be paid to that nursery center or child center in coordination between kindergarten and nursery center but the custodian fails to pay all or part of the amount, and when a hindrance occurs or is likely to occur to daycare at that nursery center or child center in coordination between kindergarten and nursery center, and the municipality finds it necessary for performing daycare at the nursery center pursuant to the provisions of Article 24, paragraph (1) or when it finds it necessary for ensuring daycare at that relevant child center in coordination between a kindergarten and nursery center pursuant to the provisions of paragraph (2) of the same Article, the municipality, upon request from the head, may dispose of the same in accordance with the provisions of the disposition for delinquent payment of local taxes. In this case, the order of the statutory lien on the collected money will be after that of national tax and local tax.

(i) an infant or toddler that has received specified education and childcare prescribed in Article 27, paragraph (1) of the Child and Child Care Support Act: The sum of the amount obtained by deducting the amount paid pursuant to the provisions of paragraph (5) of the same Article from the amount listed in paragraph (3), item (i) of the same Article (when that payment has not been made, the amount listed in that item) or the amount specified by a municipality to the extent of the amount of special institutional benefits under the provisions of Article 28, paragraph (2), item (i) of the same Act and the amount specified by Cabinet Order prescribed in the same item (in the case where the amount specified by the municipality exceeds the amount of expenses actually incurred in the specified education and daycare, the amount of expenses actually incurred in the specified education and daycare)

(ii) Child and Child Care Support Act: The amount obtained by deducting the amount paid pursuant to the provisions of Article 28, paragraph (5) of the same Act, as applied *mutatis mutandis* pursuant to paragraph (4) of the same Article, from the sum of the amount of exceptional institutional benefits under the provisions of Article 27, paragraph (2), item (ii) of the same Act and the amount specified by the municipality prescribed in the same item (in the case where the amount specified by the municipality

exceeds the actual expenses required for that special daycare, the actual expenses required for the special daycare) (in the case where that payment was not made, the total amount)

- (8) In the case where a person engaged in home daycare services, etc. has made efforts to receive, from the custodian of an infant or toddler listed in the following items with the same care as a prudent manager, payment of the amount equivalent to the amount payable by the custodian to the person engaged in the home daycare services, etc. out of the amount specified respectively in those items, nevertheless that custodian has failed to pay the amount in whole or in part, and when a hindrance occurs or is likely to occur to daycare by the relevant home daycare services, etc. and the municipality finds it necessary in order to ensure daycare by that home daycare services, etc. pursuant to the provisions of Article 24, paragraph (2), the municipality may, at the request of the person engaged in home daycare services, etc., makes a disposition for delinquency of local tax, pursuant to the provisions of disposition of local tax. In this case, the order of the statutory lien of the money collected will come after national tax and local tax.
- (i) an infant or toddler who has had specified community-based childcare prescribed in Article 29, paragraph (1) of the Child and Child Care Support Act (excluding specified use community-based childcare provided in Article 30, paragraph (1), item (ii) of the same Act (referred to as "special use community childcare" in the following item) and specified use community-based childcare provided in item (iii) of the same paragraph (referred to as "specified use community-based childcare" in item (iii))): The sum of the amount obtained by deducting the amount paid pursuant to the provisions of Article 29, paragraph (5) of the same Act from the amount listed in paragraph (3), item (i) of the same Article (when the payment has not been made, the amount listed in that item) or the amount specified by the municipality to the extent of the amount of special community-based childcare benefits pursuant to the provisions of Article 30, paragraph (2), item (i) of the same Act and the amount specified by Cabinet Order prescribed in the same item (in the case where the amount specified by the municipality exceeds the amount of expenses actually incurred in the specified community-based daycare, the amount of expenses actually incurred in relevant specified community-based daycare)
- (ii) toddlers who have received specified use community-based daycare The amount obtained by deducting the amount paid pursuant to the provisions of Article 30, paragraph (5) of the Child and Child Care Support Act for a child that has undergone community-based childcare for special use from the sum of the specified community-based childcare benefits pursuant to the provisions of Article 29, paragraph (2), item (ii) of the same Act and the

amount specified by a municipality as prescribed in the same item (in the case where the amount specified by the municipality exceeds the amount of expenses actually required for the community-based childcare, the amount of expenses actually required for that community-based childcare) (in the case where payment was not made, the total amount)

(iii) toddlers who have received specified use community-based daycare The amount obtained by deducting the amount paid pursuant to the provisions of Article 30, paragraph (5) of the Child and Child Care Support Act for a child that has received specified community-based childcare from the sum of the exceptional allowance for community-based childcare benefit pursuant to the provisions of Article 29, paragraph (2), item (iii) of the same Act and the amount specified by a municipality as prescribed in the same item (in the case where the amount specified by the municipality exceeds the amount of expenses actually incurred in the relevant specified community-based daycare, the amount of expenses actually incurred in the relevant specified community-based daycare) (in the case where payment was not made, the total amount)

Article 56-2 (1) In the case falling under any of the following items, the prefecture and municipality, pursuant to the provisions of Article 35, paragraph (4), may subsidize not more than three-fourths of the expenses spent for new construction (limited to new construction of child welfare facilities established by social welfare corporations established pursuant to the provisions of Article 31, paragraph (1) of the social welfare Act), repair, renovation, expansion or improvement (hereinafter referred to as "new construction, etc.") of child welfare institutions (excluding nursery centers; hereinafter the same must apply in this Article) established by persons other than the national, prefecture and municipality; provided, however, that the sum of the amounts subsidized by the prefecture and municipality for a single child welfare institution must not exceed three fourths of the expenses spent for the new establishment, etc. of the child welfare facility.

- (i) when the child welfare institution is established by a social welfare corporation established pursuant to the provisions of Article 31, paragraph (1) of the Social Welfare Act, the Japanese Red Cross Society or a non-profit incorporated association or non-profit incorporated foundation; or
- (ii) when no child welfare institution of the same kind established by the national, prefectural or municipal government exists or the existing child welfare institutions, if any, are insufficient in the region where the referenced child welfare institution will be mainly utilized, regardless of the necessity of a child welfare institution of the same kind in terms of the state of distribution of children, their custodians or expectant and nursing mothers

in need of measures such as payments of institutional benefits for children with disabilities, admission into those institutions, and the daycare practice, etc. pursuant to this Act.

- (2) When subsidies are disbursed for a child welfare facility pursuant to the provisions of the preceding paragraph, the minister of health, labor and welfare, the prefectural governor and the mayor of municipality will, beyond what is provided in Article 46 and Article 58, paragraph (1), have the following powers over the child welfare facility, to ensure that the purpose of the subsidy is effectively achieved.
 - (i) instruct necessary change in the budget of the child welfare institution when such budget is found inappropriate to achieve the effects of the subsidies; and
 - (ii) instruct dismissal of an employee of the child welfare institution when the employee has violated this Act or any order pursuant to this Act or any disposition imposed pursuant thereto
- (3) The national treasury may subsidize not more than two thirds of the amount subsidized by the prefectural government pursuant to the provisions of paragraph (1) for a facility for children with disabilities or a developmental support center for children.

Article 56-3 In any of the cases listed in the following items, the prefectural and municipal governments may order the establisher of the child welfare institution to which the subsidies have been granted to refund the full amount of the subsidies already granted or part thereof:

- (i) when the conditions for the grant of the subsidies are violated;
- (ii) when the subsidies are granted by fraudulent or other wrongful means;
- (iii) when an act in pursuit of profit is committed with regard to the operation of the child welfare institution; or
- (iv) when the child welfare institution violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto.

