児童福祉法

Child Welfare Act

（昭和二十二年十二月十二日法律第百六十四号）

(Act No. 164 of December 12, 1947)

第一章　総則

Chapter I General Provisions

第一条　すべて国民は、児童が心身ともに健やかに生まれ、且つ、育成されるよう努めなければならない。

Article 1 (1) All citizens shall endeavor to ensure that children are born and brought up in good mental and physical health.

２　すべて児童は、ひとしくその生活を保障され、愛護されなければならない。

(2) All children shall equally be afforded the guaranteed level of life and be kindly treated.

第二条　国及び地方公共団体は、児童の保護者とともに、児童を心身ともに健やかに育成する責任を負う。

Article 2 The national and local governments shall be responsible for bringing up children in good mental and physical health, along with their guardians.

第三条　前二条に規定するところは、児童の福祉を保障するための原理であり、この原理は、すべて児童に関する法令の施行にあたつて、常に尊重されなければならない。

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

第一節　定義

Section 1 Definitions

第四条　この法律で、児童とは、満十八歳に満たない者をいい、児童を左のように分ける。

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

一　乳児　満一歳に満たない者

(i) Infant: Person under 1 year of age;

二　幼児　満一歳から、小学校就学の始期に達するまでの者

(ii) Toddler: Person of 1 year of age or more before the time of commencement of elementary school; and

三　少年　小学校就学の始期から、満十八歳に達するまでの者

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

２　この法律で、障害児とは、身体に障害のある児童又は知的障害のある児童をいう。

(2) The term "disabled child" as used in this Act shall mean a child with physical disabilities or a child with mental retardation.

第五条　この法律で、妊産婦とは、妊娠中又は出産後一年以内の女子をいう。

Article 5 The term "expectant and nursing mother" as used in this Act shall mean a female who is in pregnancy or within 1 year from childbirth.

第六条　この法律で、保護者とは、親権を行う者、未成年後見人その他の者で、児童を現に監護する者をいう。

Article 6 The term "guardian" as used in this Act shall mean a person who has actual custody of a child, that is, a person who has parental authority, a guardian of a minor, or any other person.

第六条の二　この法律で、児童自立生活援助事業とは、第二十七条第七項の措置に係る者につき同項に規定する住居において同項に規定する日常生活上の援助及び生活指導並びに就業の支援を行い、あわせて同項の措置を解除された者につき相談その他の援助を行う事業をいう。

Article 6-2 (1) The term "children's self-reliant living assistance services" as used in this Act shall mean services to provide daily life assistance and daily life guidance and employment supports prescribed in Article 27 paragraph (7) to a person pertaining to a measure set forth in the same paragraph at his/her residence prescribed in the same paragraph and to provide consultation and other assistance to a person for whom a measure set forth in the same paragraph has been cancelled.

２　この法律で、放課後児童健全育成事業とは、小学校に就学しているおおむね十歳未満の児童であつて、その保護者が労働等により昼間家庭にいないものに、政令で定める基準に従い、授業の終了後に児童厚生施設等の施設を利用して適切な遊び及び生活の場を与えて、その健全な育成を図る事業をいう。

(2) The term "services for sound upbringing of after-school children" as used in this Act shall mean services to pursue sound upbringing of elementary-school children around or under 10 years of age whose guardians 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　この法律で、子育て短期支援事業とは、保護者の疾病その他の理由により家庭において養育を受けることが一時的に困難となつた児童について、厚生労働省令で定めるところにより、児童養護施設その他の厚生労働省令で定める施設に入所させ、その者につき必要な保護を行う事業をいう。

(3) The term "short-term child care support services" as used in this Act shall mean services to be provided to a child for whom it becomes temporarily difficult to receive child care at his/her home due to his/her guardian's illness or other reason, by moving him/her into a foster home or any other facilities specified by an Ordinance of the Ministry of Health, Labour and Welfare and affording the necessary aid for him/her pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第六条の三　この法律で、里親とは、保護者のない児童又は保護者に監護させることが不適当であると認められる児童（以下「要保護児童」という。）を養育することを希望する者であつて、都道府県知事が適当と認めるものをいう。

Article 6-3 The term "foster parent" as used in this Act shall mean a person, as found appropriate by the prefectural governor, who desires to take care a child without guardian or a child for whom the custody of his/her guardian is found inappropriate (hereinafter referred to as a "Aid-requiring Child").

第七条　この法律で、児童福祉施設とは、助産施設、乳児院、母子生活支援施設、保育所、児童厚生施設、児童養護施設、知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設、重症心身障害児施設、情緒障害児短期治療施設、児童自立支援施設及び児童家庭支援センターとする。

Article 7 (1) The term "child welfare institution" as used in this Act shall mean any of midwifery home, infant home, maternal and child living support facility, nursery center, children's recreational facility, foster home, institution for mentally retarded children, daycare institution for mentally retarded children, institution for blind or deaf children, institution for orthopedically impaired children, institution for severely-retarded children, short-term therapeutic institution for emotionally disturbed children, children's self-reliance support facility, and child and family support center.

２　この法律で、障害児施設支援とは、知的障害児施設支援、知的障害児通園施設支援、盲ろうあ児施設支援、肢体不自由児施設支援及び重症心身障害児施設支援をいう。

(2) The term "institutional support for disabled children" as used in this Act shall mean institutional support for mentally retarded children, institutional daycare support for mentally retarded children, institutional support for blind or deaf children, institutional support for orthopedically impaired children, and institutional support for severely-retarded children.

３　この法律で、知的障害児施設支援とは、知的障害児施設に入所する知的障害のある児童に対して行われる保護又は治療及び知識技能の付与をいう。

(3) The term "institutional support for mentally retarded children" as used in this Act shall mean aid or therapy, and the provision of knowledge and skills given to children with mental retardation staying in an institution for mentally retarded children.

４　この法律で、知的障害児通園施設支援とは、知的障害児通園施設に通う知的障害のある児童に対して行われる保護及び知識技能の付与をいう。

(4) The term "institutional daycare support for mentally retarded children" as used in this Act shall mean the aid for a child with mental retardation attending a daycare institution for mentally retarded children and the provision of knowledge and skills to him/her.

５　この法律で、盲ろうあ児施設支援とは、盲ろうあ児施設に入所する盲児（強度の弱視児を含む。）又はろうあ児（強度の難聴児を含む。）に対して行われる保護及び指導又は援助をいう。

(5) The term "institutional support for blind or deaf children" as used in this Act shall mean aid given to a blind child (including severely amblyopic children) or a deaf child (including severely cloth-eared children) staying in an institution for blind or deaf children, and guidance or assistance to him/her.

６　この法律で、肢体不自由児施設支援とは、肢体不自由児施設又は国立高度専門医療センター若しくは独立行政法人国立病院機構の設置する医療機関であつて厚生労働大臣が指定するもの（以下「指定医療機関」という。）において、上肢、下肢又は体幹の機能の障害（以下「肢体不自由」という。）のある児童に対して行われる治療及び知識技能の付与をいう。

(6) The term "institutional support for orthopedically impaired children" as used in this Act shall mean therapy given to a child with upper-limb, lower-limb or trunk dysfunction (hereinafter referred to as "Limb/Trunk Dysfunction") in an institution for orthopedically impaired children or in a medical institution established by any of the national highly-specialized medical centers or the National Hospital Organization designated by the Minister of Health, Labour and Welfare (hereinafter referred to as a "Designated Medical Institution") and the provision of knowledge and skills to him/her.

７　この法律で、重症心身障害児施設支援とは、重症心身障害児施設に入所し、又は指定医療機関に入院する重度の知的障害及び重度の肢体不自由が重複している児童に対して行われる保護並びに治療及び日常生活の指導をいう。

(7) The term "institutional support for severely-retarded children" as used in this Act shall mean the aid for a child staying in an institution for severely-retarded child or admitted into a Designated Medical Institution who has both severe mental retardation and severe Limb/Trunk Dysfunction, and the therapy and daily life guidance given to him/her.

第二節　児童福祉審議会等

Section 2 Child Welfare Council, etc.

第八条　第七項、第二十七条第六項、第四十六条第四項及び第五十九条第五項の規定によりその権限に属させられた事項を調査審議するため、都道府県に児童福祉に関する審議会その他の合議制の機関を置くものとする。ただし、社会福祉法　（昭和二十六年法律第四十五号）第十二条第一項　の規定により同法第七条第一項　に規定する地方社会福祉審議会（以下「地方社会福祉審議会」という。）に児童福祉に関する事項を調査審議させる都道府県にあつては、この限りでない。

Article 8 (1) A prefectural government shall set up a council related to child welfare or other body with council system in order to study and deliberate the matters under the prefecture's jurisdiction pursuant to the provisions of paragraph (7) of this Article, Article 27 paragraph (6), Article 46 paragraph (4) and Article 59 paragraph (5); provided, however, that this shall 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 matters related to child welfare pursuant to the provision of Article 12 paragraph (1) of the same Act.

２　前項に規定する審議会その他の合議制の機関（以下「都道府県児童福祉審議会」という。）は、同項に定めるもののほか、児童、妊産婦及び知的障害者の福祉に関する事項を調査審議することができる。

(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 matters related to welfare of children, expectant and nursing mothers and mentally retarded persons, in addition to what is prescribed in the same paragraph.

３　市町村（特別区を含む。以下同じ。）は、前項の事項を調査審議するため、児童福祉に関する審議会その他の合議制の機関を置くことができる。

(3) A municipality (including special wards; the same shall apply hereinafter) may set up a council related to child welfare or other body with council system in order to study and deliberate the matters set forth in the preceding paragraph.

４　都道府県児童福祉審議会は、都道府県知事の、前項に規定する審議会その他の合議制の機関（以下「市町村児童福祉審議会」という。）は、市町村長（特別区の区長を含む。以下同じ。）の管理に属し、それぞれその諮問に答え、又は関係行政機関に意見を具申することができる。

(4) A Prefectural Child Welfare Council shall be placed under the jurisdiction of the prefectural governor, and the council or other body with council system prescribed in the preceding paragraph (hereinafter referred to as "Municipal Child Welfare Council") shall be placed under the jurisdiction of the mayor of municipality (including mayors of special wards; the same shall apply hereinafter). These councils and bodies may provide consultation for the respective governors and mayors, or state their opinions to relevant administrative organs.

５　都道府県児童福祉審議会及び市町村児童福祉審議会（以下「児童福祉審議会」という。）は、特に必要があると認めるときは、関係行政機関に対し、所属職員の出席説明及び資料の提出を求めることができる。

(5) A Prefectural Child Welfare Council or a Municipal Child Welfare Council (hereinafter referred to as "Child Welfare Council") may, when it finds particularly necessary, request relevant administrative organs to make their personnel attend a meeting of the council for explanations and submit materials.

６　社会保障審議会及び児童福祉審議会は、必要に応じ、相互に資料を提供する等常に緊密な連絡をとらなければならない。

(6) A social security council and the Child Welfare Councils shall constantly carry out close liaisons such as mutual provision of materials where needed.

７　社会保障審議会及び都道府県児童福祉審議会（第一項ただし書に規定する都道府県にあつては、地方社会福祉審議会とする。第二十七条第六項、第四十六条第四項並びに第五十九条第五項及び第六項において同じ。）は、児童及び知的障害者の福祉を図るため、芸能、出版物、がん具、遊戯等を推薦し、又はそれらを製作し、興行し、若しくは販売する者等に対し、必要な勧告をすることができる。

(7) In order to pursue welfare of children and mentally retarded persons, 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); hereinafter the same shall apply in Article 27 paragraph (6), Article 46 paragraph (4) and Article 59 paragraphs (5) and (6)) may recommend performing arts, publications, playthings, playgames, etc., or give necessary recommendations to the persons, etc., who manufacture, perform or sell them.

第九条　児童福祉審議会は、委員二十人以内で、これを組織する。

Article 9 (1) A Child Welfare Council shall be composed of 20 members or less.

２　児童福祉審議会において、特別の事項を調査審議するため必要があるときは、臨時委員を置くことができる。

(2) A Child Welfare Council may include a temporary member when it is necessary to study and deliberate special matters.

３　児童福祉審議会の委員及び臨時委員は、児童又は知的障害者の福祉に関する事業に従事する者及び学識経験のある者のうちから、都道府県知事又は市町村長が、それぞれこれを任命する。

(3) Members and temporary members of a Child Welfare Council shall be selected from persons engaged in business related to welfare of children or mentally retarded persons and from persons with relevant knowledge and experience, and appointed by the prefectural governor or mayor of municipality.

４　児童福祉審議会に、委員の互選による委員長及び副委員長各一人を置く。

(4) A Child Welfare Council shall have a chairperson and vice-chairperson chosen by its members.

第三節　実施機関

Section 3 Implementing Body

第十条　市町村は、この法律の施行に関し、次に掲げる業務を行わなければならない。

Article 10 (1) With regard to the enforcement of this Act, a municipal government shall perform the following services:

一　児童及び妊産婦の福祉に関し、必要な実情の把握に努めること。

(i) Endeavor to make necessary understanding of actual conditions concerning welfare of children and expectant and nursing mothers;

二　児童及び妊産婦の福祉に関し、必要な情報の提供を行うこと。

(ii) Provide necessary information concerning welfare of children and expectant and nursing mothers; and

三　児童及び妊産婦の福祉に関し、家庭その他からの相談に応じ、必要な調査及び指導を行うこと並びにこれらに付随する業務を行うこと。

(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.

２　市町村長は、前項第三号に掲げる業務のうち専門的な知識及び技術を必要とするものについては、児童相談所の技術的援助及び助言を求めなければならない。

(2) A mayor of municipality shall 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　市町村長は、第一項第三号に掲げる業務を行うに当たつて、医学的、心理学的、教育学的、社会学的及び精神保健上の判定を必要とする場合には、児童相談所の判定を求めなければならない。

(3) When the performance of the services listed in paragraph (1) item (iii) requires medical, psychological, pedagogical, sociological or mental health judgment, the mayor of municipality shall seek judgment by the child guidance center.

４　市町村は、この法律による事務を適切に行うために必要な体制の整備に努めるとともに、当該事務に従事する職員の人材の確保及び資質の向上のために必要な措置を講じなければならない。

(4) A municipal government shall 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 said affairs and enhance their qualifications.

第十一条　都道府県は、この法律の施行に関し、次に掲げる業務を行わなければならない。

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

一　前条第一項各号に掲げる市町村の業務の実施に関し、市町村相互間の連絡調整、市町村に対する情報の提供その他必要な援助を行うこと及びこれらに付随する業務を行うこと。

(i) Carry out liaison and coordination among the municipal governments, provide information and other necessary assistance to the municipal governments with regard to the implementation of the municipal governments' services listed in the items of paragraph (1) of the preceding Article, and perform the services incidental thereto; and

二　児童及び妊産婦の福祉に関し、主として次に掲げる業務を行うこと。

(ii) Perform the following services with regard to welfare of children and expectant and nursing mothers among others.

イ　各市町村の区域を超えた広域的な見地から、実情の把握に努めること。

(a) Endeavor to understand actual conditions from a transregional standpoint, regardless of the districts of the respective municipalities;

ロ　児童に関する家庭その他からの相談のうち、専門的な知識及び技術を必要とするものに応ずること。

(b) Provide families and others with consultation concerning children whose care requires specialized knowledge and skills;

ハ　児童及びその家庭につき、必要な調査並びに医学的、心理学的、教育学的、社会学的及び精神保健上の判定を行うこと。

(c) Carry out necessary investigation and make a medical, psychological, pedagogical, sociological or mental health judgment in relation to a child and his/her family;

ニ　児童及びその保護者につき、ハの調査又は判定に基づいて必要な指導を行うこと。

(d) Provide necessary guidance to the child and his/her guardian based on the investigation or judgment set forth in (c); and

ホ　児童の一時保護を行うこと。

(e) Take temporary custody of a child.

２　都道府県知事は、市町村の前条第一項各号に掲げる業務の適切な実施を確保するため必要があると認めるときは、市町村に対し、必要な助言を行うことができる。

(2) When it finds it necessary in order to ensure proper implementation of the services listed in the items of paragraph (1) of the preceding Articles, the prefectural governor may provide necessary advice to the municipal government.

３　都道府県知事は、第一項又は前項の規定による都道府県の事務の全部又は一部を、その管理に属する行政庁に委任することができる。

(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.

第十二条　都道府県は、児童相談所を設置しなければならない。

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

２　児童相談所は、児童の福祉に関し、主として前条第一項第一号に掲げる業務及び同項第二号ロからホまでに掲げる業務並びに障害者自立支援法（平成十七年法律第百二十三号）第二十二条第二項及び第三項並びに第二十六条第一項に規定する業務を行うものとする。

(2) A child guidance center shall perform the services concerning welfare of children, among others, listed in paragraph (1) item (i) of the preceding Article and listed in item (ii) (b) through (e) of the same paragraph and the services prescribed in Article 22 paragraphs (2) and (3) and Article 26 paragraph (1) of the Act on Support for Self-reliant Living of Persons with Disabilities (Act No. 123 of 2005).

３　児童相談所は、必要に応じ、巡回して、前項に規定する業務（前条第一項第二号ホに掲げる業務を除く。）を行うことができる。

(3) A child guidance center may, where needed, perform the services prescribed in the preceding paragraph by visiting (excluding the services listed in paragraph (1) item (ii) (e) of the preceding Article).

４　児童相談所長は、その管轄区域内の社会福祉法に規定する福祉に関する事務所（以下「福祉事務所」という。）の長（以下「福祉事務所長」という。）に必要な調査を委嘱することができる。

(4) A child guidance center's director 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").

第十二条の二　児童相談所には、所長及び所員を置く。

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

２　所長は、都道府県知事の監督を受け、所務を掌理する。

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

３　所員は、所長の監督を受け、前条に規定する業務をつかさどる。

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

４　児童相談所には、第一項に規定するもののほか、必要な職員を置くことができる。

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

第十二条の三　児童相談所の所長及び所員は、都道府県知事の補助機関である職員とする。

Article 12-3 (1) The director and employees of a child guidance center shall be officials positioned as subsidiary organs for the prefectural governor.

２　所長は、次の各号のいずれかに該当する者でなければならない。

(2) The director of a child guidance center shall be a person who falls under any of the following items:

一　医師であつて、精神保健に関して学識経験を有する者

(i) A physician having knowledge and experience concerning mental health;

二　学校教育法　（昭和二十二年法律第二十六号）に基づく大学又は旧大学令（大正七年勅令第三百八十八号）に基づく大学において、心理学を専修する学科又はこれに相当する課程を修めて卒業した者

(ii) A person completing a department specialized in psychology or other equivalent course in a university pursuant to the School Education Act (Act No. 26 of 1947) or in a university pursuant to the old ordinance for universities (Imperial Ordinance No. 388 of 1918);

三　社会福祉士

(iii) A certified social worker;

四　児童の福祉に関する事務をつかさどる職員（以下「児童福祉司」という。）として二年以上勤務した者又は児童福祉司たる資格を得た後二年以上所員として勤務した者

(iv) 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 2 years or more, or a person who has been working, or used to work, as an employee of the child guidance center for 2 years or more after obtaining the qualification of Child Welfare Officer; or

五　前各号に掲げる者と同等以上の能力を有すると認められる者であつて、厚生労働省令で定めるもの

(v) A person who is found to have the ability equivalent or superior to the persons listed in the preceding items as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

３　所長は、厚生労働大臣が定める基準に適合する研修を受けなければならない。

(3) The director of a child guidance center shall receive training conforming to the standards specified by the Minister of Health, Labor and Welfare.

４　判定をつかさどる所員の中には、第二項第一号に該当する者又はこれに準ずる資格を有する者及び同項第二号に該当する者又はこれに準ずる資格を有する者が、それぞれ一人以上含まれなければならない。

(4) Employees of a child guidance center who are in charge of judgments shall 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.