Article 56-4 The national treasury may, within the scope of the budget, subsidize a part of such expenses spent for commissioned child welfare volunteers provided in Article 50, item (ii) as relating to the particulars specified by the Minister of Health, Labor and Welfare.

Article 56-4-2 (1) A municipality, when it is determined to be necessary in order to ensure necessary nursery care for infants and toddlers in need of nursery care, may prepare a plan concerning the development of nursery centers and child center in coordination between kindergarten and nursery center (referred to as "daycare centers, etc." in items (i) and (ii) of the following paragraph (1)

and paragraph (2) of the following Article) in that municipality (hereinafter referred to as "municipal development plan").

- (2) A municipal development plan must provide for the following particulars in general:
 - (i) goals and the planning period for development of nursery centers, etc. in each nursery provision area (an area specified by a municipality in consideration of geographical conditions, population, traffic conditions and other social conditions, the state of development of facilities to provide nursery care and other conditions in a comprehensive manner; the same applies hereinafter.)
 - (ii) particulars concerning a project to develop nursery centers, etc. necessary for achieving the goals set forth in the preceding item;
 - (iii) other particulars specified by an Order of the Ministry of Health, Labor and Welfare.
- (3) A municipal development plan must be in harmony with the municipal plans for child and child care support services prescribed in Article 61, paragraph (1) of the child and child care support Act.
- (4) When a municipality prepares a municipal development plan or makes a change thereto, it must send a copy thereof to the prefecture without delay, except in the case of submitting a municipal development plan to the minister of health, labor and welfare pursuant to the provisions of paragraph (1) of the following Article.

Article 56-4-3 (1) If a municipality intends to implement a project or affairs (referred to as "business, etc." in that paragraph) based on a municipal development plan using the grants set forth in the following, paragraph, it must submit the municipal development plan to the Minister of Health, Labor, and Welfare via the governor of the prefecture to which the municipality belongs.

- (2) The national government, pursuant to the provisions of an Order of the Ministry of Health, Labor and Welfare by taking into consideration the state of development of nursery centers, etc. and other particulars, may grant a subsidy within the scope of the budget to a municipality, in order to allocate it to the expenses required for the implementation of projects, etc. based on the municipal development plan submitted pursuant to the provisions of the preceding paragraph (limited to those pertaining to nursery centers, etc. established by persons other than the state, prefectures and municipalities.)
- (3) Beyond what is provided for in the preceding two paragraphs, necessary particulars concerning the grant set forth in the preceding paragraph must be specified by an Ordinance of the Ministry of Health, Labor and Welfare.

Article 56-5 The provisions of Article 58, paragraphs (2) through (4) of the Social Welfare Act apply mutatis mutandis to a child welfare institution to which any general property has been transferred or any loan has been provided pursuant to the provision of Article 2, paragraph (2), item (ii) of the Act on Special Measures Concerning National Property (Act No. 219 of 1952) or the provisions of Article 3, paragraph (1), item (iv) of the same Act and paragraph (2) of the same Article.

Chapter V Services Related to the Child Welfare Act of the Federation of h\the National Health Insurance Associations

Article 56-5-2 Beyond the duties prescribed in the national health insurance Act, the federation is to conduct the services concerning examination and payment of residential benefits for children with disabilities and benefits for meal expenses, etc. for specified institutionalized children with disabilities, which are entrusted by a prefectural government pursuant to the provisions of Article 24, paragraph (11) (including the cases where it is applied mutatis mutandis pursuant to Article 24, paragraph (7)), or daycare benefits for children with disabilities and consultation support benefits for children with disabilities, which are entrusted by a municipality pursuant to the provisions of Article 21-5-7, paragraph (14) and Article 24-26, paragraph (6).

Article 56-5-3 With regard to business that a federation conducts pursuant to the provisions of the preceding Article (hereinafter referred to as "services related to Child Welfare Act"), notwithstanding the provisions of Article 29 of the National Health Insurance Act as applied mutatis mutandis pursuant to Article 86 of the same Act, special provisions concerning voting rights are to be provided by the constitution.

Article 56-5-4 A federation must keep accounts for the services related to the Child Welfare Act separately from other accounts.

Chapter VI Request for Examination

Article 56-5-5 (1) The parents of a child with disabilities who is dissatisfied with the disposition pertaining to a child with disabilities outpatient benefits or exceptional child with disabilities outpatient benefits of a municipality may file a request for administrative review with the prefectural governor.

(2) The provisions of chapter VIII (excluding Article 97, paragraph (1)) of the Act for Comprehensive Support for the Daily and Social Lives of Persons with Disabilities apply mutatis mutandis to the application for examination set

forth in the preceding paragraph. In this case, the necessary technical replacement of terms must be specified by Cabinet Order.

Chapter VII Miscellaneous Provisions

Article 56-6 (1) In order to promote the welfare of children, local governments must endeavor to liaise and coordinate so that payments of outpatient benefits for Children with disabilities, outpatient benefits for specified children with disabilities, high-cost outpatient benefits for children with disabilities, consultation support benefits for children with disabilities, specified consultation support benefits for children with disabilities, nursing care benefits, etc., admission benefits for children with disabilities, high-cost admission benefits for children with disabilities, and benefits for meals expenses, etc. for specified institutionalized children with disabilities, measures pursuant to the provisions of Article 21-6, Article 24, paragraph (5) or paragraph (6) or Article 27, paragraph (1) or paragraph (2) and utilization of daycare and other welfare benefits are appropriately provided.

(2) The local governments must endeavor to take necessary measures to develop a system for liaison and coordination with organizations providing support in the fields of health, medical care, welfare and other relevant fields so that children with disabilities wearing ventilators and other children with disabilities in need of medical care to lead their daily lives can receive appropriate support in the fields of health, medical care, welfare, and other relevant fields according to the mental and physical condition of the child.

(3) When performing their services or operating their institutions, the persons engaged in children's self-reliant living assistance services or after-school child sound upbringing services and the establishers of child welfare institutions are to facilitate their mutual coordination and must endeavor to provide consultation to children and their families and afford other positive support in line with the condition of each region.

Article 56-7 (1) By positively leasing or lending public property (which means the public property provided in Article 238, paragraph (1) of the Local Autonomy Act) or taking other necessary measures, a municipality is to promote establishment or operation of nursery centers by utilizing the abilities of social welfare corporations and other various businesses and thereby increase the supply pertaining to the use of daycare practice efficiently and systematically.

(2) By positively leasing or lending public property or taking other necessary measures, a municipality is to promote implementation of after-school child sound upbringing services by utilizing the abilities of social welfare

corporations and other various businesses and thereby increase supply pertaining to the supply pertaining to after-school child sound upbringing services efficiently and systematically.

- (3) The national and prefectural governments are to provide necessary support with regard to measures set forth in the preceding two paragraphs taken by the municipality.

Article 56-8 (1) A mayor of municipality, when it finds appropriate in light of demand status, etc. for daycare in the relevant municipality, may designate the facility (limited to a corporation) which is found to satisfy capacity to operate a public-private collaborative nursery center (which refers to provide daycare and child care support services (referring to as "daycare, etc." in this article) in cooperation with the relevant municipality by obtaining cooperation including lending, transferring, etc. of necessary equipment based on the agreement specified in the following paragraph) continuously and steadily as a corporation aiming at establishing and operating a public-private collaborative nursery center (hereinafter referred to as "public-private collaborative incorporated nursery center" upon its application.

- (2) A mayor of municipality must conclude an agreement (hereinafter referred to as simply "agreement" in this Article) which specifies the following particulars before making a designation (referring to as "designation" in paragraph (11)) under the provisions of the preceding item.

(i) name and address of a public-private collaborative nursery center for which an agreement is concluded

(ii) basic particulars concerning daycare, etc. in a public-private collaborative nursery center

(iii) basic particulars concerning lending, transferring, etc. of necessary equipment or other cooperation by a municipality

(iv) effective period of agreement

(v) measures to be taken in the event of violation of agreement

(vi) other necessary particulars concerning establishment and operation of a public-private collaborative nursery center

- (3) Notwithstanding the provisions of Article 35, paragraph (4), a public-private collaborative incorporated nursery center may establish public-private collaborative nursery center by notifying the prefectural governor being made through a mayor of municipality.

- (4) In the case where the relevant public-private collaborative incorporated nursery center requires equipment for daycare practice in a public-private collaborative nursery center based on the agreement, a mayor of municipality is to lend or transfer the relevant equipment either free of charge or at a cost below market value for the relevant public-private collaborative incorporated

- nursery center pursuant to the provisions of the relevant agreement.
- (5) The provisions of the preceding paragraph do not preclude application of the provisions of Article 96 and Article 237 through Article 238 of Local Autonomy Act.
 - (6) When a public-private collaborative incorporated nursery center intends to make an application to abolishment or suspension pursuant to the provisions of Article 35, paragraph (12), such application must be made through a mayor of municipality. In this case, the relevant mayor of municipality may append opinion concerning the relevant application.
 - (7) When a mayor of municipality finds it necessary to have operation of a public-private collaborative incorporated nursery center be appropriate, the mayor may order the public-private collaborative incorporated nursery centers or directors of public-private collaborative incorporated nursery centers to report the particulars found to be necessary or cause such staff persons to ask questions to those concerned or to enter the locations of the facilities so as to inspect the equipment, books and documents and other objects.
 - (8) The provisions of Article 18-16, paragraphs (2) and (3) apply *mutatis mutandis* to a case under the preceding paragraph.
 - (9) Pursuant to the provisions of paragraph (7), a mayor of municipality who requested the head of public-private collaborative incorporated nursery center or public-private collaborative nursery center for report, or made relevant official ask questions to relevant persons or enter and inspect the public-private collaborative nursery center, when it finds necessary to give a disposition pursuant to the provisions of Article 46, paragraph (3) or paragraph (4), must notify the prefectural governor to that effect with a reason therefor.
 - (10) When a mayor of municipality finds that a public-private collaborative nursery center has not conduct daycare, etc. in accordance with the agreement, the mayor may recommend that public-private collaborative incorporated nursery center conduct daycare, etc. in accordance therewith.
 - (11) When public-private collaborative incorporated nursery center receives the recommendation from a mayor of municipality pursuant to the provisions of the preceding paragraph, the mayor or municipality may rescind the designation.
 - (12) When public-private collaborative incorporated nursery center receives the disposition of rescission pursuant to the provisions of the preceding paragraph, it must make an application for approval of abolishment pursuant to the provisions of Article 35, paragraph (12), with regard to a public-private collaborative nursery center pertaining to the relevant disposal.
 - (13) When public-private collaborative incorporated nursery center makes an applicant for approval of abolishment, for a person who has received daycare, etc. within one month from the day of the relevant application and wishes to

continue to be provided with daycare, etc. corresponding to the relevant daycare, etc. even after the day of the relevant abolishment, in order to continuously provide necessary daycare, etc., public-private collaborative incorporated nursery center must carry out liaison and coordination with other nursery centers, certified children centers and relevant persons and provide other benefits.

Article 57 A prefectural, municipal or other government may not impose any tax or charge on a building and land listed in any of the following items; provided, however, that this does not apply to those that are made available for use with charge:

- (i) a building mainly utilized for a child welfare institution; or
- (ii) the site for a building listed in the preceding item or any other land mainly utilized for a child welfare institution.

Article 57-2 (1) When there is a person who receives outpatient benefits, etc. for children with disabilities, exceptional case outpatient benefits for children with disabilities or high-cost outpatient benefits for children with disabilities or medical expenses for orthopedically impaired children or consultation support benefits for children with disabilities or consultation support benefits for specialized children with disabilities (hereinafter referred to as "outpatient benefits for children with disabilities, etc." in this chapter) by a deception or other wrongful means, the municipality may collect the amount equivalent to such outpatient benefits, etc. for children with disabilities, in full or in part, from that person.

(2) When any of the designated operator, etc. of outpatient support services for children with disabilities or the designated operator of consultation support services for children with disabilities receives outpatient benefits for children with disabilities, medical expenses for orthopedically impaired children or consultation support benefits for children with disabilities by a deception or other wrongful act, by a deception or other wrongful means, the municipality may cause relevant designated operator, etc. of outpatient support services for children with disabilities or the designated operator of consultation support services to refund the amount paid and additionally pay the amount obtained by multiplying the amount to be refunded by forty-hundredths (40/100).

(3) When there is a person who receives medical expense for specified chronic pediatric diseases or admission benefits, etc. for children with disabilities, by deception or other wrongful means, the prefectural government may collect the amount equivalent to such medical expense for specified chronic pediatric diseases or admission benefits, etc. for children with disabilities, in full or in part, from that person.

- (4) When any of designated medical institution for specified chronic pediatric diseases receives payment of medical expense for specified chronic pediatric diseases, by deception or other wrongful means, the prefectural government may cause the relevant designated medical institution for specified chronic pediatric diseases to refund the amount paid and additionally pay the amount obtained by multiplying the amount to be refunded by forty-hundredths (40/100).
- (5) When any a designated admission institution, etc. for children with disabilities, receives admission benefits for children with disabilities, benefits for meal expenses, etc. for specified institutionalized children with disabilities, admission medical expenses for children with disabilities, by a deception or other wrongful means, the prefectural government may have the relevant designated admission institution, etc. for children with disabilities, to refund the amount paid and additionally pay the amount obtained by multiplying the amount to be refunded by forty-hundredths (40/100).
- (6) The amounts collected pursuant to the provisions of the preceding two paragraphs are revenues specified by the act provided in Article 231-3, paragraph (3) of the Local Autonomy Act.

Article 57-3 (1) If a municipality finds it necessary to provide payment of outpatient benefits, etc. for children with disabilities, etc., the municipality may require the custodians of children with disabilities or the head of the household or other members or former members of the household to which the children with disabilities belong to make a report; require them to submit or show documents or other materials; or require relevant personnel to question them.

- (2) When a prefectural government finds it necessary for payments of medical expenses for specified chronic pediatric diseases, etc., it may order reporting or submission or presentation of documents and other objects to the custodian of a child with specified chronic pediatric diseases, or the householder or any other member of the family to which a child with specified chronic pediatric diseases belongs, or a person who used to be relevant custodian, householder or family member, or may make relevant prefecture's official ask them questions.
- (3) If a prefectural government finds it necessary to provide payment of residential benefits, etc. for children with disabilities, the prefectural government may require the custodians of children with disabilities or the head of the household or other members or the former members of the household to which the children with disabilities belong to make a report; require them to submit or show documents or other materials; or require relevant personnel to question them.
- (4) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the

questioning pursuant to the provisions of the preceding paragraph (3), and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority pursuant to the provisions of the preceding paragraph (3).