５　相談及び調査をつかさどる所員は、児童福祉司たる資格を有する者でなければならない。

(5) An employee of a child guidance center who is in charge of consultation and investigation shall be a person who has the qualification of Child Welfare Officer.

第十二条の四　児童相談所には、必要に応じ、児童を一時保護する施設を設けなければならない。

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

第十二条の五　この法律で定めるもののほか、児童相談所の管轄区域その他児童相談所に関し必要な事項は、命令でこれを定める。

Article 12-5 In addition to what is provided for in this Act, necessary matters concerning the child guidance centers including the jurisdictional districts of child guidance centers shall be prescribed by an Order.

第十二条の六　保健所は、この法律の施行に関し、主として次の業務を行うものとする。

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

一　児童の保健について、正しい衛生知識の普及を図ること。

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

二　児童の健康相談に応じ、又は健康診査を行い、必要に応じ、保健指導を行うこと。

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

三　身体に障害のある児童及び疾病により長期にわたり療養を必要とする児童の療育について、指導を行うこと。

(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

四　児童福祉施設に対し、栄養の改善その他衛生に関し、必要な助言を与えること。

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

２　児童相談所長は、相談に応じた児童、その保護者又は妊産婦について、保健所に対し、保健指導その他の必要な協力を求めることができる。

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

第四節　児童福祉士

Section 4 Child Welfare Officer

第十三条　都道府県は、その設置する児童相談所に、児童福祉司を置かなければならない。

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

２　児童福祉司は、都道府県知事の補助機関である職員とし、次の各号のいずれかに該当する者のうちから、任用しなければならない。

(2) A Child Welfare Officer shall be an official positioned as a subsidiary organ for the prefectural governor and shall be appointed from among the persons who fall under any of the following items:

一　厚生労働大臣の指定する児童福祉司若しくは児童福祉施設の職員を養成する学校その他の施設を卒業し、又は厚生労働大臣の指定する講習会の課程を修了した者

(i) A person graduating from a school or other facility for training of Child Welfare Officers 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 Minister of Health, Labor and Welfare;

二　学校教育法に基づく大学又は旧大学令に基づく大学において、心理学、教育学若しくは社会学を専修する学科又はこれらに相当する課程を修めて卒業した者であつて、厚生労働省令で定める施設において一年以上児童その他の者の福祉に関する相談に応じ、助言、指導その他の援助を行う業務に従事したもの

(ii) A person completing a department specialized in psychology, pedagogy or sociology or other equivalent course in a university pursuant to the School Education Act or in a university pursuant to the old ordinance for universities, who has been working, or used to work, for 1 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 Ordinance of the Ministry of Health, Labour and Welfare;

三　医師

(iii) A physician;

三の二　社会福祉士

(iii)-2 A certified social worker;

四　社会福祉主事として、二年以上児童福祉事業に従事した者

(iv) A person who has been working, or used to work, as a social welfare secretary for child welfare services for 2 years or more; or

五　前各号に掲げる者と同等以上の能力を有すると認められる者であつて、厚生労働省令で定めるもの

(v) A person who is found to have the ability equivalent or superior to the persons listed in the preceding items and who is as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

３　児童福祉司は、児童相談所長の命を受けて、児童の保護その他児童の福祉に関する事項について、相談に応じ、専門的技術に基いて必要な指導を行う等児童の福祉増進に努める。

(3) A Child Welfare Officer shall, by an order of the child guidance center's director, endeavor to promote welfare of children by such means as providing consultation and necessary guidance based on his/her specialized skills with regard to the aid for children and other matters concerning welfare of children.

４　児童福祉司は、政令の定めるところにより児童相談所長が定める担当区域により、前項の職務を行い、担当区域内の市町村長に協力を求めることができる。

(4) A Child Welfare Officer shall, pursuant to the provisions of a Cabinet Order, perform his/her duties set forth in the preceding paragraph in accordance with the area of responsibility specified by the child guidance center's director and may seek cooperation from the mayor of municipality having jurisdiction over the area of his/her responsibility.

第十四条　市町村長は、前条第三項に規定する事項に関し、児童福祉司に必要な状況の通報及び資料の提供並びに必要な援助を求めることができる。

Article 14 (1) With regard to the matters provided in paragraph (3) 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　児童福祉司は、その担当区域内における児童に関し、必要な事項につき、その担当区域を管轄する児童相談所長又は市町村長にその状況を通知し、併せて意見を述べなければならない。

(2) With regard to the children in the area of his/her responsibility, a Child Welfare Officer shall give notice of the conditions of necessary matters and state his/her opinions to the child guidance center's director or the mayor of municipality having jurisdiction over the area of his/her responsibility.

第十五条　この法律で定めるもののほか、児童福祉司の任用叙級その他児童福祉司に関し必要な事項は、命令でこれを定める。

Article 15 In addition to what is provided for in this Act, appointment and assignment of Child Welfare Officers and other necessary matters concerning Child Welfare Officers shall be prescribed by an Order.

第五節　児童委員

Section 5 Commissioned Child Welfare Volunteer

第十六条　市町村の区域に児童委員を置く。

Article 16 (1) A municipal government shall staff commissioned child welfare volunteers in its distinct.

２　民生委員法　（昭和二十三年法律第百九十八号）による民生委員は、児童委員に充てられたものとする。

(2) A commissioned welfare volunteer pursuant to the Commissioned Welfare Volunteers Law (Act No. 198 of 1948) shall be deemed to be appointed concurrently as a commissioned child welfare volunteer.

３　厚生労働大臣は、児童委員のうちから、主任児童委員を指名する。

(3) The Minister of Health, Labor and Welfare shall designate chief commissioned child welfare volunteers among from commissioned child welfare volunteers.

４　前項の規定による厚生労働大臣の指名は、民生委員法第五条の規定による推薦によつて行う。

(4) The designation by the Minister of Health, Labor and Welfare pursuant to the provision of the preceding paragraph shall be made through the nomination pursuant to the provision of Article 5 of the Commissioned Welfare Volunteers Law.

第十七条　児童委員は、次に掲げる職務を行う。

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

一　児童及び妊産婦につき、その生活及び取り巻く環境の状況を適切に把握しておくこと。

(i) Understand adequately the conditions of life of children and expectant and nursing mothers and their living environments;

二　児童及び妊産婦につき、その保護、保健その他福祉に関し、サービスを適切に利用するために必要な情報の提供その他の援助及び指導を行うこと。

(ii) Provide necessary information and afford other assistance and guidance to enable children and expectant and nursing mothers to utilize services adequately with regard to their aid, healthcare and other matters concerning welfare;

三　児童及び妊産婦に係る社会福祉を目的とする事業を経営する者又は児童の健やかな育成に関する活動を行う者と密接に連携し、その事業又は活動を支援すること。

(iii) Coordinate 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;

四　児童福祉司又は福祉事務所の社会福祉主事の行う職務に協力すること。

(iv) Cooperate in the duties performed by Child Welfare Officers or social welfare secretaries of the Welfare Offices;

五　児童の健やかな育成に関する気運の醸成に努めること。

(v) Endeavor to encourage a spirit conducive to the healthy upbringing of children; and

六　前各号に掲げるもののほか、必要に応じて、児童及び妊産婦の福祉の増進を図るための活動を行うこと。

(vi) In addition to what is listed in the preceding items, conduct other activities to pursue the promotion of welfare of children and expectant and nursing mothers, where needed.

２　主任児童委員は、前項各号に掲げる児童委員の職務について、児童の福祉に関する機関と児童委員（主任児童委員である者を除く。以下この項において同じ。）との連絡調整を行うとともに、児童委員の活動に対する援助及び協力を行う。

(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 shall 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 shall apply hereinafter in this paragraph) and provide assistance and cooperation for activities of commissioned child welfare volunteers.

３　前項の規定は、主任児童委員が第一項各号に掲げる児童委員の職務を行うことを妨げるものではない。

(3) The provision of the preceding paragraph shall 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　児童委員は、その職務に関し、都道府県知事の指揮監督を受ける。

(4) A commissioned child welfare volunteer shall be directed and supervised by the prefectural governor in the course of duties.

第十八条　市町村長は、前条第一項又は第二項に規定する事項に関し、児童委員に必要な状況の通報及び資料の提供を求め、並びに必要な指示をすることができる。

Article 18 (1) With regard to the matters 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 him/her.

２　児童委員は、その担当区域内における児童又は妊産婦に関し、必要な事項につき、その担当区域を管轄する児童相談所長又は市町村長にその状況を通知し、併せて意見を述べなければならない。

(2) With regard to the children and expectant and nursing mothers in the area of his/her responsibility, a commissioned child welfare volunteer shall give notice of the conditions of necessary matters and state his/her opinions to the child guidance center's director or the mayor of municipality having jurisdiction over the area of his/her responsibility.

３　児童委員が、児童相談所長に前項の通知をするときは、緊急の必要があると認める場合を除き、市町村長を経由するものとする。

(3) When a commissioned child welfare volunteer intends to give notice set forth in the preceding paragraph to the child guidance center's director except in the case where he/she finds an urgent necessity, such notice shall be given through the mayor of municipality.

４　児童相談所長は、その管轄区域内の児童委員に必要な調査を委嘱することができる。

(4) A child guidance center's director may commission necessary investigations to a commissioned child welfare volunteer in the jurisdictional district of the child guidance center.

第十八条の二　都道府県知事は、厚生労働大臣の定める基準に従い、児童委員の研修に関して計画を作成し、これを実施しなければならない。

Article 18-2 A prefectural governor shall 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.

第十八条の三　この法律で定めるもののほか、児童委員に関し必要な事項は、命令でこれを定める。

Article 18-3 In addition to what is provided for in this Act, necessary matters concerning commissioned child welfare volunteers shall be prescribed by an Order.

第六節　保育士

Section 6 Nursery Teacher

第十八条の四　この法律で、保育士とは、第十八条の十八第一項の登録を受け、保育士の名称を用いて、専門的知識及び技術をもつて、児童の保育及び児童の保護者に対する保育に関する指導を行うことを業とする者をいう。

Article 18-4 The term "nursery teacher" as used in this Act shall mean a person who is registered as prescribed in Article 18-18 paragraph (1) and works for daycare of children and guidance concerning daycare to their guardians, in the name of nursery teacher and through using his/her specialized knowledge and skills.

第十八条の五　次の各号のいずれかに該当する者は、保育士となることができない。

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

一　成年被後見人又は被保佐人

(i) An adult ward or a person under curatorship;

二　禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から起算して二年を経過しない者

(ii) A person sentenced to imprisonment or severer punishment and awaiting a lapse of 2 years from the day on which its execution will be completed or cease to be enforceable;

三　この法律の規定その他児童の福祉に関する法律の規定であつて政令で定めるものにより、罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなつた日から起算して二年を経過しない者

(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 2 years from the day on which its execution will be completed or cease to be enforceable; or

四　第十八条の十九第一項第二号又は第二項の規定により登録を取り消され、その取消しの日から起算して二年を経過しない者

(iv) A person awaiting a lapse of 2 years from the date of rescission of his/her registration pursuant to the provision of Article 18-19 paragraph (1) item (ii) or paragraph (2) of the same Article.

第十八条の六　次の各号のいずれかに該当する者は、保育士となる資格を有する。

Article 18-6 A person who falls under any of the following items shall be qualified as a nursery teacher:

一　厚生労働大臣の指定する保育士を養成する学校その他の施設（以下「指定保育士養成施設」という。）を卒業した者

(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"); or

二　保育士試験に合格した者

(ii) A person passing a nursery teacher examination.

第十八条の七　厚生労働大臣は、保育士の養成の適切な実施を確保するため必要があると認めるときは、その必要な限度で、指定保育士養成施設の長に対し、教育方法、設備その他の事項に関し報告を求め、若しくは指導をし、又は当該職員に、その帳簿書類その他の物件を検査させることができる。

Article 18-7 (1) The Minister of Health, Labor and Welfare may, when he/she finds it necessary in order to ensure adequate implementation of training of nursery teachers, within the limit necessary therefor, request the head of a Designated Nursery Teacher Training Facility to report on its education methods, accommodation facilities or other matters or provide guidance to the head of the facility, or make said ministry's official inspect books and documents and other objects.

２　前項の規定による検査を行う場合においては、当該職員は、その身分を示す証明書を携帯し、関係者の請求があるときは、これを提示しなければならない。

(2) When the inspection is conducted pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

３　第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

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

第十八条の八　保育士試験は、厚生労働大臣の定める基準により、保育士として必要な知識及び技能について行う。

Article 18-8 (1) A nursery teacher examination shall be 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　保育士試験は、毎年一回以上、都道府県知事が行う。

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

３　保育士として必要な知識及び技能を有するかどうかの判定に関する事務を行わせるため、都道府県に保育士試験委員（次項において「試験委員」という。）を置く。ただし、次条第一項の規定により指定された者に当該事務を行わせることとした場合は、この限りでない。

(3) A prefectural government shall 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 shall not apply to the case where the prefectural government makes a person designated pursuant to the provision of paragraph (1) of the following Article conduct said affairs.

４　試験委員又は試験委員であつた者は、前項に規定する事務に関して知り得た秘密を漏らしてはならない。

(4) An Examination Commissioner or an ex-Examination Commissioner shall not divulge any secret coming to his/her knowledge with regard to the affairs prescribed in the preceding paragraph.

第十八条の九　都道府県知事は、厚生労働省令で定めるところにより、一般社団法人又は一般財団法人であつて、保育士試験の実施に関する事務（以下「試験事務」という。）を適正かつ確実に実施することができると認められるものとして当該都道府県知事が指定する者（以下「指定試験機関」という。）に、試験事務の全部又は一部を行わせることができる。

Article 18-9 (1) A prefectural governor may, pursuant to the provisions of an Ordinance of the Ministry of Health, Labour and Welfare, make a general incorporated association or general incorporated foundation designated by said 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　都道府県知事は、前項の規定により指定試験機関に試験事務の全部又は一部を行わせることとしたときは、当該試験事務の全部又は一部を行わないものとする。

(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 provision of the preceding paragraph, the prefectural governor shall not conduct whole or part of such Examination Affairs.

３　都道府県は、地方自治法　（昭和二十二年法律第六十七号）第二百二十七条　の規定に基づき保育士試験に係る手数料を徴収する場合においては、第一項の規定により指定試験機関が行う保育士試験を受けようとする者に、条例で定めるところにより、当該手数料の全部又は一部を当該指定試験機関へ納めさせ、その収入とすることができる。

(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 may, pursuant to the provisions of a Prefectural Ordinance, require that a person who desires to take a nursery teacher examination held by a Designated Examining Body pursuant to the provision of paragraph (1) to pay the whole or part of said fees to the said Designated Examining Body and account for the fees so collected as the prefecture's income.

第十八条の十　指定試験機関の役員の選任及び解任は、都道府県知事の認可を受けなければ、その効力を生じない。

Article 18-10 (1) Appointment and dismissal of an officer of a Designated Examining Body shall not become effective without the prefectural governor's approval.

２　都道府県知事は、指定試験機関の役員が、この法律（この法律に基づく命令又は処分を含む。）若しくは第十八条の十三第一項に規定する試験事務規程に違反する行為をしたとき、又は試験事務に関し著しく不適当な行為をしたときは、当該指定試験機関に対し、当該役員の解任を命ずることができる。

(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 said Designated Examining Body to dismiss the said officer.

第十八条の十一　指定試験機関は、試験事務を行う場合において、保育士として必要な知識及び技能を有するかどうかの判定に関する事務については、保育士試験委員（次項及び次条第一項において「試験委員」という。）に行わせなければならない。

Article 18-11 (1) In the case of conducting its Examination Affairs, a Designated Examining Body shall 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　前条第一項の規定は試験委員の選任及び解任について、同条第二項の規定は試験委員の解任について、それぞれ準用する。

(2) The provision of paragraph (1) of the preceding Article shall apply mutatis mutandis to the appointment and dismissal of an Examination Commissioner, and the provision of paragraph (2) of the same Article shall apply mutatis mutandis to the dismissal of an Examination Commissioner.

第十八条の十二　指定試験機関の役員若しくは職員（試験委員を含む。次項において同じ。）又はこれらの職にあつた者は、試験事務に関して知り得た秘密を漏らしてはならない。

Article 18-12 (1) An officer or employee of a Designated Examining Body (including Examination Commissioners; the same shall apply in the following paragraph) or a person who used to be such an officer or employee shall not divulge any secret coming to his/her knowledge with regard to the Examination Affairs.

２　試験事務に従事する指定試験機関の役員又は職員は、刑法（明治四十年法律第四十五号）その他の罰則の適用については、法令により公務に従事する職員とみなす。

(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 shall be deemed to be an official engaged in the public services pursuant to laws and regulations.

第十八条の十三　指定試験機関は、試験事務の開始前に、試験事務の実施に関する規程（以下「試験事務規程」という。）を定め、都道府県知事の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 18-13 (1) A Designated Examining Body shall 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 shall apply when the Rules on Examination Affairs are to be changed.

２　都道府県知事は、前項の認可をした試験事務規程が試験事務の適正かつ確実な実施上不適当となつたと認めるときは、指定試験機関に対し、これを変更すべきことを命ずることができる。

(2) When a prefectural governor finds that the Rules on Examination Affairs approved pursuant to the provision 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 this Rules.

第十八条の十四　指定試験機関は、毎事業年度、事業計画及び収支予算を作成し、当該事業年度の開始前に（指定を受けた日の属する事業年度にあつては、その指定を受けた後遅滞なく）、都道府県知事の認可を受けなければならない。これを変更しようとするときも、同様とする。

Article 18-14 A Designated Examining Body shall prepare its service plan and income and expenditure budget for each business year and obtain approval from the prefectural governor before the start of said business year (or without delay after designation, in the case where the date of its designation as a Designated Examining Body falls on the said business year). The same shall apply when a service plan or an income and expenditure budget is to be changed.

第十八条の十五　都道府県知事は、試験事務の適正かつ確実な実施を確保するため必要があると認めるときは、指定試験機関に対し、試験事務に関し監督上必要な命令をすることができる。

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.

第十八条の十六　都道府県知事は、試験事務の適正かつ確実な実施を確保するため必要があると認めるときは、その必要な限度で、指定試験機関に対し、報告を求め、又は当該職員に、関係者に対し質問させ、若しくは指定試験機関の事務所に立ち入り、その帳簿書類その他の物件を検査させることができる。

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 may, within the limit necessary therefor, request the Designated Examining Body to make a report, or cause the said 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　前項の規定による質問又は立入検査を行う場合においては、当該職員は、その身分を示す証明書を携帯し、関係者の請求があるときは、これを提示しなければならない。

(2) When any question or entry and inspection is made pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

３　第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない

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

第十八条の十七　指定試験機関が行う試験事務に係る処分又はその不作為について不服がある者は、都道府県知事に対し、行政不服審査法（昭和三十七年法律第百六十号）による審査請求をすることができる。

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).

第十八条の十八　保育士となる資格を有する者が保育士となるには、保育士登録簿に、氏名、生年月日その他厚生労働省令で定める事項の登録を受けなければならない。

Article 18-18 (1) In order for a person who is qualified as a nursery teacher to become a nursery teacher, his/her name, date of birth and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be registered in the nursery teachers registry.

２　保育士登録簿は、都道府県に備える。

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

３　都道府県知事は、保育士の登録をしたときは、申請者に第一項に規定する事項を記載した保育士登録証を交付する。

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

第十八条の十九　都道府県知事は、保育士が次の各号のいずれかに該当する場合には、その登録を取り消さなければならない。

Article 18-19 (1) In the case where a nursery teacher falls under any of the following items, the prefectural governor shall rescind his/her registration:

一　第十八条の五各号（第四号を除く。）のいずれかに該当するに至つた場合

(i) When he/she becomes a person falling under any of the items of Article 18-5 (excluding item (iv)); or

二　虚偽又は不正の事実に基づいて登録を受けた場合

(ii) When he/she is registered as a nursery teacher based on false or wrongful facts.