Article 57-3-2 (1) If a municipality finds it necessary to provide payment of outpatient benefits, etc. for children with disabilities, the municipality may require the persons who engage or engaged in the day care support for children with disabilities or consultation support for children with disabilities related to the payment of outpatient benefit for children with disabilities or those who employ or employed them to make a report; may require them to submit or show documents or other materials; may require relevant personnel to question the persons concerned; or may require them to enter the places of business or facilities of the service of outpatient support for children with disabilities or consultation support for children with disabilities, in order to inspect the equipment, documents or other materials.

(2) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the questioning or inspection pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority pursuant to the provisions of the preceding paragraph (3) of the same Article.

Article 57-3-3 (1) The Minister of Health, Labour and Welfare or the prefectural governors finds it necessary to provide payment of outpatient support for children with disabilities, etc., the minister or governors may order the custodians of children with disabilities or those who were formerly those persons to make a report or submit or show documents or other materials concerning the content of the relevant services, etc. subject to the payment of outpatient support for children with disabilities or consultation support for children with disabilities, or may require relevant personnel to question the persons concerned.

(2) When the Minister of Health, Labor and Welfare finds an urgent necessity related to payments of medical expense for specified chronic pediatric diseases, through close cooperation with the relevant prefectural governor, order a custodian of a child with specified chronic pediatric diseases, etc., or a person who was such a person reporting or submission or presentation of documents and other objects relating to the contents of medical support for specified chronic pediatric diseases pertaining the relevant payments of medical support for specified chronic pediatric diseases, or may make relevant prefecture's official ask them questions.

(3) Minister of Health, Labour and Welfare finds it necessary to provide payment of residential benefits, etc. for children with disabilities, the minister may

order custodians of children with disabilities pertaining to residential benefits, etc. for children with disabilities, or a person who was such person reporting or submission or presentation of documents and other objects relating to the contents of residential support for children with disabilities pertaining the relevant payments of residential benefits, etc. for children with disabilities, or may make relevant prefecture's official ask them questions.

- (4) The Minister of Health, Labour and Welfare or the prefectural governors find it necessary to provide payment of outpatient support for children with disabilities, etc., the minister or governors may order those who provided services subject to the payment of outpatient support for children with disabilities or those who employed them to make a report on the services which they provided; may order them to submit or show the records, books, documents or other materials on the provision of the services; or may require relevant personnel to question the persons concerned.
- (5) When the Minister of Health, Labor and Welfare finds an urgent necessity related to payments of medical expenses for specified chronic pediatric diseases, through close cooperation with the relevant prefectural governor, order a person who provided with medical support for specified chronic pediatric diseases or used such support, to submit or to present reports or offer records of the relevant medical support for specified chronic pediatric diseases, books and document or other objects, related to the medical support for specified chronic pediatric diseases provided or may have the relevant staff ask questions of the relevant persons.
- (6) If the Minister of Health, Labour and Welfare finds it necessary to provide payment of admission benefits, etc. for children with disabilities, the minister may order those who provided services or used them to make a report on the services which they provided; may order them to submit or show the records, books, documents or other materials on the provision of the services, etc.; or may require relevant personnel to question the persons concerned.
- (7) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to the questioning pursuant to the provisions of the preceding paragraph, and the provisions of paragraph (3) of the same Article apply mutatis mutandis to the authority pursuant to the provisions of the preceding paragraph.

Article 57-3-4 (1) A municipal and prefectural government may entrust a part of the affairs listed as follows to a corporation that qualifies as per requirements as determined by Order of the Ministry of Health, Labour, and Welfare and is designated by a prefectural governor as a person that can perform the relevant affairs appropriately (hereinafter referred to as a "designated corporations entrusted with duties").

(i) the affairs specified in Article 57-3, paragraphs (1) and (3), Article 57-3-2,

paragraph (1) and paragraphs (1) and (4) of the preceding Article (excluding the order pursuant to the above provisions and a person subject to questioning and the objects pertaining to selection of offices and facilities subject to on-site inspection the relevant order and the relevant on-site inspection.)

- (ii) the other affairs specified by a corporation that qualifies as per requirements as determined by Order of the Ministry of Health, Labour, and Welfare (excluding the provisions specified in parentheses in the preceding item)
- (2) A person who is, or used to be, an officer or employee of a designated corporations entrusted with duties must not divulge any secret coming to their knowledge with regard to the relevant entrusted affairs without justifiable ground.
- (3) A person who is an officer or employee of a designated corporations entrusted with duties and engages in relevant entrusted affairs are deemed to be an official engaging in public duties pursuant to the provisions of laws and regulation in the application of criminal punishments stipulated pursuant to the Penal Code or other laws.
- (4) A municipal or a prefectural government, when its affairs are entrusted pursuant to the provisions of paragraph (2), must give public notice to that effect pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.
- (5) The provisions of Article 19-16, paragraph (2) apply mutatis mutandis to Article 57-3, paragraphs (1) and (3) conducted by entrustment pursuant to the provisions of paragraph (1), Article 57-3-2, paragraph (1) and questioning pursuant to the provisions of paragraphs (1) and (4) of the preceding Article.
- (6) Beyond the particulars prescribed in the preceding items, the particulars necessary concerning a designated corporations entrusted with duties are specified by Cabinet Order.

Article 57-4 (1) If a municipality finds it necessary to provide payment of outpatient benefit, etc. for children with disabilities, the municipality may request public agencies to provide access to necessary documents or provide necessary materials, or may request a report from banks, trust companies, other institutions, employers of the custodian of children with disabilities, or the householder or other members of the households to which the persons or children with disabilities belong.

- (2) When a prefectural government finds it necessary for the payment of medical expenses for specified chronic pediatric diseases, the prefectural government may request the concerned public agency to inspect necessary documents or provide necessary materials with regard to the state of assets or income of the

custodian of a child with specified chronic pediatric diseases, or the householder or any other member of the family to a custodian of a child with specified chronic pediatric diseases or a child with specified chronic pediatric diseases belongs, or may request reporting from banks, trust corporations and other bodies or the employer of the custodian of the child with disabilities and other relevant persons.

- (3) If a prefectural government finds it necessary to provide payment of admission benefits, etc. for children with disabilities, the prefectural government may request public agencies to provide access to necessary documents or provide necessary materials, or may request a report from banks, trust companies, other institutions, employers of the custodian of the children with disabilities or other interested parties to provide reports concerning the assets and income status of custodians of children with disabilities or the householder or other members of the households to which the children with disabilities belong.

Article 57-4-2 In the case of applying the provisions of Articles 106 and 108 of the National Health Insurance Act regarding the association, "services" means "the services (including the ones related to the Child Welfare Act (Act of No. 64 of 1947) Article 56-5-3)".

Article 57-5 (1) Taxes and other charges may not be imposed based on the money and goods paid or provided pursuant to this Act.

- (2) The right to receive payments of medical expense for specified chronic pediatric diseases, outpatient benefits, etc. for children with disabilities and admission benefits, etc. for children with disabilities in living support facilities may not be transferred, hypothecated nor seized.
- (3) Beyond what is prescribed in the preceding paragraph, the money and goods paid or provided pursuant to this Act may not be seized, regardless of whether they have already been paid or provided or not.

Article 58 (1) When a child welfare institution established pursuant to the provisions of Article 35, paragraph (4) violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto, the prefectural governor may rescind the approval set forth in the same paragraph.

- (2) When a child welfare institution is commenced pursuant to the provisions of Article 34-15, paragraph (2) violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto, the mayor of municipality may rescind the approval set forth in the same paragraph.

Article 59 (1) When the prefectural governor finds necessary for the welfare of

children with regard to an institution intended for any of the services provided in Article 6-3 paragraphs (9) through (12) or Articles 36 through 44 (excluding Article 39-2) for which the notification set forth in Article 35, paragraph (3) or the one set forth in the Certified Children Center Act Article 16 has not been made or the approval set forth in Article 34-15, paragraph (2) or the one set forth in the Certified Children Center Act Article 17, paragraph (1) has not been obtained (including institutions for which the approval as a child welfare institution or the home daycare services, etc. pursuant to the provisions of the preceding Article or the certification for child center in coordination between kindergarten and nursery center pursuant to the Certified Children Center Act Article 22, paragraph (1) has been rescinded), the prefectural governor may request its establisher or manager to report the particulars found necessary by the prefectural governor or cause the relevant prefecture's official to enter any of its offices or facilities or to conduct necessary investigations or ask questions in relation to the facilities or operation of the institution. In this case, the prefectural governor must make the official carry their certification for identification.

- (2) The provisions of Article 18-16, paragraph (3) apply mutatis mutandis to the case referred to in the preceding paragraph.
- (3) When a prefectural governor finds it necessary for the welfare of children, the prefectural governor may recommend the establisher of an institution provided in paragraph (1) to improve the facilities or operation of the institution, or give any other recommendation to the establisher.
- (4) When the establisher of the institution receiving a recommendation set forth in the preceding paragraph fails to follow the recommendation, the prefectural governor may publicize such failure.
- (5) With regard to an institution provided in paragraph (1), when a prefectural governor finds it necessary for the welfare of children, may order suspension of its services or its closing, after hearing opinions from the prefectural child welfare council.
- (6) In the case of urgent necessity to ensure the life or physical safety of a child, when there is not much time to the hear opinions from the Prefectural Child Welfare Council in advance, the prefectural governor may give an order set forth in the preceding paragraph without taking relevant procedure for hearing.
- (7) In the case where a recommendation set forth in paragraph (3) or an order set forth in paragraph (5) is given, the prefectural governor is to notify the mayor of municipality having jurisdiction over the location of the referenced institution to that effect.

Article 59-2 (1) With regard to an institution intended for any of the services provided in Article 6-3, paragraphs (9) through (12) or Articles 39, paragraph

(1) (excluding the institution for a small number of infants or toddlers and others specified by Order of the Ministry of Health, Labour and Welfare) inclusive for certification set forth in Article 34-15, paragraph (2) or the one set forth in the Certified Children Center Act Article 17, paragraph (1) has not been obtained (including institutions for which the approval as a child welfare institution or the home daycare services, etc. pursuant to the provisions of Article 58 or the approval for child center in coordination between kindergarten and nursery center pursuant to the Certified Children Center Act Article 22, paragraph (1) has been rescinded, its establisher must notify the prefectural governor of the particulars listed in the following items within one month from the date of commencement of its services (or from the date of rescission of the approval, in the case of a child welfare institution or the home daycare services, etc. for which the approval has been rescinded pursuant to the provisions of Article 58, in the case of child center in coordination between kindergarten and nursery center pursuant to the Certified Children Center Act Article 22, paragraph (1)).

(i) name and location of the institution;

(ii) name and address, or name and location, of the establisher;

(iii) scale and structure of buildings and other facilities;

(iv) date of commencement of the services;

(v) name and address of the manager of the institution; and

(vi) other particulars specified by an Order of the Ministry of Health, Labour and Welfare.

(2) When any change arises in such particulars as specified in an Order of the Ministry of Health, Labour and Welfare included in the notification pursuant to the provision of the preceding paragraph, the establisher of the institution prescribed in the same paragraph must notify the prefectural governor within one month from the date of such change. The same applies when the services of the institution has been abolished or suspended.

(3) When notification is made pursuant to the provisions of the preceding two paragraphs, the prefectural governor is to give notice of the particulars pertaining to the relevant notification to the mayor of municipality having jurisdiction over the location of the referenced institution.

Article 59-2-2 The establisher of an institution prescribed in paragraph (1) of the preceding Article posts the particulars listed in the following items in a place easily viewable for persons who intend to use the services provided in the relevant institution:

(i) name of the establisher of the institution and name of its manager;

(ii) scale and structure of buildings and other facilities; and

(iii) other particulars specified by an Order of the Ministry of Health, Labour

and Welfare.

Article 59-2-3 When the establisher of an institution prescribed in Article 59-2, paragraph (1) receives an application from a person who intends to use the services provided in relevant institution, the establisher must endeavor to explain the particulars concerning the contents of a contract for use of relevant services and the performance thereof.

Article 59-2-4 When a contract for use of the services provided in an institution prescribed in Article 59-2, paragraph (1) has been executed, the establisher of relevant institution, without delay, must deliver to the user a document stating the particulars listed in the following items:

- (i) name and address, or name and location, of the establisher;
- (ii) particulars concerning the amounts payable by the user for provision of relevant services; and
- (iii) other particulars specified by an Order of the Ministry of Health, Labour and Welfare.

Article 59-2-5 (1) The establisher of an institution provided in Article 59-2, paragraph (1) must report the state of the operation of relevant institution to the prefectural governor every year pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

(2) A prefectural governor is to annually compile the state of the operation of the institutions pertaining to the reports set forth in the preceding paragraph and other particulars found necessary for welfare of children with regard to the institutions provided in Article 59-2, paragraph (1) and notify the mayor of municipality having jurisdiction over the location of the respective institution of such compilation and publicize the same.

Article 59-2-6 With regard to the execution of the affairs and the exercise of the authorities provided in Article 59, Article 59-2 and the preceding Article, a prefectural governor may request necessary cooperation from the mayors of municipalities

Article 59-2-7 With regard to the application of this Act in the case where some towns and villages have established a welfare office by setting up an administrative association or cross-regional federation, relevant association or federation is deemed to be a town or village establishing a welfare office.

Article 59-3 In the case where a prefecture or municipality pertaining to the midwifery care practice and the maternal and child assistance practice is

changed due to the establishment or abolition of a welfare office by a town or village, the acts done by the head of the prefecture or municipality pertaining to the relevant midwifery care practice or maternal and child assistance practice before such change pursuant to the provisions of this Act or orders issued pursuant to this Act is deemed to be the acts done by the head of the prefecture or municipality pertaining to the relevant midwifery care practice or maternal and child assistance practice after such change; provided, however, that no change is regarded to have arisen with regard to the payments and burden of the expenses for the midwifery care practice or the maternal and child assistance practice that were, or should have been, provided before such change.

- Article 59-4 (1) With regard to the designated city or core city or the city with child guidance center (including special wards; the same applies hereinafter.) (hereinafter referred to as "city with child guidance center") pursuant to the provisions of a Cabinet Order, the affairs specified by a Cabinet Order that are supposed to be handled by a prefectural government under this Act are handled by. In this case, the provisions concerning prefectures in this Act apply to designated cities, etc. as if they were the provisions concerning designated cities, etc.
- (2) A person who has an objection to the prefectural governor's determination on a request for examination pertaining to a disposition imposed by the head of any of the designated cities, etc. pursuant to the provisions of the preceding paragraph (limited to the dispositions pertaining to the category 1 statutory entrusted affairs (which referred to as "category 1 statutory entrusted function" in the following paragraph and Article 59-6)) provided in Article 2, paragraph (9), item (i) of the Local Autonomy Act) may request the Minister of Health, Labor and Welfare to conduct re-examination.
- (3) When the head of any of the designated cities, etc. delegates the authority for disposition pertaining to category 1 statutory entrusted affairs among the administration works which the authority performs in accordance with the provisions of paragraph (1) to the official of its subsidiary body or the head of administrative agency under their management and there is a determination for re-examination of Article 255-2 , paragraph (2) of Local Autonomy Act for the disposition the delegated official or head of administrative agency conducted based on such delegation, a person who is dissatisfied with such determination of re-examination may request re-examination again to the Minister of Health, Labour and Welfare pursuant to the provisions Article 252-10 , paragraphs (5) through (7) of the same Act.
- (4) A prefectural governor may provide the head of a city with child guidance center with recommendation, advice or assistance necessary to ensure smooth

operation of such a child guidance center.