２　都道府県知事は、保育士が第十八条の二十一又は第十八条の二十二の規定に違反したときは、その登録を取り消し、又は期間を定めて保育士の名称の使用の停止を命ずることができる。

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

第十八条の二十　都道府県知事は、保育士の登録がその効力を失つたときは、その登録を消除しなければならない。

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

第十八条の二十一　保育士は、保育士の信用を傷つけるような行為をしてはならない。

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

第十八条の二十二　保育士は、正当な理由がなく、その業務に関して知り得た人の秘密を漏らしてはならない。保育士でなくなつた後においても、同様とする。

Article 18-22 A nursery teacher shall not divulge any secret of any person coming to his/her knowledge with regard to his/her duties without justifiable ground. The same shall apply even after he/she ceases to be a nursery teacher.

第十八条の二十三　保育士でない者は、保育士又はこれに紛らわしい名称を使用してはならない。

Article 18-23 A person who is not a nursery teacher shall not use the name of nursery teacher or any other confusing name.

第十八条の二十四　この法律に定めるもののほか、指定保育士養成施設、保育士試験、指定試験機関、保育士の登録その他保育士に関し必要な事項は、政令でこれを定める。

Article 18-24 In addition to what is provided for in this Act, other necessary matters concerning nursery teachers such as Designated Nursery Teacher Training Facility, nursery teacher examinations, Designated Examining Body and registration of nursery teachers shall be prescribed by a Cabinet Order.

第二章　福祉の保障

Chapter II Guarantee of Welfare

第一節　療育の指導等

Section 1 Guidance, etc. on Medical Treatment and Education

第十九条　保健所長は、身体に障害のある児童につき、診査を行ない、又は相談に応じ、必要な療育の指導を行なわなければならない。

Article 19 (1) A public health center's director shall carry out medical examinations or provide consultation for children with physical disabilities, and shall guide medical treatment and education necessary for them.

２　保健所長は、疾病により長期にわたり療養を必要とする児童につき、診査を行い、又は相談に応じ、必要な療育の指導を行うことができる。

(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 guide medical treatment and education necessary for them.

３　保健所長は、身体障害者福祉法　（昭和二十四年法律第二百八十三号）第十五条第四項　の規定により身体障害者手帳の交付を受けた児童（身体に障害のある十五歳未満の児童については、身体障害者手帳の交付を受けたその保護者とする。以下同じ。）につき、同法第十六条第二項第一号又は第二号に掲げる事由があると認めるときは、その旨を都道府県知事に報告しなければならない。

(3) When a public health center's director finds that a child to whom a physically disabled certificate is issued pursuant to the provision of Article 15 paragraph (4) of the Physically Disabled Welfare Act (Act No. 283 of 1949) (or the guardian of a child to whom a physically disabled certificate is issued as aforesaid, if he/she is a child with physical disabilities under 15 years of age; the same shall apply 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 shall notify the prefectural governor to that effect.

第二十条　都道府県は、骨関節結核その他の結核にかかつている児童に対し、療養に併せて学習の援助を行うため、これを病院に入院させて療育の給付を行うことができる。

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 him/her, in order to afford learning assistance together with medical treatment.

２　療育の給付は、医療並びに学習及び療養生活に必要な物品の支給とする。

(2) Medical treatment and education benefits shall mean the provision of medical care and goods necessary for learning and for life with medical treatment.

３　前項の医療は、次に掲げる給付とする。

(3) The medical care set forth in the preceding paragraph shall mean the performance listed in the following items:

一　診察

(i) Clinical examination;

二　薬剤又は治療材料の支給

(ii) Provision of medical agents or therapeutic materials;

三　医学的処置、手術及びその他の治療並びに施術

(iii) Medical attention, operative treatment and other therapy, and medical practice;

四　病院又は診療所への入院及びその療養に伴う世話その他の看護

(iv) Admission into a hospital or clinic, and caring and other nursing incidental to the medical treatment there; and

五　移送

(v) Transport.

４　第二項の医療に係る療育の給付は、厚生労働大臣又は都道府県知事が次項の規定により指定する病院（以下「指定療育機関」という。）に委託して行うものとする。

(4) Medical treatment and education benefits pertaining to the medical care set forth in paragraph (2) shall be entrusted to, and provided by, a hospital designated by the Minister of Health, Labor and Welfare or the prefectural governor pursuant to the provision of the following paragraph (hereinafter referred to as a "Designated Treatment and Education Institution").

５　厚生労働大臣は、国が開設した病院についてその主務大臣の同意を得て、都道府県知事は、その他の病院についてその開設者の同意を得て、第二項の医療を担当させる機関を指定する。

(5) The Minister of Health, Labor and Welfare shall designate the institutions in charge of the medical care set forth in paragraph (2), to be selected from the hospitals set up by the national government, with the competent minister's consent, and a prefectural governor shall designate such institutions, to be selected from other hospitals, with the consent of those who have set up the same.

６　前項の指定は、政令で定める基準に適合する病院について行うものとする。

(6) The designation set forth in the preceding paragraph shall be made toward hospitals conforming to the standards specified by a Cabinet Order.

７　指定療育機関は、三十日以上の予告期間を設けて、その指定を辞退することができる。

(7) A Designated Treatment and Education Institution may decline the designation by giving not less than 30 days advance notice.

８　指定療育機関が第六項の規定に基づく政令で定める基準に適合しなくなつたとき、次条の規定に違反したとき、その他指定療育機関に第二項の医療を担当させるについて著しく不適当であると認められる理由があるときは、厚生労働大臣が指定した指定療育機関については厚生労働大臣が、都道府県知事が指定した指定療育機関については都道府県知事が、その指定を取り消すことができる。

(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 provision of the following Article, or is found to be extremely inappropriate as an institution in charge of the medical care set forth in paragraph (2) due to any other reason, the Minister of Health, Labor and Welfare may rescind its designation if it has been designated by the Minister of Health, Labor and Welfare, and the prefectural governor may rescind its designation if it has been designated by the prefectural governor.

第二十一条　指定療育機関は、厚生労働大臣の定めるところにより、前条第二項の医療を担当しなければならない。

Article 21 A Designated Treatment and Education Institution shall 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.

第二十一条の二　指定療育機関の診療方針及び診療報酬は、健康保険の診療方針及び診療報酬の例による。

Article 21-2 (1) The medical service policy and medical fees of a Designated Treatment and Education Institution shall be governed by the same rules as the medical service policy and medical fees for health insurance.

２　前項に規定する診療方針及び診療報酬によることができないとき、及びこれによることを適当としないときの診療方針及び診療報酬は、厚生労働大臣が定めるところによる。

(2) When the medical service policy and medical fees prescribed in the preceding paragraph cannot be followed or they are not appropriate to be followed, the medical service policy and medical fees shall be as prescribed by the Minister of Health, Labor and Welfare.

第二十一条の三　都道府県知事は、指定療育機関の診療内容及び診療報酬の請求を随時審査し、かつ、指定療育機関が前条の規定によつて請求することができる診療報酬の額を決定することができる。

Article 21-3 (1) A prefectural governor may from time to time review the medical service details of a Designated Treatment and Education Institution and the medical fees requested by it and decide the amounts of the medical fees that can be requested by a Designated Treatment and Education Institution pursuant to the provision of the preceding Article.

２　指定療育機関は、都道府県知事が行う前項の決定に従わなければならない。

(2) A Designated Treatment and Education Institution shall comply with decisions made by the prefectural governor set forth in the preceding paragraph.

３　都道府県知事は、第一項の規定により指定療育機関が請求することができる診療報酬の額を決定するに当たつては、社会保険診療報酬支払基金法　（昭和二十三年法律第百二十九号）に定める審査委員会、国民健康保険法　（昭和三十三年法律第百九十二号）に定める国民健康保険診療報酬審査委員会その他政令で定める医療に関する審査機関の意見を聴かなければならない。

(3) When a prefectural governor decides the amounts of medical fees that can be requested by a Designated Treatment and Education Institution pursuant to the provision of paragraph (1), the prefectural governor shall hear opinions from the review committee prescribed in the Act on Social Insurance Medical Fee Payment Fund (Act No. 129 of 1948), the national health insurance medical fees review committee prescribed in the National Health Insurance Act (Act No. 192 of 1958), and other reviewing bodies concerning medical care as specified by a Cabinet Order.

４　都道府県は、指定療育機関に対する診療報酬の支払に関する事務を社会保険診療報酬支払基金、国民健康保険団体連合会その他厚生労働省令で定める者に委託することができる。

(4) A prefectural government may entrust the Social Insurance Medical Fee Payment Fund, a federation of national health insurance or any other person specified by Ordinance of the Ministry of Health, Labour and Welfare to conduct the affairs concerning payments of medical fees to Designated Treatment and Education Institutions.

５　第一項の規定による診療報酬の額の決定については、行政不服審査法による不服申立てをすることができない。

(5) With regard to a decision of the amounts of medical fees pursuant to the provision of paragraph (1), no appeal pursuant to the Administrative Appeal Act may be entered.

第二十一条の四　都道府県知事（厚生労働大臣が指定した指定療育機関にあつては、厚生労働大臣又は都道府県知事とする。次項において同じ。）は、指定療育機関の診療報酬の請求が適正であるかどうかを調査するため必要があると認めるときは、指定療育機関の管理者に対して必要な報告を求め、又は当該職員をして、指定療育機関について、その管理者の同意を得て、実地に診療録、帳簿書類その他の物件を検査させることができる。

Article 21-4 (1) When a prefectural governor (or the Minister of Health, Labor and Welfare or the prefectural governor, in the case of a Designated Treatment and Education Institution designated by the Minister of Health, Labor and Welfare; the same shall apply in the following paragraph) finds it necessary in order to investigate whether medical fees are correctly claimed by a Designated Treatment and Education Institution, the prefectural governor may request the manager of the Designated Treatment and Education Institution to make a necessary report, or may make said 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　指定療育機関の管理者が、正当な理由がなく、前項の報告の求めに応ぜず、若しくは虚偽の報告をし、又は同項の同意を拒んだときは、都道府県知事は、当該指定療育機関に対する都道府県の診療報酬の支払を一時差し止めることを指示し、又は差し止めることができる。

(2) When 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 said Designated Treatment and Education Institution.

３　厚生労働大臣は、前項に規定する都道府県知事の権限に属する事務（都道府県知事が指定した指定療育機関に係るものに限る。）について、児童の利益を保護する緊急の必要があると認めるときは、都道府県知事に対し同項の事務を行うことを指示することができる。

(3) When the Minister of Health, Labor and Welfare finds 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 (limited to those pertaining to the Designated Treatment and Education Institutions designated by the prefectural governor), the Minister of Health, Labor and Welfare may instruct the prefectural governor to conduct the affairs set forth in the same paragraph.

第二十一条の五　都道府県は、厚生労働大臣が定める慢性疾患にかかつていることにより長期にわたり療養を必要とする児童又は児童以外の満二十歳に満たない者（政令で定めるものに限る。）であつて、当該疾患の状態が当該疾患ごとに厚生労働大臣が定める程度であるものの健全な育成を図るため、当該疾患の治療方法に関する研究その他必要な研究に資する医療の給付その他の政令で定める事業を行うことができる。

Article 21-5 For the purpose of pursuing sound upbringing of children or persons under 20 years of age other than children (limited to those who are specified by a Cabinet Order) in need of long-term medical treatment due to any chronic illness specified by the Minister of Health, Labor and Welfare whose condition of said illness corresponds to the level specified by the Minister of Health, Labor and Welfare for each such illness, the prefectural government may provide medical care benefits that will contribute to studies concerning the therapeutic methods for said illness or other necessary studies or other services specified by a Cabinet Order.

第二節　居宅生活の支援

Section 2 Support for Residential Life

第一款　障害福祉サービスの措置

Subsection 1 Measures for Disabled Person Welfare Services

第二十一条の六　市町村は、障害者自立支援法第五条第一項に規定する障害福祉サービス（以下「障害福祉サービス」という。）を必要とする障害児の保護者が、やむを得ない事由により同法に規定する介護給付費又は特例介護給付費（第五十六条の六第一項において「介護給付費等」という。）の支給を受けることが著しく困難であると認めるときは、当該障害児につき、政令で定める基準に従い、障害福祉サービスを提供し、又は当該市町村以外の者に障害福祉サービスの提供を委託することができる。

Article 21-6 When a municipal government finds it extremely difficult for the guardian of a disabled child in need of the disabled person welfare services prescribed in Article 5 paragraph (1) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Disabled Person Welfare Service") 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, the municipal government may, in accordance with the standards specified by a Cabinet Order, provide Disabled Person Welfare Services to said disabled child or entrust the provision of Disabled Person Welfare Service to a person other than said municipal government.

第二十一条の七　障害者自立支援法第五条第一項に規定する障害福祉サービス事業を行う者は、前条の規定による委託を受けたときは、正当な理由がない限り、これを拒んではならない。

Article 21-7 When a person engaged in the Disabled Person Welfare Services provided in Article 5 paragraph (1) of the Act on Self-reliance Support for Persons with Disabilities is requested to accept entrustment pursuant to the provision of the preceding Article, he/she shall not refuse it without justifiable ground.

第二款　子育て支援事業

Subsection 2 Child Care Support Services

第二十一条の八　市町村は、次条に規定する子育て支援事業に係る福祉サービスその他地域の実情に応じたきめ細かな福祉サービスが積極的に提供され、保護者が、その児童及び保護者の心身の状況、これらの者の置かれている環境その他の状況に応じて、当該児童を養育するために最も適切な支援が総合的に受けられるように、福祉サービスを提供する者又はこれに参画する者の活動の連携及び調整を図るようにすることその他の地域の実情に応じた体制の整備に努めなければならない。

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 guardian can comprehensively receive the most adequate support for fostering his/her children in line with the mental and physical condition, environment and other conditions of said children and guardians, a municipal government shall 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.

第二十一条の九　市町村は、児童の健全な育成に資するため、その区域内において、放課後児童健全育成事業及び子育て短期支援事業並びに次に掲げる事業であつて主務省令で定めるもの（以下「子育て支援事業」という。）が着実に実施されるよう、必要な措置の実施に努めなければならない。

Article 21-9 For the purpose of contributing to the sound upbringing of children, a municipal government shall endeavor to implement necessary measures in order that after-school child sound upbringing services and short-term child care support services, and the following services as specified by an ordinance of the competent ministry (hereinafter referred to as "Child Care Support Services") can be carried out steadily in its district:

一　児童及びその保護者又はその他の者の居宅において保護者の児童の養育を支援する事業

(i) Support services provided at a child and his/her guardian's residence or any other person's residence for the guardian to take care of the child;

二　保育所その他の施設において保護者の児童の養育を支援する事業

(ii) Support services provided in a nursery center or other facilities for a guardian to take care of a child; and

三　地域の児童の養育に関する各般の問題につき、保護者からの相談に応じ、必要な情報の提供及び助言を行う事業

(iii) Services to provide consultation to guardians of the child and provide necessary information and advice with regard to all problems concerning taking care of children in each region.

第二十一条の十　市町村は、児童の健全な育成に資するため、地域の実情に応じた放課後児童健全育成事業を行うとともに、当該市町村以外の放課後児童健全育成事業を行う者との連携を図る等により、第六条の二第二項に規定する児童の放課後児童健全育成事業の利用の促進に努めなければならない。

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

第二十一条の十一　市町村は、子育て支援事業に関し必要な情報の提供を行うとともに、保護者から求めがあつたときは、当該保護者の希望、その児童の養育の状況、当該児童に必要な支援の内容その他の事情を勘案し、当該保護者が最も適切な子育て支援事業の利用ができるよう、相談に応じ、必要な助言を行うものとする。

Article 21-11 (1) A municipal government shall provide necessary information concerning Child Care Support Services and, upon request from a guardian, provide consultation and necessary advice to enable said guardian to utilize the most adequate Child Care Support Services, by taking into consideration said guardian's wishes, the state of foster care of his/her child the content of the support necessary for said child and other circumstances.

２　市町村は、前項の助言を受けた保護者から求めがあつた場合には、必要に応じて、子育て支援事業の利用についてあつせん又は調整を行うとともに、子育て支援事業を行う者に対し、当該保護者の利用の要請を行うものとする。

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

３　市町村は、第一項の情報の提供、相談及び助言並びに前項のあつせん、調整及び要請の事務を当該市町村以外の者に委託することができる。

(3) A municipal government may entrust the affairs concerning the 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 said municipal government.

４　子育て支援事業を行う者は、前二項の規定により行われるあつせん、調整及び要請に対し、できる限り協力しなければならない。

(4) A person engaged in Child Care Support Services shall cooperate in the arrangement, coordination and requests made pursuant to the provisions of the preceding two paragraphs as far as possible.

第二十一条の十二　前条第三項の規定により行われる情報の提供、相談及び助言並びにあつせん、調整及び要請の事務（次条及び第二十一条の十四第一項において「調整等の事務」という。）に従事する者又は従事していた者は、その事務に関して知り得た秘密を漏らしてはならない。

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 provision of paragraph (3) of the preceding Article (referred to as "Coordination and Other Affairs" in the following Article and Article 21-14 paragraph (1)) shall not divulge any secret coming to his/her knowledge with regard to such affairs.

第二十一条の十三　市町村長は、第二十一条の十一第三項の規定により行われる調整等の事務の適正な実施を確保するため必要があると認めるときは、その事務を受託した者に対し、当該事務に関し監督上必要な命令をすることができる。

Article 21-13 When a mayor of municipality finds it necessary in order to ensure adequate implementation of Coordination and Other Affairs conducted pursuant to the provision of Article 21-11 paragraph (3), he/she may give orders necessary for the supervision of said affairs to the persons accepting the entrusted affairs.

第二十一条の十四　市町村長は、第二十一条の十一第三項の規定により行われる調整等の事務の適正な実施を確保するため必要があると認めるときは、その必要な限度で、その事務を受託した者に対し、報告を求め、又は当該職員に、関係者に対し質問させ、若しくは当該事務を受託した者の事務所に立ち入り、その帳簿書類その他の物件を検査させることができる。

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 provision of Article 21-11 paragraph (3), he/she may, within the limit necessary therefor, request a person accepting the entrusted affairs to make a report, or make said municipality's official ask relevant persons questions or enter any office of the person accepting said entrusted affairs and inspect the books and documents and other objects.

２　第十八条の十六第二項及び第三項の規定は、前項の場合について準用する。

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

第二十一条の十五　国、都道府県及び市町村以外の子育て支援事業を行う者は、厚生労働省令で定めるところにより、その事業に関する事項を市町村長に届け出ることができる。

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 matters concerning his/her services, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第二十一条の十六　国及び地方公共団体は、子育て支援事業を行う者に対して、情報の提供、相談その他の適当な援助をするように努めなければならない。

Article 21-16 The national and local governments shall endeavor to provide information and give consultation and other appropriate assistance to persons engaged in Child Care Support Services.

第二十一条の十七　国及び都道府県は、子育て支援事業を行う者が行う福祉サービスの質の向上のための措置を援助するための研究その他保護者の児童の養育を支援し、児童の福祉を増進するために必要な調査研究の推進に努めなければならない。

Article 21-17 The national government and prefectures shall endeavor to encourage such studies as will assist 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 guardians and promote welfare of children.

第三節　助産施設、母子生活支援施設及び保育所への入所

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

第二十二条　都道府県、市及び福祉事務所を設置する町村（以下「都道府県等」という。）は、それぞれその設置する福祉事務所の所管区域内における妊産婦が、保健上必要があるにもかかわらず、経済的理由により、入院助産を受けることができない場合において、その妊産婦から申込みがあつたときは、その妊産婦に対し助産施設において助産を行わなければならない。ただし、付近に助産施設がない等やむを得ない事由があるときは、この限りでない。

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. shall, when the expectant and nursing mother applies, provide midwifery care to her in a midwifery home; provided, however, that this shall not apply when there is any unavoidable reason such as non-existence of an adjacent midwifery home.

２　前項に規定する妊産婦であつて助産施設における助産の実施（以下「助産の実施」という。）を希望する者は、厚生労働省令の定めるところにより、入所を希望する助産施設その他厚生労働省令の定める事項を記載した申込書を都道府県等に提出しなければならない。この場合において、助産施設は、厚生労働省令の定めるところにより、当該妊産婦の依頼を受けて、当該申込書の提出を代わつて行うことができる。

(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") shall submit to the prefecture, etc. a written application stating a midwifery home in which she desires to stay and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the midwifery home may submit said written application in lieu of said expectant and nursing mother, upon her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

３　都道府県等は、第二十五条の七第二項第三号、第二十五条の八第三号又は第二十六条第一項第四号の規定による報告又は通知を受けた妊産婦について、必要があると認めるときは、当該妊産婦に対し、助産の実施の申込みを勧奨しなければならない。

(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 provision 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. shall recommend said expectant and nursing mother to apply for Midwifery Care Practice.

４　都道府県等は、第一項に規定する妊産婦の助産施設の選択及び助産施設の適正な運営の確保に資するため、厚生労働省令の定めるところにより、当該都道府県等の設置する福祉事務所の所管区域内における助産施設の設置者、設備及び運営の状況その他の厚生労働省令の定める事項に関し情報の提供を行わなければならない。

(4) In order to contribute to selection of a midwifery home by an expectant and nursing mother prescribed in paragraph (1) and ensuring of adequate operation of midwifery homes, the Prefecture, etc. shall provide information concerning the establishers of midwifery homes in the area of responsibility of the Welfare Office established by said Prefecture, etc., their facilities and their state of operation, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第二十三条　都道府県等は、それぞれその設置する福祉事務所の所管区域内における保護者が、配偶者のない女子又はこれに準ずる事情にある女子であつて、その者の監護すべき児童の福祉に欠けるところがある場合において、その保護者から申込みがあつたときは、その保護者及び児童を母子生活支援施設において保護しなければならない。ただし、やむを得ない事由があるときは、適当な施設への入所のあつせん、生活保護法　（昭和二十五年法律第百四十四号）の適用等適切な保護を加えなければならない。

Article 23 (1) In the case where a guardian 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 there is lack in welfare of the child whose custody must be taken by her, the Prefecture, etc., shall, when said guardian applies, take into protective custody the guardian 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 shall be implemented.

２　前項に規定する保護者であつて母子生活支援施設における保護の実施（以下「母子保護の実施」という。）を希望するものは、厚生労働省令の定めるところにより、入所を希望する母子生活支援施設その他厚生労働省令の定める事項を記載した申込書を都道府県等に提出しなければならない。この場合において、母子生活支援施設は、厚生労働省令の定めるところにより、当該保護者の依頼を受けて、当該申込書の提出を代わつて行うことができる。

(2) A person who is a guardian 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") shall submit to the prefecture, etc. a written application stating a maternal and child living support institution in which she desires to stay and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the maternal and child living support facility may submit said written application in lieu of said guardian, upon her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

３　都道府県等は、前項に規定する保護者が特別な事情により当該都道府県等の設置する福祉事務所の所管区域外の母子生活支援施設への入所を希望するときは、当該施設への入所について必要な連絡及び調整を図らなければならない。

(3) When a guardian 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, said Prefecture, etc. shall facilitate necessary liaison and coordination for their admission into said institution.

４　都道府県等は、第二十五条の七第二項第三号、第二十五条の八第三号又は第二十六条第一項第四号の規定による報告又は通知を受けた保護者及び児童について、必要があると認めるときは、その保護者に対し、母子保護の実施の申込みを勧奨しなければならない。

(4) When the Prefecture, etc. finds it necessary for a guardian and her child or children for whom a report or notice pursuant to the provision of Article 25-7 paragraph (2) item (iii), Article 25-8 item (iii) or Article 26 paragraph (1) item (iv) has been received, the Prefecture, etc. shall recommend said guardian to apply for the maternal and child aid.

５　都道府県等は、第一項に規定する保護者の母子生活支援施設の選択及び母子生活支援施設の適正な運営の確保に資するため、厚生労働省令の定めるところにより、母子生活支援施設の設置者、設備及び運営の状況その他の厚生労働省令の定める事項に関し情報の提供を行わなければならない。

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

第二十四条　市町村は、保護者の労働又は疾病その他の政令で定める基準に従い条例で定める事由により、その監護すべき乳児、幼児又は第三十九条第二項に規定する児童の保育に欠けるところがある場合において、保護者から申込みがあつたときは、それらの児童を保育所において保育しなければならない。ただし、付近に保育所がない等やむを得ない事由があるときは、その他の適切な保護をしなければならない。

Article 24 (1) In the case where a guardian' working or illness or any other reasons prescribed by a Municipal Ordinance in accordance with the standards specified by a Cabinet Order 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 guardian, a municipal government shall, when the guardian applies, provide daycare to those children in a nursery center; provided, however, that other adequate aid shall be provided when there is any unavoidable reason such as non-existence of an adjacent nursery center.

２　前項に規定する児童について保育所における保育を行うこと（以下「保育の実施」という。）を希望する保護者は、厚生労働省令の定めるところにより、入所を希望する保育所その他厚生労働省令の定める事項を記載した申込書を市町村に提出しなければならない。この場合において、保育所は、厚生労働省令の定めるところにより、当該保護者の依頼を受けて、当該申込書の提出を代わつて行うことができる。

(2) A guardian who desires daycare for a child prescribed in the preceding paragraph in a nursery center (hereinafter referred to as "Daycare Practice") shall submit to the municipal government a written application stating a nursery center at which he/she desires to place the child and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare. In this case, the nursery center may submit said written application in lieu of said guardian, upon his/her request, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

３　市町村は、一の保育所について、当該保育所への入所を希望する旨を記載した前項の申込書に係る児童のすべてが入所する場合には当該保育所における適切な保育の実施が困難となることその他のやむを得ない事由がある場合においては、当該保育所に入所する児童を公正な方法で選考することができる。

(3) In the case where adequate daycare would become difficult in a certain nursery center if all the children pertaining to the written applications set forth in the preceding paragraph stating their desire for admission into said nursery center were admitted, or in the case where there is any other unavoidable reason, the municipal government may conduct screening of the children to be admitted into said nursery center in an impartial manner.

４　市町村は、第二十五条の八第三号又は第二十六条第一項第四号の規定による報告又は通知を受けた児童について、必要があると認めるときは、その保護者に対し、保育の実施の申込みを勧奨しなければならない。

(4) When a municipal government finds it necessary for a child for whom a report or notice pursuant to the provision of Article 25-8 item (iii) or Article 26 paragraph (1) item (iv) has been received, the municipal government shall recommend his/her guardian to apply for the daycare.

５　市町村は、第一項に規定する児童の保護者の保育所の選択及び保育所の適正な運営の確保に資するため、厚生労働省令の定めるところにより、その区域内における保育所の設置者、設備及び運営の状況その他の厚生労働省令の定める事項に関し情報の提供を行わなければならない。

(5) In order to contribute to selection of a nursery center by the guardian of a child prescribed in paragraph (1) and ensuring of adequate operation of nursery centers, the municipal government shall provide information concerning the establishers of nursery centers in the municipality's jurisdictional district, their facilities and their state of operation, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第四節　障害児施設給付費、高額障害児施設給付費及び特定入所障害児食費等給付費並びに障害児施設医療費の支給

Section 4 (Payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children and Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, and Institutional Medical Expenses for Disabled Children)

第一款　障害児施設給付費、高額障害児施設給付費及び特定入所障害児食費等給付費の支給

Subsection 1 Payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children, and Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children

第二十四条の二　都道府県は、次条第六項に規定する施設給付決定保護者（以下この条において「施設給付決定保護者」という。）が、次条第四項の規定により定められた期間内において、都道府県知事が指定する知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設若しくは重症心身障害児施設又は指定医療機関（以下「指定知的障害児施設等」という。）に入所又は入院（以下「入所等」という。）の申込みを行い、当該指定知的障害児施設等から障害児施設支援（以下「指定施設支援」という。）を受けたときは、当該施設給付決定保護者に対し、当該指定施設支援に要した費用（食事の提供に要する費用、居住又は滞在に要する費用その他の日常生活に要する費用のうち厚生労働省令で定める費用及び治療に要する費用（以下「特定費用」という。）を除く。）について、障害児施設給付費を支給する。

Article 24-2 (1) When a Recognized Beneficiary Guardian provided in paragraph (6) of the following Article (referred to as a "Recognized Beneficiary Guardian" hereinafter in this Article) applies for admission or institutionalization into an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children or an institution for severely-retarded children, or a Designated Medical Institution as designated by the prefectural governor (hereinafter referred to as "Designated Institution for Mentally Retarded Children, etc."; such admission or institutionalization being hereinafter referred to as "Admission, etc.") during the period of time provided pursuant to the provision of paragraph (4) of the following Article and the guardian receives institutional support for disabled children from said Designated Institution for Mentally Retarded Children, etc. (hereinafter referred to as "Designated Institutional Support"), the prefectural government shall pay Institutional Benefits for Disabled Children to said Recognized Beneficiary Guardian with regard to expenses spent for said Designated Institutional Support (excluding such expenses spent for meal provision, expenses spent for residency or stay and other expenses spent for daily life that are provided by an Ordinance of the Ministry of Health, Labour and Welfare, and expenses spent on therapy (hereinafter referred to as "Specified Expenses")).

２　障害児施設給付費の額は、障害児施設支援の種類ごとに指定施設支援に通常要する費用（特定費用を除く。）につき、厚生労働大臣が定める基準により算定した費用の額（その額が現に当該指定施設支援に要した費用（特定費用を除く。）の額を超えるときは、当該現に指定施設支援に要した費用の額）の百分の九十に相当する額とする。

(2) The amount of Institutional Benefits for Disabled Children shall be ninety-hundredths (90/100) of the amount of expenses calculated, in accordance with the standards specified by the Minister of Health, Labor and Welfare according to each type of institutional support for disabled children, with regard to expenses (excluding Specified Expenses) generally spent for the Designated Institutional Support (or, instead of ninety-hundredths, (90/100) the full amount of such expenses actually spent for said Designated Institutional Support (excluding Specified Expenses), when the amount so calculated exceeds the amount of such actual expenses).

３　施設給付決定保護者が同一の月に受けた指定施設支援に要した費用（特定費用を除く。）の額の合計額から、前項の規定により算定された当該同一の月における障害児施設給付費の合計額を控除して得た額が、当該施設給付決定保護者の家計に与える影響その他の事情をしん酌して政令で定める額を超えるときは、同項の規定にかかわらず、当該同一の月における障害児施設給付費の額は、同項の規定により算定した費用の額の百分の九十に相当する額を超え百分の百に相当する額以下の範囲内において政令で定める額とする。

(3) When the amount obtained by deducting the total amount of Institutional Benefits for Disabled Children for one and the same month as calculated pursuant to the provision of the preceding paragraph from the total amount of expenses (excluding Specified Expenses) spent for the Designated Institutional Support provided to a Recognized Beneficiary Guardian in said specific month exceeds the amount specified by a Cabinet Order by taking into account the impact on the household finances of said Recognized Beneficiary Guardian and other circumstances, the amount of Institutional Benefits for Disabled Children for said one and the same month shall be equal to the amount specified by a Cabinet Order that shall be within the range more than ninety-hundredths (90/100) of the amount of expenses calculated pursuant to the provision of the preceding paragraph and not more than the full amount (100/100) thereof, notwithstanding the provision of the preceding paragraph.

第二十四条の三　障害児の保護者は、前条第一項の規定により障害児施設給付費の支給を受けようとするときは、障害児施設支援の種類ごとに、厚生労働省令で定めるところにより、都道府県に申請しなければならない。

Article 24-3 (1) When the guardian of a disabled child intends to receive Institutional Benefits for Disabled Children pursuant to the provision of paragraph (1) of the preceding Article, the guardian shall make an application with the prefectural government, according to each type of institutional support for disabled children, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

２　都道府県は、前項の申請が行われたときは、当該申請に係る障害児の障害の種類及び程度、当該障害児の介護を行う者の状況、当該障害児の保護者の障害児施設給付費の受給の状況その他の厚生労働省令で定める事項を勘案して、障害児施設給付費の支給の要否を決定するものとする。

(2) When an application set forth in the preceding paragraph is made, the prefectural government shall decide whether to pay Institutional Benefits for Disabled Children, by taking into consideration the type and level of the dysfunction of the disabled child pertaining to said application, the state of a caretaker of said disabled child, the state of receipt of Institutional Benefits for Disabled Children by the guardian of said disabled child, and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

３　前項の規定による決定を行う場合には、児童相談所長の意見を聴かなければならない。

(3) In the case where a decision is made pursuant to the provision of the preceding paragraph, the prefectural government shall hear opinions from the child guidance center's director.

４　障害児施設給付費を支給する旨の決定（以下「施設給付決定」という。）を行う場合には、障害児施設給付費を支給する期間を定めなければならない。

(4) In the case where a decision to pay Institutional Benefits for Disabled Children (hereinafter referred to as "Decision on Institutional Benefits Payment") is made, a period for payments of Institutional Benefits for Disabled Children shall be specified.

５　前項の期間は、障害児施設支援の種類ごとに厚生労働省令で定める期間を超えることができないものとする。

(5) A period set forth in the preceding paragraph may not exceed the period specified for each type of institutional support for disabled children specified by an Ordinance of the Ministry of Health, Labour and Welfare.

６　都道府県は、施設給付決定をしたときは、当該施設給付決定を受けた障害児の保護者（以下「施設給付決定保護者」という。）に対し、厚生労働省令で定めるところにより、第四項の規定により定められた期間（以下「給付決定期間」という。）を記載した受給者証（以下「施設受給者証」という。）を交付しなければならない。

(6) When a Decision on Institutional Benefits Payment is made, the prefectural government shall issue a beneficiary certificate (hereinafter referred to as "Institutional Beneficiary Certificate") stating the period specified pursuant to the provision of paragraph (4) (hereinafter referred to as "Benefits Payment Period") to the guardian of the disabled child for whom said Decision on Institutional Benefits Payments is made (hereinafter referred to as "Recognized Beneficiary Guardian"), pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

７　指定施設支援を受けようとする施設給付決定保護者は、厚生労働省令で定めるところにより、指定知的障害児施設等に施設受給者証を提示して当該指定施設支援を受けるものとする。ただし、緊急の場合その他やむを得ない事由のある場合については、この限りでない。

(7) A Recognized Beneficiary Guardian who intends to receive Designated Institutional Support shall receive said Designated Institutional Support by presenting his/her Institutional Beneficiary Certificate to the Designated Institution for Mentally Retarded Children, etc., pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that this shall not apply in the case of an emergency or any other unavoidable reason.

８　施設給付決定保護者が指定知的障害児施設等から指定施設支援を受けたとき（当該施設給付決定保護者が当該指定知的障害児施設等に施設受給者証を提示したときに限る。）は、都道府県は、当該施設給付決定保護者が当該指定知的障害児施設等に支払うべき当該指定施設支援に要した費用（特定費用を除く。）について、障害児施設給付費として当該施設給付決定保護者に支給すべき額の限度において、当該施設給付決定保護者に代わり、当該指定知的障害児施設等に支払うことができる。

(8) When a Recognized Beneficiary Guardian has received Designated Institutional Support from a Designated Institution for Mentally Retarded Children, etc. (limited to the cases where said Recognized Beneficiary Guardian has presented his/her Institutional Beneficiary Certificate to said Designated Institution for Mentally Retarded Children, etc.), the prefectural government may pay expenses spent for said Designated Institutional Support that are payable by said Recognized Beneficiary Guardian to said Designated Institution for Mentally Retarded Children, etc. (excluding Specified Expenses), in lieu of said guardian, to said Designated Institution for Mentally Retarded Children, etc., within the limit of the amount payable to said Recognized Beneficiary Guardian as the Institutional Benefits for Disabled Children.

９　前項の規定による支払があつたときは、当該施設給付決定保護者に対し障害児施設給付費の支給があつたものとみなす。

(9) When a payment is made pursuant to the provision of the preceding paragraph, the Institutional Benefits for Disabled Children for the referenced Recognized Beneficiary Guardian shall be deemed to have been paid.

１０　都道府県は、指定知的障害児施設等から障害児施設給付費の請求があつたときは、前条第二項の厚生労働大臣が定める基準及び第二十四条の十二第二項の指定知的障害児施設等の設備及び運営に関する基準（指定施設支援の取扱いに関する部分に限る。）に照らして審査の上、支払うものとする。

(10) When a Designated Institution for Mentally Retarded Children, etc. requests Institutional Benefits for Disabled Children, the prefectural government shall 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) of the preceding Article and the standards on facilities and operation of designated retarded child institutions, etc. as set forth in Article 24-12 paragraph (2) (limited to the portions of such standards relating to handling of Designated Institutional Support).

１１　都道府県は、前項の規定による支払に関する事務を国民健康保険法第四十五条第五項　に規定する国民健康保険団体連合会その他営利を目的としない法人であつて厚生労働省令で定めるものに委託することができる。

(11) A prefectural government may entrust a national health insurance federation provided in Article 45 paragraph (5) of the National Health Insurance Act or any other non-profit corporation provided by an Ordinance of the Ministry of Health, Labour and Welfare to conduct the affairs concerning payments pursuant to the provision of the preceding paragraph.

第二十四条の四　施設給付決定を行つた都道府県は、次に掲げる場合には、当該施設給付決定を取り消すことができる。

Article 24-4 (1) A prefectural government making a Decision on Institutional Benefits Payment may rescind said Decision on Institutional Benefits Payment in any of the cases listed in the following items:

一　施設給付決定に係る障害児が、指定施設支援を受ける必要がなくなつたと認めるとき。

(i) When the prefectural government finds no longer necessary for the disabled child pertaining to the Decision on Institutional Benefits Payment to receive the Designated Institutional Support; or

二　施設給付決定保護者が、給付決定期間内に、当該都道府県以外の都道府県の区域内に居住地を有するに至つたと認めるとき。

(ii) When the prefectural government finds that the Recognized Beneficiary Guardian moves his/her place of residence to the district of any other prefecture during the Benefits Payment Period.

２　前項の規定により施設給付決定の取消しを行つた都道府県は、厚生労働省令で定めるところにより、当該取消しに係る施設給付決定保護者に対し施設受給者証の返還を求めるものとする。

(2) A prefectural government rescinding a Decision on Institutional Benefits Payment pursuant to the provision of the preceding paragraph shall request the Recognized Beneficiary Guardian pertaining to said rescission to return the Institutional Beneficiary Certificate pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

３　前二項に定めるもののほか、施設給付決定の取消しに関し必要な事項は、政令で定める。

(3) In addition to what is prescribed in the preceding two paragraphs, necessary matters concerning rescission of a Decision on Institutional Benefits Payment shall be prescribed by a Cabinet Order.

第二十四条の五　都道府県が、災害その他の厚生労働省令で定める特別の事情があることにより、障害児施設支援に要する費用を負担することが困難であると認めた施設給付決定保護者が受ける障害児施設給付費の支給について第二十四条の二第二項の規定を適用する場合においては、同項中「百分の九十」とあるのは、「百分の九十を超え百分の百以下の範囲内において都道府県が定めた割合」とする。

Article 24-5 In the case where the prefectural government applies the provision of paragraph (2) of Article 24-2 to payments of Institutional Benefits for Disabled Children to a Recognized Beneficiary Guardian since it finds difficult for him/her to bear expenses spent for institutional support for disabled children due to disaster or other special circumstances specified by an Ordinance of the Ministry of Health, Labour and Welfare, the term "ninety-hundredths (90/100)" referred to in the same paragraph shall be replaced with "a percentage specified by the prefectural government within a range more than ninety-hundredths (90/100) and not more than the full amount (100/100) thereof".