- (5) Beyond what is provided for in this Act, necessary particulars concerning a city with child guidance center is prescribed by a Cabinet Order.

Article 59-5 (1) When the Minister of Health, Labor and Welfare finds an urgent necessity to protect the interests of a child, the affairs that are supposed to be placed under the prefectural governor's authority pursuant to the provisions of Article 19-16 paragraph (1), Article 21-3 paragraph (1), Article 34-5 paragraph (1), Article 34-6, Article 46 and Article 59 is conducted by the Minister of Health, Labor and Welfare or the prefectural governor.

- (2) In the case referred to in the preceding paragraph, the provisions concerning prefectures in this Act (limited to those pertaining to the referenced affairs) apply to the Minister of Health, Labor and Welfare as if they were the provisions concerning the Minister of Health, Labor and Welfare. In this case, the phrases "suspend their services after hearing opinions from the prefectural child welfare council" referred to in Article 46, paragraph (4) and "suspension of its services or its closing, after hearing opinions from the prefectural child welfare council" referred to in Article 59, paragraph (5) are deemed to be replaced with "suspend their services" and suspension of its services or its closing" respectively.

- (3) When the referenced affairs are conducted by the Minister of Health, Labor and Welfare or the prefectural governor in the case referred to in paragraph (1), they are conducted under mutually close coordination.

Article 59-6 The affairs that are supposed to be handled by a prefectural government pursuant to the provision of Article 56, paragraph (1) is the category 1 statutory entrusted affairs provided in item (i) of Article 2, paragraph (9) of the Local Autonomy Act.

Article 59-7 The ordinance of the competent ministry referred to in this Act is the Order of the Ministry of Health, Labour and Welfare; provided, however, that, with regard to the particulars concerning such services falling under those listed in the respective items of Article 21-9 that are placed under the jurisdiction of the minister other than the Minister of Health, Labor and Welfare, the orders issued respectively by the Minister of Health, Labor and Welfare and the minister having jurisdiction over such services are the competent ministry's orders.

Article 59-8 (1) The authorities of the Minister of Health, Labor and Welfare provided in this Act may be delegated to the Director General of each Regional Bureau of Health and Welfare pursuant to the provisions of Order of the

Ministry of Health, Labour and Welfare.

- (2) The authorities delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provisions of the preceding paragraph may be further delegated to the Director General of each Regional Branch Bureau of Health and Welfare pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare.

Chapter VIII Penal Provisions

Article 60 (1) A person who violates the provisions of Article 34, paragraph (1), item (vi) is punished by imprisonment with work for not more than 10 years or a fine of not more than 3,000,000 yen, or by cumulative imposition of both of them.

(2) A person who violates any of the provisions of items (i) through (v) or Article 34, paragraph (1), items (vii) through (ix) is punished by imprisonment for not more than three years or a fine of not more than 1,000,000 yen, or by cumulative imposition of both penalties.

(3) A person who violates the provisions of Article 34, paragraph (2) is punished by imprisonment for not more than one year or a fine of not more than 500,000 yen.

(4) A person who employs a child may not be exculpated from the punishments pursuant to the provisions of the preceding three paragraphs for reasons of not knowing the age of the child; provided, however, that this does not apply when the person is not negligent.

(5) Crimes set forth in paragraphs (1) and (2) (limited to the portions pertaining to the persons who violate any of the provisions of Article 34, paragraph (1), items (vii) and (ix) is governed by Article 4-2 of the Penal Code.

Article 60-2 (1) When a person who is, or used to be, a member of specified chronic pediatric diseases review board divulges any commercial or personal secrets coming to their knowledge of a person who conducted medical support for specified chronic pediatric diseases without justifiable ground, the person is punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

(2) When a member of appeal examination board or a director or an officials of federation or a person who was formerly in such a position, specified in Article 98, paragraph (1) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society in Society of Persons with Disabilities which is applied mutatis mutandis in Article 56-5-5, paragraph (2) divulges any commercial or personal secrets coming to their knowledge of a person who conducted the day care support for children with disabilities, admission support for children with

disabilities or consultation support for children with disabilities, without justifiable ground, they are punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

(3) A person who violates the provisions of Article 21-5-6 (including the case that apply mutatis mutandis to Article 21-5-8, paragraph (3)) or Article 57-3-4, paragraph (2) is punished by imprisonment for not more than one year or a fine of not more than 1,000,000 yen.

Article 61 When a person who is, or used to be, engaged in consultation, investigations and judgment in a child guidance center divulges any secret coming to their knowledge in the course of duties without justifiable ground, they are punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 61-2 (1) A person who violates the provisions of Article 18-22 is punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

(2) With regard to a crime set forth in the preceding paragraph, no prosecution may be instituted without complaint.

Article 61-3 A person who violates the provisions of Article 11, paragraph (5), Article 18-8, paragraph (4), Article 18-12, paragraph (1), Article 21-10-2, paragraph (4), Article 21-12 or Article 25-5 or Article 27-4 is punished by imprisonment with work for not more than one year or a fine of not more than 500,000 yen.

Article 61-4 A person who violates an order for suspension of the services or closing of an institution pursuant to the provisions of Article 46, paragraph (4) or Article 59, paragraph (5) is punished by imprisonment or imprisonment without work for not more than six months or a fine of not more than 500,000 yen.

Article 61-5 A person, who refuses, interferes with, or recuses the execution of duties by a commissioned child welfare volunteer or by an employee engaged in the affairs concerning welfare of children pursuant to the provisions of Article 29, or fails to answer a question or makes a false answer or makes a child to refrain from answering or make a false answer, without justifiable ground, is punished by a fine of not more than 500,000 yen.

Article 61-6 When an officer or employee of a designated examining body fails to make a report pursuant to the provisions of Article 18-16, paragraph (1) or

makes a false report, or fails to answer a question pursuant to the provisions of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the provisions of the same paragraph, without justifiable ground, the officer or employee causing such violation is punished by a fine of not more than 300,000 yen.