第二十四条の六　都道府県は、施設給付決定保護者が受けた指定施設支援に要した費用の合計額から当該費用につき支給された障害児施設給付費の合計額を控除して得た額が、著しく高額であるときは、当該施設給付決定保護者に対し、政令で定めるところにより、高額障害児施設給付費を支給する。

Article 24-6 (1) When the amount obtained by deducting the total amount of Institutional Benefits for Disabled Children paid in relation to the expenses spent for Designated Institutional Support received by a Recognized Beneficiary Guardian from the total amount of such expenses is extremely costly, Large-amount Institutional Benefits for Disabled Children shall be paid to said guardian pursuant to the provisions of Cabinet Order.

２　前項に定めるもののほか、高額障害児施設給付費の支給要件、支給額その他高額障害児施設給付費の支給に関し必要な事項は、指定施設支援に要する費用の負担の家計に与える影響を考慮して、政令で定める。

(2) In addition to what is prescribed in the preceding paragraph, the requirements for payments of Large-amount Institutional Benefits for Disabled Children, the amounts to be paid, and other necessary matters concerning payments of Large-amount Institutional Benefits for Disabled Children shall be prescribed by a Cabinet Order by considering the impact of the burden of expenses spent for Designated Institutional Support on household finances.

第二十四条の七　都道府県は、施設給付決定保護者のうち所得の状況その他の事情をしん酌して厚生労働省令で定めるものに係る障害児（知的障害児通園施設に通う者その他厚生労働省令で定める者を除く。）が、給付決定期間内において、指定知的障害児施設等に入所し、当該指定知的障害児施設等から指定施設支援を受けたときは、当該施設給付決定保護者に対し、当該指定知的障害児施設等における食事の提供に要した費用及び居住に要した費用について、政令で定めるところにより、特定入所障害児食費等給付費を支給する。

Article 24-7 (1) When a disabled child (excluding persons attending daycare institutions for mentally retarded children and other persons specified by an Ordinance of the Ministry of Health, Labour and Welfare) pertaining to such a Recognized Beneficiary Guardian that is specified by an Ordinance of the Ministry of Health, Labour and Welfare by taking into account his/her state of income and other circumstances is admitted into a Designated Institution for Mentally Retarded Children, etc. during the Benefits Payment Period and the disabled children receives Designated Institutional Support from said Designated Institution for Mentally Retarded Children, etc., the prefectural government shall, pursuant to the provisions of a Cabinet Order, pay Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children to said Recognized Beneficiary Guardian with regard to the expenses spent for the provision of meals and for residence in said Designated Institution for Mentally Retarded Children, etc.

２　第二十四条の三第七項から第十一項までの規定は、特定入所障害児食費等給付費の支給について準用する。この場合において、必要な技術的読替えは、政令で定める。

(2) The provisions of paragraphs (7) to (11) inclusive of Article 24-3 shall apply mutatis mutandis to payments of Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children. In this case, necessary terminological replacements shall be prescribed by a Cabinet Order.

第二十四条の八　この款に定めるもののほか、障害児施設給付費、高額障害児施設給付費又は特定入所障害児食費等給付費の支給及び指定知的障害児施設等の障害児施設給付費又は特定入所障害児食費等給付費の請求に関し必要な事項は、厚生労働省令で定める。

Article 24-8 In addition to what is prescribed in this Subsection, necessary matters concerning the payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children and requests by Designated Institution for Mentally Retarded Children, etc. for Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children shall be prescribed by an Ordinance of the Ministry of Health, Labour and Welfare.

第二款　指定知的障害児施設等

Subsection 2 Designated Institution for Mentally Retarded Children, etc.

第二十四条の九　第二十四条の二第一項の指定は、厚生労働省令で定めるところにより、知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設又は重症心身障害児施設（以下「知的障害児施設等」という。）であつて、その設置者の申請があつたものについて行う。

Article 24-9 (1) The designation set forth in Article 24-2 paragraph (1) shall be made for an institution for mentally retarded children, a daycare institution for retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, or an institution for severely-retarded children (hereinafter referred to as "Institution for Mentally Retarded Children, etc.") based on an application by its establisher, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

２　都道府県知事は、前項の申請があつた場合において、次の各号のいずれかに該当するときは、指定知的障害児施設等（指定医療機関を除く。第二十四条の十三、第二十四条の十四、第二十四条の十七及び第二十四条の十八において同じ。）の指定をしてはならない。

(2) In the case where an application set forth in the preceding paragraph is made, the prefectural governor shall not designate the referenced facility as a Designated Institution for Mentally Retarded Children, etc. (excluding Designated Medical Institutions; the same shall apply in Articles 24-13, 24-14, 24-17 and 24-18) when it falls under any of the following items:

一　申請者が法人でないとき。

(i) When the applicant is not a juridical person;

二　当該申請に係る知的障害児施設等の従業者の知識及び技能並びに人員が、第二十四条の十二第一項の厚生労働省令で定める基準を満たしていないとき。

(ii) When the knowledge and skills of the employees of the institution for mentally retarded children, etc. pertaining to said application and its personnel staffing do not satisfy the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare set forth in Article 24-12 paragraph (1);

三　申請者が、第二十四条の十二第二項の厚生労働省令で定める指定知的障害児施設等の設備及び運営に関する基準に従つて適正な知的障害児施設等の運営をすることができないと認められるとき。

(iii) When the prefectural government finds the applicant to be unable to operate the institution for mentally retarded children, etc. adequately in accordance with the standards on facilities and operation of Designated Institution for Mentally Retarded Children, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare as set forth in Article 24-12 paragraph (2);

四　申請者の役員（業務を執行する社員、取締役、執行役又はこれらに準ずる者をいい、相談役、顧問その他いかなる名称を有する者であるかを問わず、法人に対し業務を執行する社員、取締役、執行役又はこれらに準ずる者と同等以上の支配力を有するものと認められる者を含む。）又は当該申請に係る知的障害児施設等の長（以下「役員等」という。）が、禁錮以上の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(iv) When any officer (which shall mean an employee, director, executive officer or other equivalent person executing corporate affairs, including a person with counselor, advisor or any other title whatsoever who is found to have such a power to control the juridical person that is equivalent or superior to that of any employee, director, executive officer or other equivalent person executing corporate affairs) of the applicant or the head of the institution for mentally retarded children, etc. pertaining to said application (hereinafter referred to as "Officers, etc.") is a person sentenced to imprisonment or severer punishment and awaiting the completion or discontinuation of its execution;

五　申請者又は申請者の役員等が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるものの規定により罰金の刑に処せられ、その執行を終わり、又は執行を受けることがなくなるまでの者であるとき。

(v) When the applicant or any of its Officers, etc. is a person punished by a fine pursuant to such provisions of this Act or of any other act on healthcare or welfare of citizens as specified by a Cabinet Order and awaiting the completion or discontinuation of its execution;

六　申請者が、第二十四条の十七の規定により指定を取り消され、その取消しの日から起算して五年を経過しない者であるとき。

(vi) When the applicant is a person subject to a rescission of designation pursuant to the provision of Article 24-17 and awaiting a lapse of 5 years from the date of the rescission;

七　申請者の役員等が、第二十四条の十七の規定による指定の取消しの処分に係る行政手続法（平成五年法律第八十八号）第十五条　の規定による通知があつた日前六十日以内に当該取消しの処分を受けた法人の役員等であつた者で、当該取消しの日から起算して五年を経過しないものであるとき。

(vii) When any of the Officers, etc. of the applicant is a person who used to be an officer, etc. of a juridical person on which a rescission of the designation was imposed within 60 days prior to the notice pursuant to the provision of Article 15 of the Administrative Procedure Act (Act No. 88 of 1993) pertaining to the disposition of said rescission of designation pursuant to the provision of Article 24-17 and who is awaiting a lapse of 5 years from the date of said rescission;

八　申請者が、第二十四条の十七の規定による指定の取消しの処分に係る行政手続法第十五条の規定による通知があつた日から当該処分をする日又は処分をしないことを決定する日までの間に第二十四条の十四の規定による指定の辞退をした者（当該指定の辞退について相当の理由がある者を除く。）で、当該辞退の日から起算して五年を経過しないものであるとき。

(viii) When the applicant is a person who declines the designation pursuant to the provision of Article 24-14 during the period commencing on the date of the notice pursuant to the provision of Article 15 of the Administrative Procedure Act pertaining to the rescission of designation pursuant to the provision of Article 24-17 and ending on the date on which said disposition is implemented or decided to be discontinued (excluding a person having a reasonable ground for declining said designation) and who is awaiting a lapse of 5 years from the date of said declination;

九　前号に規定する期間内に第二十四条の十四の規定による指定の辞退があつた場合において、申請者の役員等が、同号の通知の日前六十日以内に当該辞退に係る法人（当該指定の辞退について相当の理由がある法人を除く。）の役員等であつた者で、当該辞退の日から起算して五年を経過しないものであるとき。

(ix) When any of the Officers, etc. of the applicant is a person who used to be an officer, etc. of the juridical person pertaining to the declination (excluding a juridical person having a reasonable ground for declining said designation) within 60 days prior to the date of the notice referred to in the preceding item, in the case where the designation pursuant to the provision of Article 24-14 was declined within the period provided in the preceding item, and who is awaiting a lapse of 5 years from the date of said declination; or

十　申請者又は申請者の役員等が、指定の申請前五年以内に障害児施設支援に関し不正又は著しく不当な行為をした者であるとき。

(x) When the applicant or any of its Officers, etc. is a person who committed a wrongdoing or extremely unjust act, within 5 years prior to the date of the application for designation, with regard to institutional support for disabled children.

第二十四条の十　第二十四条の二第一項の指定は、六年ごとにその更新を受けなければ、その期間の経過によつて、その効力を失う。

Article 24-10 (1) The designation set forth in paragraph (1) of Article 24-2 shall cease to be effective after a lapse of the term then in force, unless the designation is renewed every 6 years.

２　前項の更新の申請があつた場合において、同項の期間（以下この条において「指定の有効期間」という。）の満了の日までにその申請に対する処分がされないときは、従前の指定は、指定の有効期間の満了後もその処分がされるまでの間は、なおその効力を有する。

(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 shall remain in force until the disposition is implemented, even after the expiration of the Valid Period for Designation.

３　前項の場合において、指定の更新がされたときは、その指定の有効期間は、従前の指定の有効期間の満了の日の翌日から起算するものとする。

(3) When the designation is renewed in the case referred to in the preceding paragraph, the Valid Period for Designation as renewed shall start from the day following the expiration date of the Valid Period for Designation before the renewal.

４　前条の規定は、第一項の指定の更新について準用する。この場合において、必要な技術的読替えは、政令で定める。

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

第二十四条の十一　指定知的障害児施設等の設置者は、障害児がその有する能力及び適性に応じ、自立した日常生活又は社会生活を営むことができるよう、行政機関、教育機関その他の関係機関との緊密な連携を図りつつ、障害児施設支援を当該障害児の意向、適性、障害の特性その他の事情に応じ、効果的に行うように努めなければならない。

Article 24-11 (1) In order to enable a disabled child to lead self-reliant daily life or social life according to their inherent abilities and aptitudes, the establisher of a Designated Institution for Mentally Retarded Children, etc. shall facilitate close coordination with administrative organs, educational institutions and other relevant bodies, and endeavor to effectively implement institutional support for disabled children according to the intention, aptitudes, characteristics of dysfunctions and other circumstances of said disabled child.

２　指定知的障害児施設等の設置者は、その提供する障害児施設支援の質の評価を行うことその他の措置を講ずることにより、障害児施設支援の質の向上に努めなければならない。

(2) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall endeavor to improve the quality of its institutional support for disabled children by carrying out assessment of the quality of its own institutional support for disabled children and by taking other measures.

３　指定知的障害児施設等の設置者は、障害児の人格を尊重するとともに、この法律又はこの法律に基づく命令を遵守し、障害児及びその保護者のため忠実にその職務を遂行しなければならない。

(3) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall respect the character of each disabled child, comply with this Act or orders pursuant to this Act, and faithfully perform his/her own duties for disabled children and their guardians.

第二十四条の十二　指定知的障害児施設等の設置者は、厚生労働省令で定める基準に従い、指定施設支援に従事する従業者を有しなければならない。

Article 24-12 (1) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall have employees engaged in Designated Institutional Support in accordance with the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare.

２　指定知的障害児施設等の設置者は、厚生労働省令で定める指定知的障害児施設等の設備及び運営に関する基準に従い、指定施設支援を提供しなければならない。

(2) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall provide Designated Institutional Support in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare.

第二十四条の十三　指定知的障害児施設等の設置者は、設置者の住所その他の厚生労働省令で定める事項に変更があつたときは、厚生労働省令で定めるところにより、十日以内に、その旨を都道府県知事に届け出なければならない。

Article 24-13 When there is any change in his/her address or any other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, the establisher of a Designated Institution for Mentally Retarded Children, etc. shall notify the prefectural governor to that effect within 10 days pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第二十四条の十四　指定知的障害児施設等は、三月以上の予告期間を設けて、その指定を辞退することができる。

Article 24-14 A Designated Institution for Mentally Retarded Children, etc. may decline its designation with not less than 3 months period of advance notice.

第二十四条の十五　都道府県知事は、必要があると認めるときは、指定知的障害児施設等の設置者若しくはその長その他の従業者（以下「指定施設設置者等」という。）である者若しくは指定施設設置者等であつた者に対し、報告若しくは帳簿書類その他の物件の提出若しくは提示を命じ、指定施設設置者等である者若しくは指定施設設置者等であつた者に対し出頭を求め、又は当該職員に、関係者に対し質問させ、若しくは当該指定知的障害児施設等に立ち入り、その設備若しくは帳簿書類その他の物件を検査させることができる。

Article 24-15 (1) When a prefectural governor finds necessary, he/she may order a person who is, or used to be, the establisher or director or any other employee of a Designated Institution for Mentally Retarded Children, etc. (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 Institution Establisher, etc., or may make said prefecture's official ask relevant persons questions or enter any office of said Designated Institution for Mentally Retarded Children, etc. and inspect books and documents and other objects.

２　前項の規定による質問又は検査を行う場合においては、当該職員は、その身分を示す証明書を携帯し、かつ、関係者の請求があるときは、これを提示しなければならない。

(2) When any question or inspection is made pursuant to the provision of the preceding paragraph, said official shall carry his/her certification for identification and produce it upon request by any relevant person.

３　第一項の規定による権限は、犯罪捜査のために認められたものと解釈してはならない。

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

第二十四条の十六　都道府県知事は、指定知的障害児施設等の設置者が、当該指定に係る施設の従業者の知識若しくは技能若しくは人員について第二十四条の十二第一項の厚生労働省令で定める基準に適合しておらず、又は同条第二項の厚生労働省令で定める指定知的障害児施設等の設備及び運営に関する基準に従つて適正な指定知的障害児施設等の運営をしていないと認めるときは、当該指定知的障害児施設等の設置者に対し、期限を定めて、同条第一項の厚生労働省令で定める基準を遵守し、又は同条第二項の厚生労働省令で定める指定知的障害児施設等の設備及び運営に関する基準を遵守すべきことを勧告することができる。

Article 24-16 (1) When a prefectural governor finds that the establisher of a Designated Institution for Mentally Retarded Children, etc. fails to conform to the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to the referenced designation or its personnel staffing or fails to operate the Designated Institution for Mentally Retarded Children, etc. adequately in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of the same Article, the prefectural governor may recommend the establisher of said Designated Institution for Mentally Retarded Children, etc. to comply with the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (1) of the same Article, or comply with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in paragraph (2) of the same Article, by a due date to be specified.

２　都道府県知事は、前項の規定による勧告をした場合において、その勧告を受けた指定知的障害児施設等の設置者が、同項の期限内にこれに従わなかつたときは、その旨を公表することができる。

(2) In the case where a recommendation is made pursuant to the provision of the preceding paragraph, when the establisher of the Designated Institution for Mentally Retarded Children, etc. receiving such recommendation fails to comply with the same by the due date set forth in the same paragraph, the prefectural governor may publicize such non-compliance.

３　都道府県知事は、第一項の規定による勧告を受けた指定知的障害児施設等の設置者が、正当な理由がなくてその勧告に係る措置をとらなかつたときは、当該指定知的障害児施設等の設置者に対し、期限を定めて、その勧告に係る措置をとるべきことを命ずることができる。

(3) When the establisher of a Designated Institution for Mentally Retarded Children, etc. receiving a recommendation pursuant to the provision of paragraph (1) fails to take a measure pertaining to the recommendation without justifiable ground, the prefectural governor may order the establisher of said Designated Institution for Mentally Retarded Children, etc. to take the measure pertaining to the recommendation by a due date to be specified.

４　都道府県知事は、前項の規定による命令をしたときは、その旨を公示しなければならない。

(4) When an order is provided pursuant to the provision of the preceding paragraph, the prefectural governor shall give public notice to that effect.

第二十四条の十七　都道府県知事は、次の各号のいずれかに該当する場合においては、当該指定知的障害児施設等に係る第二十四条の二第一項の指定を取り消し、又は期間を定めてその指定の全部若しくは一部の効力を停止することができる。

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 referenced Designated Institution for Mentally Retarded Children, etc. or suspend the validity of the designation, in whole or in part, for a period of time to be specified:

一　指定知的障害児施設等の設置者又はその役員等が、第二十四条の九第二項第四号、第五号、第七号又は第九号のいずれかに該当するに至つたとき。

(i) When the establisher of the designated retarded child institutions, etc. or any of its Officers, etc. becomes a person falling under Article 24-9 paragraph (2) item (iv), (v), (vii) or (ix);

二　指定知的障害児施設等の設置者が、第二十四条の十一第三項の規定に違反したと認められるとき。

(ii) When it is found that the establisher of the Designated Institution for Mentally Retarded Children, etc. has violated the provision of Article 24-11 paragraph (3);

三　指定知的障害児施設等の設置者が、当該指定に係る施設の従業者の知識若しくは技能又は人員について、第二十四条の十二第一項の厚生労働省令で定める基準を満たすことができなくなつたとき。

(iii) When the establisher of the Designated Institution for Mentally Retarded Children, etc. becomes unable to satisfy the standards specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (1) in respect of the knowledge or skills of its employees of the institution pertaining to said designation or in respect of its personnel staffing;

四　指定知的障害児施設等の設置者が、第二十四条の十二第二項の厚生労働省令で定める指定知的障害児施設等の設備及び運営に関する基準に従つて適正な指定知的障害児施設等の運営をすることができなくなつたとき。

(iv) When the establisher of the Designated Institution for Mentally Retarded Children, etc. becomes unable to operate the Designated Institution for Mentally Retarded Children, etc. adequately in accordance with the standards on facilities and operation of designated retarded child institutions, etc. specified by an Ordinance of the Ministry of Health, Labour and Welfare referred to in Article 24-12 paragraph (2);

五　障害児施設給付費、特定入所障害児食費等給付費又は障害児施設医療費の請求に関し不正があつたとき。

(v) When any wrongdoing is found with regard to a request for Institutional Benefits for Disabled Children, Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children or Institutional Medical Expenses for Disabled Children;

六　指定施設設置者等が、第二十四条の十五第一項の規定により報告又は帳簿書類その他の物件の提出若しくは提示を命ぜられてこれに従わず、又は虚偽の報告をしたとき。

(vi) When the Designated 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 provision of Article 24-15 paragraph (1), or makes a false report in response to such an order;

七　指定施設設置者等が、第二十四条の十五第一項の規定により出頭を求められてこれに応ぜず、同項の規定による質問に対して答弁せず、若しくは虚偽の答弁をし、又は同項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避したとき。ただし、当該指定知的障害児施設等の従業者がその行為をした場合において、その行為を防止するため、当該指定知的障害児施設等の設置者又はその長が相当の注意及び監督を尽くしたときを除く。

(vii) When the Designated Institution Establisher, etc. fails to comply with an order for appearance pursuant to the provision of Article 24-15 paragraph (1), fails to give an answer or makes a false answer in response to a question pursuant to the provision of the same paragraph, or refuses, interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph; provided, however, that this shall not apply when the establisher or director of the Designated Institution for Mentally Retarded Children, etc. had fulfilled his/her 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 said Designated Institution for Mentally Retarded Children, etc.;

八　指定知的障害児施設等の設置者が、不正の手段により第二十四条の二第一項の指定を受けたとき。

(viii) When the establisher of the Designated Institution for Mentally Retarded Children, etc. obtains the designation set forth in Article 24-2 paragraph (1) by a wrongful means;

九　前各号に掲げる場合のほか、指定知的障害児施設等の設置者が、この法律その他国民の保健医療若しくは福祉に関する法律で政令で定めるもの又はこれらの法律に基づく命令若しくは処分に違反したとき。

(ix) When the establisher of the Designated Institution for Mentally Retarded Children, etc. 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, in addition to the cases listed in the preceding items respectively;

十　前各号に掲げる場合のほか、指定知的障害児施設等の設置者が、障害児施設支援に関し不正又は著しく不当な行為をしたとき。

(x) When the establisher of the Designated Institution for Mentally Retarded Children, etc. commits a wrongdoing or unjust act with regard to institutional support for disabled children, in addition to the cases listed in the preceding items respectively; or

十一　指定知的障害児施設等の設置者又はその役員等のうちに指定の取消し又は指定の全部若しくは一部の効力の停止をしようとするとき前五年以内に障害児施設支援に関し不正又は著しく不当な行為をした者があるとき。

(xi) When the establisher of the Designated Institution for Mentally Retarded Children, etc. and its Officers, etc. include such a person who has committed a wrongdoing or unjust act with regard to institutional support for disabled children within 5 years prior to the time when the rescission of designation or the whole or partial suspension of its validity is intended.

第二十四条の十八　都道府県知事は、次に掲げる場合には、その旨を公示しなければならない。

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

一　第二十四条の二第一項の指定知的障害児施設等の指定をしたとき。

(i) When a prefectural governor has made the designation of a Designated Institution for Mentally Retarded Children, etc. set forth in Article 24-2 paragraph (1);

二　第二十四条の十四の規定による指定知的障害児施設等の指定の辞退があつたとき。

(ii) When a Designated Institution for Mentally Retarded Children, etc. has declined the designation pursuant to the provision of Article 24-14; and

三　前条の規定により指定知的障害児施設等の指定を取り消したとき。

(iii) When the designation of a Designated Institution for Mentally Retarded Children, etc. has been rescinded pursuant to the provision of the preceding Article.

第二十四条の十九　都道府県は、指定知的障害児施設等に関し必要な情報の提供を行うとともに、その利用に関し相談に応じ、及び助言を行わなければならない。

Article 24-19 (1) A prefectural government shall provide necessary information concerning designated retarded child institutions, etc. and provide consultations and give advice with regard to the utilization thereof.

２　都道府県は、障害児又は当該障害児の保護者から求めがあつたときは、指定知的障害児施設等の利用についてあつせん又は調整を行うとともに、必要に応じて、指定知的障害児施設等の設置者に対し、当該障害児の利用についての要請を行うものとする。

(2) Upon request from a disabled child or his/her guardian, the prefectural government shall make arrangement or coordination for the utilization of a Designated Institution for Mentally Retarded Children, etc. and, where needed, make a request for the utilization by said disabled child to the establisher of a Designated Institution for Mentally Retarded Children, etc.

３　指定知的障害児施設等の設置者は、前項のあつせん、調整及び要請に対し、できる限り協力しなければならない。

(3) The establisher of a Designated Institution for Mentally Retarded Children, etc. shall cooperate in the arrangement, coordination and requests set forth in the preceding paragraph as far as possible.

第三款　障害児施設医療費の支給

Subsection 3 Payments of Institutional Medical Expenses for Disabled Children

第二十四条の二十　都道府県は、施設給付決定に係る障害児が、給付決定期間内において、指定知的障害児施設等（病院その他厚生労働省令で定める施設に限る。以下この条、次条及び第二十四条の二十三において同じ。）から障害児施設支援のうち治療に係るもの（以下「障害児施設医療」という。）を受けたときは、厚生労働省令で定めるところにより、当該障害児に係る施設給付決定保護者に対し、当該障害児施設医療に要した費用について、障害児施設医療費を支給する。

Article 24-20 (1) When a disabled child pertaining to a Decision on Institutional Benefits Payment receives the institutional support for disabled children pertaining to therapy (hereinafter referred to as "Institutional Medical Care for Disabled Children") from a Designated Institution for Mentally Retarded Children, etc. (limited to such hospitals and other facilities as specified by an Ordinance of the Ministry of Health, Labour and Welfare; the same shall apply hereinafter in this Article, the following Article and Article 24-23) during the Benefits Payment Period, the prefectural government shall, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, pay Institutional Medical Expenses for Disabled Children to the Recognized Beneficiary Guardian pertaining to said disabled child with regard to the expenses spent for said Institutional Medical Care for Disabled Children; and

２　障害児施設医療費の額は、次に掲げる額の合算額とする。

(2) The amount of Institutional Medical Expenses for Disabled Children shall be the total amount of the amounts listed in the following items:

一　当該障害児施設医療（食事療養（健康保険法　（大正十一年法律第七十号）第六十三条第二項　に規定する食事療養をいう。以下この項において同じ。）を除く。以下この号において同じ。）につき健康保険の療養に要する費用の額の算定方法の例により算定した額の百分の九十に相当する額。ただし、当該施設給付決定保護者が同一の月における障害児施設医療に要した費用の額の合計額の百分の十に相当する額が、当該施設給付決定保護者の家計に与える影響その他の事情をしん酌して政令で定める額を超えるときは、当該障害児施設医療につき健康保険の療養に要する費用の額の算定方法の例により算定した額の範囲内において政令で定めるところにより算定した額

(i) Ninety-hundredths (90/100) of the amount calculated with regard to the referenced Institutional Medical Care for Disabled Children (excluding dietary treatment (which shall mean dietary treatment provided in Article 63 paragraph (2) of the Health Insurance Act (Act No. 70 of 1922); the same shall apply hereinafter in this paragraph); the same shall apply hereinafter in this item) by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance; provided, however, that, when ten-hundredths (10/100) of the total amount of expenses spent by the referenced Recognized Beneficiary Guardian for Institutional Medical Care for Disabled Children in a specific month exceeds the amount provided by a Cabinet Order by taking into account the impact on the household finances of said Recognized Beneficiary Guardian and other circumstances, the amount calculated pursuant to the provisions of a Cabinet Order shall apply, which shall be within a range of the amount calculated with regard to said Institutional Medical Care for Disabled Children by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance; and

二　当該障害児施設医療（食事療養に限る。）につき健康保険の療養に要する費用の額の算定方法の例により算定した額から、健康保険法第八十五条第二項　に規定する標準負担額、施設給付決定保護者の所得の状況その他の事情を勘案して厚生労働大臣が定める額を控除した額

(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 Beneficiary Guardian and other circumstances, from the amount calculated with regard to said Institutional Medical Care for Disabled Children (limited to dietary treatment) by applying the calculation method for the amount of expenses spent for medical treatment covered by health insurance.

３　前項に規定する療養に要する費用の額の算定方法の例によることができないとき、及びこれによることを適当としないときの障害児施設医療に要する費用の額の算定方法は、厚生労働大臣の定めるところによる。

(3) When the calculation method for the amount of expenses spent for the medical treatment prescribed in the preceding paragraph cannot apply, or when it is not appropriate to apply the same, the calculation method for the amount of expenses spent for the Institutional Medical Care for Disabled Children shall be as prescribed by the Minister of Health, Labor and Welfare.

４　施設給付決定に係る障害児が指定知的障害児施設等から障害児施設医療を受けたときは、都道府県は、当該障害児に係る施設給付決定保護者が当該指定知的障害児施設等に支払うべき当該障害児施設医療に要した費用について、障害児施設医療費として当該施設給付決定保護者に支給すべき額の限度において、当該施設給付決定保護者に代わり、当該指定知的障害児施設等に支払うことができる。

(4) When a disabled child pertaining to a decision on institutional benefits payment receives Institutional Medical Care for Disabled Children from a Designated Institution for Mentally Retarded Children, etc., the prefectural government may pay such expenses spent for said Institutional Medical Care for Disabled Children that are payable by the Recognized Beneficiary Guardian pertaining to said disabled child to the referenced Designated Institution for Mentally Retarded Children, etc., in lieu of said Recognized Beneficiary Guardian, to said designated retarded child institutions, etc., within the limit of the amount payable to said Recognized Beneficiary Guardian as the Institutional Medical Expenses for Disabled Children.

５　前項の規定による支払があつたときは、当該施設給付決定保護者に対し障害児施設医療費の支給があつたものとみなす。

(5) When a payment is made pursuant to the provision of the preceding paragraph, the Institutional Medical Expenses for Disabled Children for said Recognized Beneficiary Guardian shall be deemed to have been paid.

第二十四条の二十一　第二十一条の規定は指定知的障害児施設等について、第二十一条の二及び第二十一条の三の規定は指定知的障害児施設等に対する障害児施設医療費の支給について準用する。この場合において、第二十一条中「前条第二項の医療」とあるのは「第二十四条の二十第一項に規定する障害児施設医療」と、第二十一条の二中「診療方針及び診療報酬」とあるのは「診療方針」と、第二十一条の三（第二項を除く。）中「診療報酬の」とあるのは「障害児施設医療費の」と読み替えるものとする。

Article 24-21 The provision of Article 21 shall apply mutatis mutandis to designated retarded child institutions, etc., and the provisions of Articles 21-2 and 21-3 shall apply mutatis mutandis to payments of Institutional Medical Expenses for Disabled Children to designated retarded child institutions, etc. In this case, the phrase "the medical care set forth in paragraph (2) of the preceding Article" referred to in Article 21 shall be deemed to be replaced with "the Institutional Medical Care for Disabled Children provided in Article 24-20 paragraph (1)", the phrase "medical service policy and medical fees" referred to in Article 21-2 shall be deemed to be replaced with "medical service policy", and the phrase "medical fees" referred to in Article 21-3 (excluding paragraph (2)) shall be deemed to be replaced with "Institutional Medical Expenses for Disabled Children".

第二十四条の二十二　障害児施設医療費の支給は、当該障害の状態につき、健康保険法の規定による家族療養費その他の法令に基づく給付であつて政令で定めるもののうち障害児施設医療費の支給に相当するものを受けることができるときは政令で定める限度において、当該政令で定める給付以外の給付であつて国又は地方公共団体の負担において障害児施設医療費の支給に相当するものが行われたときはその限度において、行わない。

Article 24-22 A payment of Institutional Medical Expenses for Disabled Children shall not be made within the limit 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 a Cabinet Order and fall under the payment of Institutional Medical Expenses for Disabled Children, the limit specified by a Cabinet Order shall apply as the limit referred to in the preceding sentence, and when any benefit other than those specified by said Cabinet Order that falls under the payment of Institutional Medical Expenses for Disabled Children is paid and borne by the national government or local government, the amount so paid shall apply as the limit referred to in the preceding sentence.

第二十四条の二十三　この款に定めるもののほか、障害児施設医療費の支給及び指定知的障害児施設等の障害児施設医療費の請求に関し必要な事項は、厚生労働省令で定める。

Article 24-23 In addition to what is prescribed in this Subsection, necessary matters concerning the payments of Institutional Medical Expenses for Disabled Children and the requests by designated retarded child institutions, etc. for Institutional Medical Expenses for Disabled Children shall be prescribed by an Ordinance of the Ministry of Health, Labour and Welfare.

第五節　要保護児童の保護措置等

Section 5 Protective Measures, etc. for an Aid-requiring Child

第二十五条　要保護児童を発見した者は、これを市町村、都道府県の設置する福祉事務所若しくは児童相談所又は児童委員を介して市町村、都道府県の設置する福祉事務所若しくは児童相談所に通告しなければならない。ただし、罪を犯した満十四歳以上の児童については、この限りでない。この場合においては、これを家庭裁判所に通告しなければならない。

Article 25 A person who discovers an Aid-requiring Child shall give notification directly to a Welfare Office or child guidance center established by the municipal or prefectural government, or to said Welfare Office or child guidance center through a commissioned child welfare volunteer; provided, however, that this shall not apply to a child of 14 years of age or more who has committed a crime. In this case, notification shall be given to the family court.

第二十五条の二　地方公共団体は、単独で又は共同して、要保護児童の適切な保護を図るため、関係機関、関係団体及び児童の福祉に関連する職務に従事する者その他の関係者（以下「関係機関等」という。）により構成される要保護児童対策地域協議会（以下「協議会」という。）を置くよう努めなければならない。

Article 25-2 (1) In order to singly or jointly pursue adequate protective care for an Aid-requiring Child, a local government shall endeavor to set up a regional council of countermeasures for Children Requiring Aid (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　協議会は、要保護児童及びその保護者（以下「要保護児童等」という。）に関する情報その他要保護児童の適切な保護を図るために必要な情報の交換を行うとともに、要保護児童等に対する支援の内容に関する協議を行うものとする。

(2) A Council shall exchange information concerning an Aid-requiring Child and their guardians (hereinafter referred to as "Aid-requiring Child, etc.") and other information necessary to pursue adequate protective care for Children Requiring Aid and confer on the contents of the support for Children, etc. Requiring Aid.

３　地方公共団体の長は、協議会を設置したときは、厚生労働省令で定めるところにより、その旨を公示しなければならない。

(3) When a local government establishes a Council, the head of the local government shall give public notice to that effect pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

４　協議会を設置した地方公共団体の長は、協議会を構成する関係機関等のうちから、一に限り要保護児童対策調整機関を指定する。

(4) The head of a local government who establishes a Council shall designate only one coordinating organization of countermeasures for Aid-requiring Child to be selected from the Relevant Bodies, etc. constituting the Council.

５　要保護児童対策調整機関は、協議会に関する事務を総括するとともに、要保護児童等に対する支援が適切に実施されるよう、要保護児童等に対する支援の実施状況を的確に把握し、必要に応じて、児童相談所その他の関係機関等との連絡調整を行うものとする。

(5) A coordinating organization of countermeasures for an Aid-requiring Child shall conduct overall management of affairs concerning the Council, accurately understand the state of the implementation of the support for an Aid-requiring Child, etc. so as to enable its adequate implementation, and carry out liaison and coordination with the child guidance center and other Relevant Bodies, etc., where needed.

第二十五条の三　協議会は、前条第二項に規定する情報の交換及び協議を行うため必要があると認めるときは、関係機関等に対し、資料又は情報の提供、意見の開陳その他必要な協力を求めることができる。

Article 25-3 A Council may, when it finds necessary in order to exchange information and confer as prescribed in paragraph (2) of the preceding Article, request Relevant Bodies, etc. to furnish materials or information, state their opinions, or provide other necessary cooperation.

第二十五条の四　前二条に定めるもののほか、協議会の組織及び運営に関し必要な事項は、協議会が定める。

Article 25-4 In addition to what is prescribed in the preceding two Articles, necessary matters concerning the organization and operation of a Council shall be prescribed by the Council.

第二十五条の五　次の各号に掲げる協議会を構成する関係機関等の区分に従い、当該各号に定める者は、正当な理由がなく、協議会の職務に関して知り得た秘密を漏らしてはならない。

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 shall divulge any secret coming to his/her knowledge with regard to the duties of the Council without justifiable ground:

一　国又は地方公共団体の機関　当該機関の職員又は職員であつた者

(i) Organs of the national or a local government: A person who is, or used to be, an official of any such organ;

二　法人　当該法人の役員若しくは職員又はこれらの職にあつた者

(ii) Juridical persons: A person who is, or used to be, an officer or employee of any such juridical person; and

三　前二号に掲げる者以外の者　協議会を構成する者又はその職にあつた者

(iii) Persons other than those listed in the preceding two items: A person who is, or used to be, a member of the Council.

第二十五条の六　市町村、都道府県の設置する福祉事務所又は児童相談所は、第二十五条の規定による通告を受けた場合において必要があると認めるときは、速やかに、当該児童の状況の把握を行うものとする。

Article 25-6 When it finds necessary in the case where notification pursuant to the provision of Article 25 is received, a Welfare Office or child guidance center established by a municipal or prefectural government shall promptly ascertain an understanding of the state of the referenced child.

第二十五条の七　市町村（次項に規定する町村を除く。）は、要保護児童等に対する支援の実施状況を的確に把握するものとし、第二十五条の規定による通告を受けた児童及び相談に応じた児童又はその保護者（以下「通告児童等」という。）について、必要があると認めたときは、次の各号のいずれかの措置を採らなければならない。

Article 25-7 (1) A municipal government (excluding towns and villages prescribed in the following paragraph) shall 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 municipal government finds necessary for a child for whom notification has been received or consultation has been provided pursuant to the provision of Article 25 or his/her guardian (hereinafter referred to as "Child, etc. under Notification"):

一　第二十七条の措置を要すると認める者並びに医学的、心理学的、教育学的、社会学的及び精神保健上の判定を要すると認める者は、これを児童相談所に送致すること。

(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

二　通告児童等を当該市町村の設置する福祉事務所の知的障害者福祉法　（昭和三十五年法律第三十七号）第九条第五項に規定する知的障害者福祉司（以下「知的障害者福祉司」という。）又は社会福祉主事に指導させること。

(ii) Make a Welfare Officer for retarded persons prescribed in Article 9 paragraph (5) of the Retarded Person Welfare Act (Act No. 37 of 1960) or a certified social worker of the Welfare Office established by the municipal government provide guidance to a Child, etc. under Notification.

三　児童虐待の防止等に関する法律（平成十二年法律第八十二号）第八条の二第一項の規定による出頭の求め及び調査若しくは質問、第二十九条若しくは同法第九条第一項の規定による立入り及び調査若しくは質問又は第三十三条第一項若しくは第二項の規定による一時保護の実施が適当であると認める者は、これを都道府県知事又は児童相談所長に通知すること。

(iii) 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 provision of Article 8-2 paragraph (1) of the Act on the Prevention, etc. of Child Abuse (Act No.82 of 2000),or an entry and an investigation or a question pursuant to the provision of Article 29 or Article 9 paragraph (1) the same act, or a temporary custody pursuant to the provision of Article 33 paragraph (1) or (2), to a prefectural governor or a child guidance center's director.

２　福祉事務所を設置していない町村は、要保護児童等に対する支援の実施状況を的確に把握するものとし、通告児童等又は妊産婦について、必要があると認めたときは、次の各号のいずれかの措置を採らなければならない。

(2) A town or village without a Welfare Office shall 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 said town or village finds necessary for a Child, etc. under Notification or an expectant and nursing mother:

一　第二十七条の措置を要すると認める者並びに医学的、心理学的、教育学的、社会学的及び精神保健上の判定を要すると認める者は、これを児童相談所に送致すること。

(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;

二　次条第二号の措置が適当であると認める者は、これを当該町村の属する都道府県の設置する福祉事務所に送致すること。

(ii) Refer 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 said town or village belongs; or

三　助産の実施又は母子保護の実施が適当であると認める者は、これをそれぞれその実施に係る都道府県知事に報告すること。

(iii) Report a person for whom the Midwifery Care Practice or the Maternal and Child Aid Practice is found appropriate to the prefectural governor pertaining to such practice.