Article 62 A person who falls under any of the following items is punished by a fine of not more than 300,000 yen:

- (i) a person who uses the name of nursery teacher during the period for which the person is ordered to suspend the use of the name of nursery teacher pursuant to the provisions of Article 18-19, paragraph (2);
- (ii) a person who violates the provisions of Article 18-23;
- (iii) a person who fails to make reporting pursuant to the provisions of paragraph (1) of Article 21-14 or makes a false report, or fails to answer a question pursuant to the provisions of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the provisions of the same paragraph, without justifiable ground;
- (iv) a person who fails to make a report pursuant to the provisions of Article 19-16, paragraph (1), Article 21-5-22, paragraph (1) (including the case which applies to paragraph (2) of the same Article), Article 21-5-27, paragraph (1) (including the case which applies to Article 24-34, paragraph (1)), Article 24-15, paragraph (1), Article 24-34, paragraph (1) or Article 24-39, paragraph (1) submit or present an object, or makes a false report or submits or presents a false object, or fails to answer a question pursuant to the above-mentioned provisions or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the above-mentioned provisions, without justifiable grounds;
- (v) a person who neglects to give notification provided in Article 30, paragraph (1); or
- (vi) a person who fails to make a report or submit an object pursuant to the provisions of Article 57-3-3, paragraphs (1) through (3) makes a false report or submit or present a false object, or fails to answer a question or makes a false answer to the relevant official pursuant to the provisions of the above-mentioned paragraphs, or to the official of a designated corporations entrusted with duties who was entrusted pursuant to Article 57-3-3, paragraph (1), without justifiable grounds.
- (vii) a person who fails to make a report pursuant to the provisions of paragraph (1) of Article 59 or makes a false report, or refuses, interferes with, or recuses the entry and inspection pursuant to the provisions of the same paragraph, or fails to answer a question pursuant to the provisions of the same paragraph or makes a false answer, without justifiable ground.

Article 62-2 In the event that persons who, violated the disposition pursuant to the provisions of paragraph (1) of Article 103 of Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities which is applied mutatis mutandis in Article 56-5-5, paragraph (2) do not appear, provide statements, they state or provide false reports, and make diagnoses or conduct other inspection without just cause, they, are punished by a fine of not more than 300,000 yen; provided, however, that this does not apply to requesters for the examination procedures that appeal examination board specified in Article 98, paragraph (1) of the same Act which is applied mutatis mutandis to Article 56-5-5, paragraph (2) conduct, municipalities or other interested persons who received the notice pursuant to the provisions of Article 102 of the same Act.

Article 62-3 When a representative of a corporation or an agent, employee or other worker of a corporation or individual causes a violation set forth in paragraphs (1) through (3) of Article 60 and paragraph (4) of Article 62 with regard to the business of the relevant corporation or individual, not only offender is punished but the relevant corporation or individual is also punished by the fine prescribed in the respective articles.

Article 62-4 A person who fails to give notification pursuant to the provisions of Article 59-2, paragraph (1) or (2) or gives false notification is punished by a civil fine of not more than 500,000 yen.

Article 62-5 A person who falls under any of the following items is punished by a civil fine of not more than 100,000 yen:

- (i) a person who fails to report or makes a false report pursuant to the provisions of Article 56, paragraph (4) (excluding the portions related to collection of expenses specified in Article 50,item (v),(vi), (vi)-2 or (vii)-3 or Article 51, item (iii) pursuant to paragraph (2) of the same Article.), without justifiable grounds.
- (ii) a person who fails to report or makes a false report pursuant to the provisions of Article 57-3, paragraphs (4) through (6) or fails to submit or present an object or makes a false report or submit or present a false object or fails to answer a question or makes a false answer to the relevant official pursuant to the above-mentioned provisions.
- (iii) a person who fails to answer a question or makes a false answer to the official of a designated corporation entrusted with duties pursuant to the provisions of Article 57-3-4, paragraph (1).

Article 62-6 A prefectural government may, in a Prefectural Ordinance, prescribe provisions to impose a civil fine of not more than 100,000 yen on a person who falls under any of the following items:

- (i) a person who is unwilling to comply with a request for return of claimant certification of medical care or the admission beneficiary certificate pursuant to the provisions of Article 24-4, paragraph (2); or
- (ii) a person who fails to make a report or submit or present an object pursuant to the provisions of Article 57-3-3, paragraph (2) makes a false report or submit or present a false object or fails to answer a question or answers falsely to the relevant official pursuant to the provisions of the above-mentioned paragraphs, or fails to answer pursuant to Article 57-3-3, paragraph (1) or makes a false answer to the official of a designated corporations entrusted with duties who was entrusted pursuant to Article 57-3-4, paragraph (1), without justifiable ground.

Article 62-7 A municipality, in a Municipal Ordinance, may prescribe provisions to impose a non-criminal fine of not more than 100,000 yen on a person who falls under any of the following items:

- (i) a person who is unwilling to comply with a request for return of the outpatient beneficiary certificate pursuant to the provisions of Article 21-5-8, paragraph (2) and Article 21-5-9, paragraph (2); or
- (ii) a person who fails to make a report or submit or present an object pursuant to the provisions of Article 57-3, paragraph (1) makes a false report or submit or present a false object or fails to answer a question or answers falsely to the relevant official pursuant to the provisions of the above-mentioned paragraphs, or fails to answer pursuant to Article 57-3, paragraph (1) or answers falsely to the official of a designated corporations entrusted with duties who was entrusted pursuant to Article 57-3, paragraph (1), without justifiable ground.
- (iii) a person who fails to make a report or submit or present an object pursuant to the provisions of Article 57-3-2, paragraph (1) makes a false report or submit or present a false object or fails to answer a question or answers falsely to the relevant official pursuant to the provisions of the above-mentioned paragraphs, or fails to answer pursuant to Article 57-3-2, paragraph (1) or answers falsely to the official of a designated corporations entrusted with duties who was entrusted pursuant to Article 57-3-4, paragraph (1) or refuses, interferes with, or recuses the inspection pursuant to the same paragraph, without justifiable ground.

Supplementary Provisions

(Effective Date)

Article 63 This Act comes into force as from January 1, 1948; provided, however, that the provisions of Article 19, Articles 22 through 24, Article 50, items (iv), (vi), (vii) and (ix) (excluding the portions concerning the facilities of child guidance centers), Article 51, Article 54 and Article 55, and the portions concerning the aforementioned provisions referred to in the provisions of Articles 52, 53 and 56 come into force as from April 1, 1948.

Article 63-2 For the time being, with regard to a child of 15 years of age or more as prescribed in Article 26, paragraph (1) to whom a physically disabled certificate is issued pursuant to the provisions of Article 15, paragraph (4) of the Act on Welfare of Physically Disabled Persons when the director of a child guidance center finds appropriate to admit the child into support facilities for the persons with disabilities provided in Article 5, paragraph (12) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society in Society of Persons with Disabilities (referred to as a "support facilities for the persons with disabilities" in the following Article) or use welfare services for persons with disabilities (limited to the services targeting only persons with disabilities provided in Article 4, paragraph (1) of the same Act; the same applies in the following Article), the director of a child guidance center may notify the head of the municipality provided in Article 9 of the Act on Welfare of Physically Disabled Persons or Article 19, paragraph (2) or (3) of the Act on the Comprehensive Support for the Daily and Life in Society of Persons with Disabilities.

Article 63-3 For the time being, with regard to a child of 15 years of age or more as prescribed in Article 26, paragraph (1) when the director of a child guidance center finds appropriate to admit the child into support facilities for the persons with disabilities or use welfare services for persons with disabilities, the director of a child guidance center may notify the head of the municipality specified in Article 9 of the Act for the Welfare of Persons with Intellectual Disabilities or Article 19, paragraph (2) or (3) of the Act on Providing Comprehensive Support for the Daily Life and Life in Society in Society of Persons with Disabilities to that effect.

Article 64 (1) The tenure of office of a commissioned welfare volunteer pursuant to Ordinance of the Commissioned Welfare Volunteers [No. 426 Imperial Order of September of 1946] is deemed to expire on the day when three months have elapsed from the date of enforcement of the provisions of paragraph (3) of Article 12.

(2) As a result of expiration of the tenure of office pursuant to the provisions of

the preceding paragraph, upon selecting a commissioned welfare volunteer, it must be a requirement that such commissioned welfare volunteer has qualification to perform the duties.