四　児童虐待の防止等に関する法律第八条の二第一項の規定による出頭の求め及び調査若しくは質問、第二十九条若しくは同法第九条第一項の規定による立入り及び調査若しくは質問又は第三十三条第一項若しくは第二項の規定による一時保護の実施が適当であると認める者は、これを都道府県知事又は児童相談所長に通知すること。

(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 provision of Article 8-2 paragraph (1) of the Act on the Prevention, etc. of Child Abuse, or an entry and an investigation or a question pursuant to the provision of Article 29 or Article 9 paragraph (1) the same act, or a temporary custody pursuant to the provision of Article 33 paragraph (1) or (2), to a prefectural governor or a child guidance center's director.

第二十五条の八　都道府県の設置する福祉事務所の長は、第二十五条の規定による通告又は前条第二項第二号若しくは次条第一項第三号の規定による送致を受けた児童及び相談に応じた児童、その保護者又は妊産婦について、必要があると認めたときは、次の各号のいずれかの措置を採らなければならない。

Article 25-8 The head of a Welfare Office established by a prefectural government shall take a measure set forth in any of the following items, when he/she finds necessary for a child for whom notification pursuant to the provision of Article 25 or a referral pursuant to the provision of paragraph (2) item (ii) of the preceding Article or paragraph (1) item (iii) of the following Article is made, or a child, his/her guardian or an expectant and nursing mother for whom consultation is provided:

一　第二十七条の措置を要すると認める者並びに医学的、心理学的、教育学的、社会学的及び精神保健上の判定を要すると認める者は、これを児童相談所に送致すること。

(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;

二　児童又はその保護者をその福祉事務所の知的障害者福祉司又は社会福祉主事に指導させること。

(ii) Cause children or their guardians to be guided by a Welfare Officer for retarded persons or a social welfare secretary of the Welfare Office;

三　助産の実施、母子保護の実施又は保育の実施（以下「保育の実施等」という。）が適当であると認める者は、これをそれぞれその保育の実施等に係る都道府県又は市町村の長に報告し、又は通知すること。

(iii) Report on, or give notice of, any person for whom it is found appropriate to practice midwifery care, maternal and child aid or daycare (hereinafter referred to as "Daycare Practice, etc.") to the head of the prefecture or municipality pertaining to such Daycare Practice, etc.; or

四　第二十一条の六の規定による措置が適当であると認める者は、これをその措置に係る市町村の長に報告し、又は通知すること。

(iv) Report on, or give notice of, any person who is found to be in need of a measure set forth in Article 21-6 to the head of the municipality pertaining to the measure.

第二十六条　児童相談所長は、第二十五条の規定による通告を受けた児童、第二十五条の七第一項第一号若しくは第二項第一号、前条第一号又は少年法（昭和二十三年法律第百六十八号）第六条の六第一項若しくは第十八条第一項の規定による送致を受けた児童及び相談に応じた児童、その保護者又は妊産婦について、必要があると認めたときは、次の各号のいずれかの措置を採らなければならない。

Article 26 (1) A child guidance center's director shall take a measure set forth in any of the following items when he/she finds necessary for a child for whom notification pursuant to the provision of Article 25 of this Act or a referral pursuant to the provision 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, his/her guardian or an expectant and nursing mother for whom consultation is provided:

一　次条の措置を要すると認める者は、これを都道府県知事に報告すること。

(i) Report on any person who is found to be in need of a measure set forth in the following Article to the prefectural governor;

二　児童又はその保護者を児童福祉司若しくは児童委員に指導させ、又は都道府県以外の者の設置する児童家庭支援センター若しくは都道府県以外の障害者自立支援法第五条第十七項に規定する相談支援事業（次条第一項第二号及び第三十四条の六において「相談支援事業」という。）を行う者に指導を委託すること。

(ii) Cause children or their guardians to be guided by a Child Welfare Officer or a commissioned child welfare volunteer, 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 consultation support services provided in Article 5 paragraph (17) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Consultation Support Services" in paragraph (1) item (ii) of the following Article and Article 34-6);

三　第二十五条の七第一項第二号又は前条第二号の措置が適当であると認める者は、これを福祉事務所に送致すること。

(iii) Refer 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;

四　保育の実施等が適当であると認める者は、これをそれぞれその保育の実施等に係る都道府県又は市町村の長に報告し、又は通知すること。

(iv) Report on, or give notice of, any person for whom it is found appropriate to provide the Daycare Practice, etc. to the head of the prefectural or municipal government pertaining to such Daycare Practice, etc.; or

五　第二十一条の六の規定による措置が適当であると認める者は、これをその措置に係る市町村の長に報告し、又は通知すること。

(v) Report on, or give notice of, any person for whom it is found appropriate to take a measure pursuant to the provision of Article 21-6 to the head of the municipal government pertaining to such a measure.

２　前項第一号の規定による報告書には、児童の住所、氏名、年齢、履歴、性行、健康状態及び家庭環境、同号に規定する措置についての当該児童及びその保護者の意向その他児童の福祉増進に関し、参考となる事項を記載しなければならない。

(2) A report pursuant to the provision of item (i) of the preceding paragraph shall state the address, name, age, history, character and conduct, health condition and family environment of the referenced child, the intent of said child and his/her guardian with regard to the measure provided in the same item, and other referential matters concerning promotion of welfare of the child.

第二十七条　都道府県は、前条第一項第一号の規定による報告又は少年法第十八条第二項の規定による送致のあつた児童につき、次の各号のいずれかの措置を採らなければならない。

Article 27 (1) A prefectural government shall take a measure set forth in any of 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:

一　児童又はその保護者に訓戒を加え、又は誓約書を提出させること。

(i) Provide an admonition to the child or his/her guardian, or cause him/her to submit a written pledge;

二　児童又はその保護者を児童福祉司、知的障害者福祉司、社会福祉主事、児童委員若しくは当該都道府県の設置する児童家庭支援センター若しくは当該都道府県が行う相談支援事業に係る職員に指導させ、又は当該都道府県以外の者の設置する児童家庭支援センター若しくは当該都道府県以外の相談支援事業を行う者に指導を委託すること。

(ii) Cause the child or his/her guardian to be guided by a Child Welfare Officer, a welfare officer for mentally retarded persons, a social welfare secretary, a commissioned child welfare volunteer, or the child and family support center established by said prefectural government, or an official pertaining to the Consultation Support Services performed by said prefectural government, or entrust such guidance to a child and family support center established by a person other than said prefectural government, or to a person other than said prefectural government engaged in Consultation Support Services;

三　児童を里親に委託し、又は乳児院、児童養護施設、知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設、重症心身障害児施設、情緒障害児短期治療施設若しくは児童自立支援施設に入所させること。

(iii) Entrust the child to a foster parent, or admit the child into an infant home, a foster home, an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, an institution for severely-retarded children, a short-term therapeutic institution for emotionally disturbed children, or a children's self-reliance support facility; or

四　家庭裁判所の審判に付することが適当であると認める児童は、これを家庭裁判所に送致すること。

(iv) Refer the child to the family court if it is found appropriate to submit him/her to the family court's inquiry.

２　都道府県は、第四十三条の三又は第四十三条の四に規定する児童については、前項第三号の措置に代えて、指定医療機関に対し、これらの児童を入院させて肢体不自由児施設又は重症心身障害児施設におけると同様な治療等を行うことを委託することができる。

(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 to hospitalize the child and provide him/her with therapy, etc. equivalent to those that would be provided in an institution orthopedically impaired children or an institution for severely-retarded children.

３　都道府県知事は、少年法第十八条第二項　の規定による送致のあつた児童につき、第一項の措置を採るにあたつては、家庭裁判所の決定による指示に従わなければならない。

(3) When a prefectural governor intends to take a measure set forth in paragraph (1) for a child referred pursuant to the provision of Article 18 paragraph (2) of the Juvenile Act, the prefectural governor shall follow an instruction based on a decision by the family court.

４　第一項第三号又は第二項の措置は、児童に親権を行う者（第四十七条第一項の規定により親権を行う児童福祉施設の長を除く。以下同じ。）又は未成年後見人があるときは、前項の場合を除いては、その親権を行う者又は未成年後見人の意に反して、これを採ることができない。

(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 provision of Article 47 paragraph (1); the same shall apply hereinafter) or a guardian of a minor, the measure set forth in paragraph (1) item (iii) or paragraph (2) may not be taken against the intent of said person who has parental authority or said guardian of a minor, except in the case referred to in the preceding paragraph.

５　都道府県知事は、第一項第二号若しくは第三号若しくは第二項の措置を解除し、停止し、又は他の措置に変更する場合には、児童相談所長の意見を聴かなければならない。

(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 shall hear opinions from the child guidance center's director.

６　都道府県知事は、政令の定めるところにより、第一項第一号から第三号までの措置（第三項の規定により採るもの及び第二十八条第一項第一号又は第二号ただし書の規定により採るものを除く。）若しくは第二項の措置を採る場合又は第一項第二号若しくは第三号若しくは第二項の措置を解除し、停止し、若しくは他の措置に変更する場合には、都道府県児童福祉審議会の意見を聴かなければならない。

(6) In the case where any of the measures set forth in paragraph (1) items (i) to (iii) inclusive (excluding those taken pursuant to the provision of paragraph (3) and those taken pursuant to the provision 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 shall hear opinions from the Prefectural Child Welfare Council.

７　都道府県は、義務教育を終了した児童であつて、第一項第三号に規定する措置のうち政令で定めるものを解除されたものその他政令で定めるものについて、当該児童の自立を図るため、政令で定める基準に従い、これらの者が共同生活を営むべき住居において相談その他の日常生活上の援助及び生活指導並びに就業の支援を行い、又は当該都道府県以外の者に当該住居において当該日常生活上の援助及び生活指導並びに就業の支援を行うことを委託する措置を採ることができる。

(7) With regard to a child having terminated his/her compulsory education for whom a measure prescribed in paragraph (1) item (iii) as specified by a Cabinet Order is cancelled or who is as otherwise specified by a Cabinet Order, the prefectural government may provide consultation and other daily life assistance and lifestyle guidance and support his/her finding employment at the residence where the child is supposed to live communally, or may take a measure to entrust a person resident in any other prefecture to provide said daily life assistance and daily life guidance and employment support at said person's residence, for the purpose of pursuing said child's independence, in accordance with the standards specified by a Cabinet Order.

第二十七条の二　都道府県は、少年法第二十四条第一項又は第二十六条の四第一項の規定により同法第二十四条第一項第二号の保護処分の決定を受けた児童につき、当該決定に従つて児童自立支援施設に入所させる措置（保護者の下から通わせて行うものを除く。）又は児童養護施設に入所させる措置を採らなければならない。

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 provision of Article 24 paragraph (1) or Article 26-4 paragraph (1) the same act, the prefectural government shall take a measure to admit him/her into a children's self-reliance support facility in accordance with said decision (excluding a measure to cause him/her to commute there from the residence where his/her guardian lives) or a measure to admit him/her into a foster home.

２　前項に規定する措置は、この法律の適用については、前条第一項第三号の児童自立支援施設又は児童養護施設に入所させる措置とみなす。ただし、同条第四項及び第六項（措置を解除し、停止し、又は他の措置に変更する場合に係る部分を除く。）並びに第二十八条の規定の適用については、この限りでない。

(2) With regard to the application of this Act, a measure prescribed in the preceding paragraph shall be 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 shall 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 provision of Article 28 applies.

第二十七条の三　都道府県知事は、たまたま児童の行動の自由を制限し、又はその自由を奪うような強制的措置を必要とするときは、第三十三条及び第四十七条の規定により認められる場合を除き、事件を家庭裁判所に送致しなければならない。

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 his/her liberty, the prefectural governor shall refer that case to the family court, except in the cases permitted pursuant to the provision of Articles 33 and 47.

第二十八条　保護者が、その児童を虐待し、著しくその監護を怠り、その他保護者に監護させることが著しく当該児童の福祉を害する場合において、第二十七条第一項第三号の措置を採ることが児童の親権を行う者又は未成年後見人の意に反するときは、都道府県は、次の各号の措置を採ることができる。

Article 28 (1) In the case where a guardian abuses his/her child or extremely neglects the duty of custody of his/her child or in any other case where the guardian's exercise of the custody extremely harms the welfare of said 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 guardian of a minor for the child, the prefectural government may take a measure set forth in any of the following items:

一　保護者が親権を行う者又は未成年後見人であるときは、家庭裁判所の承認を得て、第二十七条第一項第三号の措置を採ること。

(i) Take a measure set forth in Article 27 paragraph (1) item (iii) with approval from the family court, when the guardian is a person who has parental authority or a guardian of a minor; and

二　保護者が親権を行う者又は未成年後見人でないときは、その児童を親権を行う者又は未成年後見人に引き渡すこと。ただし、その児童を親権を行う者又は未成年後見人に引き渡すことが児童の福祉のため不適当であると認めるときは、家庭裁判所の承認を得て、第二十七条第一項第三号の措置を採ること。

(ii) Deliver the child to a person who has parental authority or a guardian of a minor, when the guardian is neither a person who has parental authority nor a guardian of a minor; provided, however, that a measure set forth in Article 27 paragraph (1) item (iii) shall be taken with approval from the family court, when such delivery is found inappropriate for welfare of the child.

２　前項第一号及び第二号ただし書の規定による措置の期間は、当該措置を開始した日から二年を超えてはならない。ただし、当該措置に係る保護者に対する指導措置（第二十七条第一項第二号の措置をいう。以下この条において同じ。）の効果等に照らし、当該措置を継続しなければ保護者がその児童を虐待し、著しくその監護を怠り、その他著しく当該児童の福祉を害するおそれがあると認めるときは、都道府県は、家庭裁判所の承認を得て、当該期間を更新することができる。

(2) The period for a measure taken pursuant to the provision of item (i) and the proviso of item (ii) of the preceding paragraph shall not exceed 2 years from the date of commencement of said measure; provided, however, that the prefectural government may renew said period with approval from the family court, when it is found that the guardian is likely to abuse the child, extremely neglect the custody of the child, or cause any other harm to the welfare of said child, in light of effects, etc. of the guidance to the guardian pertaining to the referenced measure (which shall mean the guidance set forth in Article 27 paragraph (1) item (ii); the same shall apply hereinafter in this Article) unless the referenced measure is continued.

３　第一項及び前項の承認（以下「措置に関する承認」という。）は、家事審判法の適用に関しては、これを同法第九条第一項甲類に掲げる事項とみなす。

(3) With regard to the application of the Act on Inquiry Procedure for Family Affairs, the approval set forth in paragraph (1) and the preceding paragraph (hereinafter referred to as "Approval for Measures") shall be deemed to fall under any of the matters listed in category A in Article 9 paragraph (1) of the same Act.

４　都道府県は、第二項の規定による更新に係る承認の申立てをした場合において、やむを得ない事情があるときは、当該措置の期間が満了した後も、当該申立てに対する審判が確定するまでの間、引き続き当該措置を採ることができる。ただし、当該申立てを却下する審判があつた場合は、当該審判の結果を考慮してもなお当該措置を採る必要があると認めるときに限る。

(4) When there are any inevitable circumstances in the case where an application for approval pertaining to the renewal pursuant to the provision of paragraph (2) is made, the prefectural government may continue to take the referenced measure until a decision for said application becomes final and binding, even after the period for said measure expires; provided, however, that the same shall be limited to the cases where, if a decision to dismiss said application is made, it is found still necessary to take said measure after considering the result of said decision.

５　家庭裁判所は、措置に関する承認の申立てがあつた場合は、都道府県に対し、期限を定めて、当該申立てに係る保護者に対する指導措置に関し報告及び意見を求め、又は当該申立てに係る児童及びその保護者に関する必要な資料の提出を求めることができる。

(5) In the case where an application for 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 guardian pertaining to said application, or to submit necessary materials concerning the child and his/her guardian pertaining to said application, by the due date to be specified.

６　家庭裁判所は、措置に関する承認の審判をする場合において、当該措置の終了後の家庭その他の環境の調整を行うため当該保護者に対し指導措置を採ることが相当であると認めるときは、当該保護者に対し、指導措置を採るべき旨を都道府県に勧告することができる。

(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 guardian 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 said guardian.

第二十九条　都道府県知事は、前条の規定による措置をとるため、必要があると認めるときは、児童委員又は児童の福祉に関する事務に従事する職員をして、児童の住所若しくは居所又は児童の従業する場所に立ち入り、必要な調査又は質問をさせることができる。この場合においては、その身分を証明する証票を携帯させ、関係者の請求があつたときは、これを提示しなければならない。

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

第三十条　四親等内の児童以外の児童を、その親権を行う者又は未成年後見人から離して、自己の家庭（単身の世帯を含む。）に、三月（乳児については、一月）を超えて同居させる意思をもつて同居させた者又は継続して二月以上（乳児については、二十日以上）同居させた者（法令の定めるところにより児童を委託された者及び児童を単に下宿させた者を除く。）は、同居を始めた日から三月以内（乳児については、一月以内）に、市町村長を経て、都道府県知事に届け出なければならない。ただし、その届出期間内に同居をやめたときは、この限りでない。

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 3 months (or more than 1 month, if the child is an infant) or lives together at the person's own home for consecutive 2 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 guardian of a minor, that person living together shall notify the prefectural governor through the mayor of municipality within 3 months (or within 1 month, if the child is an infant) from the date of start of such living together; provided, however, that this shall not apply when such living together is discontinued within this notification period.

２　前項に規定する届出をした者が、その同居をやめたときは、同居をやめた日から一月以内に、市町村長を経て、都道府県知事に届け出なければならない。

(2) When a person who has given notification as prescribed in the preceding paragraph discontinues living together, he/she shall notify the prefectural governor through the mayor of municipality within 1 month from the date of such discontinuation.

３　保護者は、経済的理由等により、児童をそのもとにおいて養育しがたいときは、市町村、都道府県の設置する福祉事務所、児童相談所、児童福祉司又は児童委員に相談しなければならない。

(3) When it is difficult for a guardian to foster his/her child at his/her home due to economic reasons, etc., he/she shall 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.

第三十条の二　都道府県知事は、里親及び児童福祉施設の長並びに前条第一項に規定する者に、児童の保護について、必要な指示をし、又は必要な報告をさせることができる。

Article 30-2 A prefectural governor may provide necessary instructions to, or request necessary reporting from, foster parents and the heads of child welfare institutions, and the persons prescribed in paragraph (1) of the preceding Article, with regard to the aid for children.

第三十一条　都道府県等は、第二十三条第一項本文の規定により母子生活支援施設に入所した児童については、その保護者から申込みがあり、かつ、必要があると認めるときは、満二十歳に達するまで、引き続きその者を母子生活支援施設において保護することができる。

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 him/her in the maternal and child living support facility until he/she attains the age of 20, when the prefecture, etc. has received an application from his/her guardian and finds it necessary to do so.

２　都道府県は、第二十七条第一項第三号の規定により里親に委託され、又は児童養護施設、知的障害児施設（国の設置する知的障害児施設を除く。）、盲ろうあ児施設、情緒障害児短期治療施設若しくは児童自立支援施設に入所した児童については満二十歳に達するまで、同号の規定により国の設置する知的障害児施設に入所した児童についてはその者が社会生活に順応することができるようになるまで、引き続き同号の規定による委託を継続し、又はその者をこれらの児童福祉施設に在所させる措置を採ることができる。

(2) The prefectural government may continue the entrustment or continue the measure to domicile the referenced child in the referenced child welfare institution pursuant to the provision of Article 27 paragraph (1) item (iii), until the referenced child attains the age of 20 if he/she is a child entrusted to a foster parent or admitted into a foster home, an institution for mentally retarded children (excluding those established by the national government), an institution for blind or deaf children, a short-term therapeutic institution for emotionally disturbed children, or a children's self-reliance support facility pursuant to the provision of the same item, and until the referenced child becomes able to adapt him/herself to social life if he/she is a child admitted into an institution for mentally retarded children established by the national government.