Article 65 The Child Abuse Prevention Act and the Juvenile Education and Protection Act is abolished; provided, however, that these acts remain in force with regard to the application of the penal provisions to an act done prior to their abolition.

Article 66 A disposition imposed by a prefectural governor pursuant to the provisions of Article 2 of the Child Abuse Prevention Act is deemed to be a measure pursuant to the applicable provisions of this Act.

Article 67 A juvenile education and protection center and its personnel training school pursuant to the Juvenile Education and Protection Act actually existing upon the coming into force of this Act is deemed to be an education and protection center and a personnel training facility established pursuant to this Act, and a person institutionalized in a juvenile education and protection center is deemed to be a person institutionalized in an education and protection center pursuant to the provisions of Article 27, paragraph (1), item (iii).

Article 68 With regard to a juvenile education and protection center for which the curriculum has been approved by the Minister of Education pursuant to the proviso of Article 24, paragraph (1) of the Juvenile Education and Protection Act and which actually exists upon the coming into force of this Act, relevant center is deemed to have obtained approval set forth in Article 20 or 38 of the School Education Act from the supervising agency for the particulars concerning the curriculum pursuant to the provisions of Article 48, paragraph (3).

Article 69 A child assistance institution actually existing upon the coming into force of this Act and falling under an assistance institution pursuant to the Public Assistance Act is deemed to be a child welfare institution established pursuant to the provisions of this Act.

Article 70 A child welfare institution actually existing upon the coming into force of this Act and not falling under the provisions of Article 67 nor the preceding Article may continue to exist as a child welfare institution pursuant to this Act by obtaining approval from the administrative agency pursuant to the provisions of an Order.

Article 71 The provisions of Article 34, paragraph (1), items (iii) through (v) do not apply to a child of 14 years of age or more who completed the course of compulsory education or a course that is found equivalent or superior thereto pursuant to the provisions of Article 96 of the School Education Act.

Article 72 (1) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural government (including designated cities, etc., in the case where they handle the affairs set forth in Article 56-2, paragraph (1) that are supposed to be handled by a prefectural government pursuant to the provisions of Article 59-4, paragraph (1); the same applies hereinafter in this paragraph and paragraph (7)), and any such loan is in the amount equivalent to the amount that can be subsidized by the national government pursuant to the provisions of Article 56-2, paragraph (3) (including the provisions of the laws and regulations, if any, which provide for other different percentages that can be subsidized by the national government; the same applies hereinafter). Such loans are funded to be appropriated to the expenses subsidized by the relevant prefectural government to social welfare corporations established pursuant to the provisions of Article 31, paragraph (1) of the Social Welfare Act, the Japanese Red Cross Society or non-profit incorporated associations or non-profit incorporated foundations, if such subsidies from the relevant prefectural government are granted for the expenses spent for such construction, etc. of institutions for mentally disabled children, etc. that can be subsidized by the national government pursuant to the provisions of Article 56-2, paragraph (3) and that falls under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Promotion of Development of Infrastructures by Utilization of Revenues from the Sale of Shares of Nippon Telegraph and Telephone Corporation (Act No. 86 of 1987) (hereinafter referred to as "Act on Special Measures Concerning Infrastructure Development").

(2) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural or municipal government for part of the funds appropriated to the expenses spent for such new construction, repair, renovation, expansion or improvement of child and family support centers as falling under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Infrastructure Development.

(3) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural government or a designated city, etc. with regard to the expenses spent for such new construction, repair, renovation, expansion or improvement (excluding those for which the national government provides subsidies for expenses pursuant to

the provisions of Article 56-2, paragraph (3)) of institutions that is intended for the services for providing the assistance for children or pursuing sound upbringing of children and that falls under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Infrastructure Development. If such new construction, repair, renovation, expansion or improvement is implemented by relevant prefectural government or designated city, etc., the loans from the national government is provided for part of funds to be appropriated to the expenses spent therefor by relevant prefectural government or designated city, etc., and if implemented by a municipal government or a social welfare corporation other than designated cities, etc., the loans from the national government is provided for part of funds to be appropriated to the expenses subsidized therefor by relevant prefectural government or designated city, etc.

- (4) For the time being, the national government may, within the scope of the budget, provide loans without interest to a prefectural or municipal government or a person engaged in the services necessary for improvement of the medical treatment environment for children in need of long-term medical treatment in a medical institution (hereinafter meaning a "children under long-term treatment") for part of funds to be appropriated to expenses spent for such new construction, repair, renovation, expansion or improvement of lodging facilities for family members of children under long-term treatment as falling under Article 2, paragraph (1), item (ii) of the Act on Special Measures Concerning Infrastructure Development.
- (5) The period for reimbursement of loans from the national government set forth in any of the preceding paragraphs is a period not exceeding five years (inclusive of a grace period not exceeding two years) as specified by a Cabinet Order.
- (6) Beyond what is prescribed in the preceding paragraph, the method of reimbursement of loans, acceleration of the reimbursement period and other necessary particulars concerning reimbursements pursuant to the provisions of paragraphs (1) through (4) are prescribed by a Cabinet Order.
- (7) If a loan is provided to a prefectural government pursuant to the provisions of paragraph (1), the national government is to subsidize the amount equivalent to relevant loan amount pursuant to the provisions of Article 56-2, item (iii) with regard to the services to be covered by relevant loan, and relevant subsidy is given by means of granting the amount equivalent to the amount of relevant loan reimbursement at the times of such reimbursements.
- (8) In the case where a loan is provided to a prefectural or municipal government or a person engaged in the services necessary for the improvement of the medical treatment environment for children under long-term treatment pursuant to the provisions of paragraphs (2) through (4), the national

government is to subsidize the amount equivalent to the loan amount with regard to the services to be covered by the relevant loan, and the relevant subsidy is given by means of granting the amount equivalent to the amount of relevant loan reimbursement at the times of such reimbursements.

- (9) With regard to the application of the provisions of the preceding two paragraphs in the case where a prefectural or municipal government or a person engaged in the services necessary for the improvement of the medical treatment environment for children under long-term treatment redeems the loan amount without interest provided pursuant to the provisions of paragraphs (1) through (4) by accelerating the reimbursement period specified pursuant to the provisions of paragraphs (5) and (6) (excluding the cases specified by a Cabinet Order), relevant accelerated reimbursements is deemed to be made upon the maturity dates for relevant original reimbursement period.

Article 73 (1) With regard to application of provisions of Article 24, paragraph (3), for the time being, the term "The municipality, in the case of there being deficiency of nursery centers, certified children centers (limited to the ones which have received confirmation of Article 27, paragraph (1) of Child and Child Care Support Act. The same applies to this paragraph and Article 46-2, paragraph (2)) or home daycare services, etc. to meet the demands for childcare, or fear of there being deficiency, nursery centers, certified children centers" in the same paragraph is replaced with "The municipality, nursery centers, certified children centers (limited to the ones which have received confirmation of Article 27, paragraph (1) of Child and Child Care Support Act. The same applies to this paragraph and Article 46-2, paragraph (2))". Other than the above-mentioned, necessary terminological replacements are prescribed by Cabinet Order.

- (2) With regard to application of provisions of Article 46-2, paragraph (1), for the time being, the term "Article 24, paragraph (5)" is replaced with "the authority of the daycare practice in nursery center and Article 24, paragraph (5)", "entrusted for maternal and child assistance practice" to be replaced with "entrusted for maternal and child assistance practice or entrusted for daycare practice in a nursery center". Other than the above-mentioned, necessary terminological replacements are prescribed by Cabinet Order.