３　都道府県は、第二十七条第一項第三号の規定により肢体不自由児施設に入所した児童又は同条第二項の規定による委託により指定医療機関に入院した第四十三条の三に規定する児童については満二十歳に達するまで、第二十七条第一項第三号の規定により重症心身障害児施設に入所した児童又は同条第二項の規定による委託により指定医療機関に入院した第四十三条の四に規定する児童についてはその者が社会生活に順応することができるようになるまで、引き続きその者をこれらの児童福祉施設に在所させ、若しくは第二十七条第二項の規定による委託を継続し、又はこれらの措置を相互に変更する措置を採ることができる。

(3) The prefectural government may continue the measure to domicile the referenced child in the referenced child welfare institution or continue the entrustment pursuant to the provision of Article 27 paragraph (2) or change either of these measures to the other one, until the referenced child attains the age of 20 if he/she is a child admitted into an institution for orthopedically impaired children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child set forth in Article 43-3 admitted into a Designated Medical Institution based on the entrustment pursuant to the provision of paragraph (2) of the same Article, and until the referenced child becomes able to adapt him/herself to social life if he/she is a child admitted into an institution for severely-retarded children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child set forth in Article 43-4 admitted into a Designated Medical Institution based on the entrustment pursuant to the provision of paragraph (2) of the same Article.

４　都道府県は、第二十七条第七項の措置を採つた児童については、満二十歳に達するまで、引き続きその者に援助を行い、又は同項に規定する委託を継続する措置を採ることができる。

(4) With regard to a child for whom a measure set forth in Article 27 paragraph (7) is taken, the prefectural government may continue to provide assistance to him/her or continue the entrustment prescribed in the same paragraph, until he/she attains the age of 20.

５　前各項に規定する保護又は措置は、この法律の適用については、母子保護の実施又は第二十七条第一項第三号、第二項若しくは第七項に規定する措置とみなす。

(5) With regard to the application of this Act, the aid or the measure provided in each of the preceding paragraphs shall be deemed to be the Maternal and Child Aid Practice or a measure provided in paragraph (1) item (iii), paragraph (2) or Article 27 paragraph (7).

６　第二項又は第三項の場合においては、都道府県知事は、児童相談所長の意見を聴かなければならない。

(6) In the case referred to in paragraph (2) or (3), the prefectural governor shall hear opinions from the child guidance center's director.

第三十二条　都道府県知事は、第二十七条第一項、第二項又は第七項の措置を採る権限の全部又は一部を児童相談所長に委任することができる。

Article 32 (1) A prefectural governor may delegate the authority to take measures set forth in Article 27 paragraph (1), (2) or (7), in whole or in part, to the child guidance center's director.

２　都道府県知事又は市町村長は、第二十一条の六の措置を採る権限又は助産の実施若しくは母子保護の実施の権限、第二十三条第一項ただし書に規定する保護の権限並びに第二十四条の二から第二十四条の七まで及び第二十四条の二十の規定による権限の全部又は一部を、それぞれその管理する福祉事務所の長に委任することができる。

(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 Aid Practice, or the authority of the aid provided in the proviso of Article 23 paragraph (1), and the authority pursuant to the provisions of Articles 24-2 to 24-7 inclusive 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　市町村長は、保育の実施の権限及び第二十四条第一項ただし書に規定する保護の権限の全部又は一部を、その管理する福祉事務所の長又は当該市町村に置かれる教育委員会に委任することができる。

(3) A mayor of municipality may delegate the authority of the Daycare Practice and the authority of the aid provided in the proviso of Article 24 paragraph (1), in whole or in part, to the head of the Welfare Office under the management of the municipal government or to the board of education set up in said municipality.

第三十三条　児童相談所長は、必要があると認めるときは、第二十六条第一項の措置をとるに至るまで、児童に一時保護を加え、又は適当な者に委託して、一時保護を加えさせることができる。

Article 33 (1) A child guidance center's director may, when he/she finds necessary, 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.

２　都道府県知事は、必要があると認めるときは、第二十七条第一項又は第二項の措置をとるに至るまで、児童相談所長をして、児童に一時保護を加えさせ、又は適当な者に、一時保護を加えることを委託させることができる。

(2) A prefectural governor may, when he/she finds necessary, cause the child guidance center's director to take temporary custody of a child or cause said director to entrust an appropriate person to take such temporary custody until a measure set forth in Article 27 paragraph (1) or (2).

３　前二項の規定による一時保護の期間は、当該一時保護を開始した日から二月を超えてはならない。

(3) The period for temporary custody pursuant to the preceding two paragraphs shall not exceed 2 months from the date of commencement of said temporary custody.

４　前項の規定にかかわらず、児童相談所長又は都道府県知事は、必要があると認めるときは、引き続き第一項又は第二項の規定による一時保護を行うことができる。

(4) Notwithstanding the provision of the preceding paragraph, a child guidance center's director or a prefectural governor may, when he/she finds necessary, continue the temporary custody pursuant to the provision of paragraph (1) or (2).

第三十三条の二　児童相談所長は、一時保護を加えた児童の所持する物であつて、一時保護中本人に所持させることが児童の福祉をそこなう虞があるものを保管することができる。

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

２　児童相談所長は、前項の規定により保管する物で、腐敗し、若しくは滅失する虞があるもの又は保管に著しく不便なものは、これを売却してその代価を保管することができる。

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

３　児童相談所長は、前二項の規定により保管する物について当該児童以外の者が返還請求権を有することが明らかな場合には、これをその権利者に返還しなければならない。

(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 provision of the preceding two paragraphs, the child guidance center's director shall return those things to such a right holder.

４　児童相談所長は、前項に規定する返還請求権を有する者を知ることができないとき、又はその者の所在を知ることができないときは、返還請求権を有する者は、六箇月以内に申し出るべき旨を公告しなければならない。

(4) When the child guidance center's director is unable to know the person who has the right to demand restitution prescribed in the preceding paragraph or his/her address, the child guidance center's director shall give public notice to request the right holder to come forward within 6 months.

５　前項の期間内に同項の申出がないときは、その物は、当該児童相談所を設置した都道府県に帰属する。

(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 things shall belong to the prefectural government establishing the referenced child guidance center.

６　児童相談所長は、一時保護を解除するときは、第三項の規定により返還する物を除き、その保管する物を当該児童に返還しなければならない。この場合において、当該児童に交付することが児童の福祉のため不適当であると認めるときは、これをその保護者に交付することができる。

(6) When a temporary custody is cancelled, the child guidance center's director shall return the things retained by him/her to the referenced child, excluding those returned pursuant to the provision of paragraph (3). In this case, the things to be returned may be delivered to the guardian of the child, when the child guidance center's director finds inappropriate for welfare of the child to deliver them to said child.

７　第一項の規定による保管、第二項の規定による売却及び第四項の規定による公告に要する費用は、その物の返還を受ける者があるときは、その者の負担とする。

(7) Expenses spent for retaining the things pursuant to the provision of paragraph (1), sale thereof pursuant to the provision of paragraph (2) and public notice pursuant to the provision of paragraph (4) shall be borne by the person receiving them, if any.

第三十三条の三　児童相談所長は、一時保護を加えている間に児童が逃走し、又は死亡した場合において、遺留物があるときは、これを保管し、且つ、前条第三項の規定により権利者に返還しなければならない物を除き、これを当該児童の保護者若しくは親族又は相続人に交付しなければならない。

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

２　前条第二項、第四項、第五項及び第七項の規定は、前項の場合に、これを準用する。

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

第三十三条の四　都道府県知事、市町村長、福祉事務所長又は児童相談所長は、次の各号に掲げる措置又は保育の実施等を解除する場合には、あらかじめ、当該各号に定める者に対し、当該措置又は保育の実施等の解除の理由について説明するとともに、その意見を聴かなければならない。ただし、当該各号に定める者から当該措置又は保育の実施等の解除の申出があつた場合その他厚生労働省令で定める場合においては、この限りでない。

Article 33-4 In the case of cancellation of a measure or Daycare Practice, etc. listed in any of the following items, the prefectural governor, the mayor of municipality, the Welfare Office's director or the child guidance center's director shall, in advance, explain the reason for such cancellation to the person prescribed in the referenced item and hear his/her opinion; provided, however, that this shall not apply to the case where there is a request for such cancellation from the person prescribed in said items and other cases specified by an Ordinance of the Ministry of Health, Labour and Welfare.

一　第二十一条の六、第二十五条の七第一項第二号、第二十五条の八第二号、第二十六条第一項第二号並びに第二十七条第一項第二号及び第七項の措置　当該措置に係る児童の保護者

(i) Measures set forth in Article 21-6, Article 25-7 paragraph (1) item (ii), Article 25-8 item (ii), Article 26 paragraph (1) item (ii), and paragraph (1) item (ii) and Article 27 paragraph (7): The guardian of the child pertaining to said measure;

二　助産の実施　当該助産の実施に係る妊産婦

(ii) The Midwifery Care Practice: The expectant and nursing mother pertaining to the referenced Midwifery Care Practice;

三　母子保護の実施及び保育の実施　当該母子保護の実施又は保育の実施に係る児童の保護者

(iii) The Maternal and Child Aid Practice and the Daycare Practice: The guardian of the child pertaining to the referenced Maternal and Child Aid Practice or Daycare Practice; or

四　第二十七条第一項第三号及び第二項の措置　当該措置に係る児童の親権を行う者又はその未成年後見人

(iv) Measures set forth in paragraph (1) item (iii) and Article 27 paragraph (2): The person who has parental authority over, or the guardian of a minor of, the child pertaining to the referenced measure.

第三十三条の五　第二十一条の六、第二十五条の七第一項第二号、第二十五条の八第二号、第二十六条第一項第二号若しくは第二十七条第一項第二号若しくは第三号、第二項若しくは第七項の措置を解除する処分又は保育の実施等の解除については、行政手続法第三章　（第十二条及び第十四条を除く。）の規定は、適用しない。

Article 33-5 The provisions of Chapter 3 of the Administrative Procedure Act (excluding Articles 12 and 14) shall not apply when imposing the cancellation of a measure set forth in Article 21-6, 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 (2) or (7), or canceling the daycare.

第三十三条の六　児童又は児童以外の満二十歳に満たない者（次条及び第三十三条の八において「児童等」という。）の親権者が、その親権を濫用し、又は著しく不行跡であるときは、民法　（明治二十九年法律第八十九号）第八百三十四条　の規定による親権喪失の宣告の請求は、同条に定める者のほか、児童相談所長も、これを行うことができる。

Article 33-6 When the person who has parental authority over a child or over a person under 20 years of age other than children (referred to as "Child, etc." in the following Article and Article 33-8) abuses his/her parental authority or misbehaves extremely, a request for adjudication of forfeiture of parental authority pursuant to the provision of Article 834 of the Civil Code (Act No. 89 of 1896) may be made by the child guidance center's director, in addition to the persons prescribed in the same Article.

第三十三条の七　児童相談所長は、親権を行う者及び未成年後見人のない児童等について、その福祉のため必要があるときは、家庭裁判所に対し未成年後見人の選任を請求しなければならない。

Article 33-7 (1) When it is necessary for welfare of a Child, etc. having neither a person who has parental authority nor a guardian of a minor, the child guidance center's director shall request the family court to appoint a guardian of a minor.

２　児童相談所長は、前項の規定による未成年後見人の選任の請求に係る児童等（児童福祉施設に入所中の児童を除く。）に対し、親権を行う者又は未成年後見人があるに至るまでの間、親権を行う。ただし、民法七百九十七条の規定による縁組の承諾をするには、厚生労働省令の定めるところにより、都道府県知事の許可を得なければならない。

(2) A child guidance center's director shall exercise parental authority over a child admitted there and having neither a person who has parental authority nor a guardian of a minor until the child comes to have either a person who has parental authority or a guardian of a minor; provided, however, that permission from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provision of Article 797 of the Civil Code.

第三十三条の八　児童等の未成年後見人に、不正な行為、著しい不行跡その他後見の任務に適しない事由があるときは、民法第八百四十六条の規定による未成年後見人の解任の請求は、同条に定める者のほか、児童相談所長も、これを行うことができる。

Article 33-8 When the guardian of a minor for a Child, etc. causes a wrongful act, an extreme misbehavior or any other season inadequate for guardianship, a request for dismissal of the guardian of a minor pursuant to the provision of Article 846 of the Civil Code may be made by the child guidance center's director, in addition to the persons prescribed in the same Article.

第六節　雑則

Section 6 Miscellaneous Provisions

第三十四条　何人も、次に掲げる行為をしてはならない。

Article 34 (1) No person shall commit an act listed in any of the following items:

一　身体に障害又は形態上の異常がある児童を公衆の観覧に供する行為

(i) Place a child with physical disabilities or morphological abnormalities on public show;

二　児童にこじきをさせ、又は児童を利用してこじきをする行為

(ii) Cause a child to act as a beggar, or beg by exploiting a child;

三　公衆の娯楽を目的として、満十五歳に満たない児童にかるわざ又は曲馬をさせる行為

(iii) Cause a child under 15 years of age to perform acrobatics or stunt horse riding for the purpose of public entertainment;

四　満十五歳に満たない児童に戸々について、又は道路その他これに準ずる場所で歌謡、遊芸その他の演技を業務としてさせる行為

(iv) Cause 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;

四の二　児童に午後十時から午前三時までの間、戸々について、又は道路その他これに準ずる場所で物品の販売、配布、展示若しくは拾集又は役務の提供を業務としてさせる行為

(iv)-2 Cause 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;

四の三　戸々について、又は道路その他これに準ずる場所で物品の販売、配布、展示若しくは拾集又は役務の提供を業務として行う満十五歳に満たない児童を、当該業務を行うために、風俗営業等の規制及び業務の適正化等に関する法律（昭和二十三年法律第百二十二号）第二条第四項の接待飲食等営業、同条第六項の店舗型性風俗特殊営業及び同条第九項　の店舗型電話異性紹介営業に該当する営業を営む場所に立ち入らせる行為

(iv)-3 Cause 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 his/her 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;

五　満十五歳に満たない児童に酒席に侍する行為を業務としてさせる行為

(v) Cause a child under 15 years of age to engage in such money earning acts as entertaining at an alcoholic party;

六　児童に淫行をさせる行為

(vi) Cause a child to commit an obscene act;

七　前各号に掲げる行為をするおそれのある者その他児童に対し、刑罰法令に触れる行為をなすおそれのある者に、情を知つて、児童を引き渡す行為及び当該引渡し行為のなされるおそれがあるの情を知つて、他人に児童を引き渡す行為

(vii) Deliver 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;

八　成人及び児童のための正当な職業紹介の機関以外の者が、営利を目的として、児童の養育をあつせんする行為

(viii) Arrange taking 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

九　児童の心身に有害な影響を与える行為をさせる目的をもつて、これを自己の支配下に置く行為

(ix) Keep a child under one's control, with the intent of causing the child to commit an act making an impact that is mentally and physically harmful to the child.

２　児童養護施設、知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設又は児童自立支援施設においては、それぞれ第四十一条から第四十三条の三まで及び第四十四条に規定する目的に反して、入所した児童を酷使してはならない。

(2) A foster home, an institution for mentally retarded children, a daycare institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children or a children's self-reliance support facility shall not exploit children admitted there against the purposes provided respectively in Articles 41 to 43-3 inclusive and Article 44.

第三十四条の二　この法律に定めるもののほか、福祉の保障に関し必要な事項は、政令でこれを定める。

Article 34-2 In addition to what is provided for in this Act, necessary matters concerning guarantee of welfare shall be prescribed by a Cabinet Order.

第三章　事業及び施設

Chapter III Services and Facilities

第三十四条の三　国及び都道府県以外の者は、厚生労働省令の定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、児童自立生活援助事業を行うことができる。

Article 34-3 (1) 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 matters specified by an Ordinance of the Ministry of Health, Labour and Welfare, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

２　国及び都道府県以外の者は、前項の規定により届け出た事項に変更を生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。

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

３　国及び都道府県以外の者は、児童自立生活援助事業を廃止し、又は休止しようとするときは、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(3) When a person other than the national and prefectural governments intends to abolish or suspend the children's self-reliant living assistance services, he/she shall, in advance, notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

第三十四条の四　都道府県知事は、児童の福祉のために必要があると認めるときは、児童自立生活援助事業を行う者に対して、必要と認める事項の報告を求め、又は当該職員に、関係者に対して質問させ、若しくはその事務所若しくは施設に立ち入り、設備、帳簿書類その他の物件を検査させることができる。

Article 34-4 (1) A prefectural governor may, when he/she finds necessary for the welfare of children, request a person engaged in children's self-reliant living assistance services to make reporting, or make said prefecture's official ask relevant persons questions or enter any office or facility of said person and inspect books and documents and other objects.

２　第十八条の十六第二項及び第三項の規定は、前項の場合について準用する。

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

第三十四条の五　都道府県知事は、児童自立生活援助事業を行う者が、この法律若しくはこれに基づく命令若しくはこれらに基づいてする処分に違反したとき、又はその事業に関し不当に営利を図り、若しくはその事業に係る児童の処遇につき不当な行為をしたときは、その者に対し、その事業の制限又は停止を命ずることができる。

Article 34-5 When a person engaged in children's self-reliant living assistance 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 prefectural governor may order the person to restrict or suspend said services.

第三十四条の六　相談支援事業又は児童自立生活援助事業を行う者は、第二十六条第一項第二号又は第二十七条第一項第二号若しくは第七項の規定による委託を受けたときは、正当な理由がない限り、これを拒んではならない。

Article 34-6 When a person engaged in Consultation Support 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), he/she shall not refuse it without justifiable ground.

第三十四条の七　市町村、社会福祉法人その他の者は、社会福祉法の定めるところにより、放課後児童健全育成事業を行うことができる。

Article 34-7 A municipal government, a social welfare corporation or other person may provide after-school child sound upbringing services pursuant to the provisions of the Social Welfare Act.

第三十四条の八　市町村は、厚生労働省令で定めるところにより、子育て短期支援事業を行うことができる。

Article 34-8 A municipal government may provide short-term Child Care Support Services pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第三十五条　国は、政令の定めるところにより、児童福祉施設（助産施設、母子生活支援施設及び保育所を除く。）を設置するものとする。

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

２　都道府県は、政令の定めるところにより、児童福祉施設を設置しなければならない。

(2) A prefectural government shall establish a child welfare institution pursuant to the provisions of a Cabinet Order.

３　市町村は、厚生労働省令の定めるところにより、あらかじめ、厚生労働省令で定める事項を都道府県知事に届け出て、児童福祉施設を設置することができる。

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

４　国、都道府県及び市町村以外の者は、厚生労働省令の定めるところにより、都道府県知事の認可を得て、児童福祉施設を設置することができる。

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

５　児童福祉施設には、児童福祉施設の職員の養成施設を附置することができる。

(5) A child welfare institution may have a personnel training facility as its auxiliary facility.

６　市町村は、児童福祉施設を廃止し、又は休止しようとするときは、その廃止又は休止の日の一月前までに、厚生労働省令で定める事項を都道府県知事に届け出なければならない。

(6) When a municipal government intends to abolish or suspend a child welfare institution, the municipal government shall notify the prefectural governor of the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare not less than 1 month prior to the date of such abolition or suspension.

７　国、都道府県及び市町村以外の者は、児童福祉施設を廃止し、又は休止しようとするときは、厚生労働省令の定めるところにより、都道府県知事の承認を受けなければならない。

(7) When a person other than the national, prefectural and municipal governments intends to abolish or suspend the child welfare institution, approval from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

第三十六条　助産施設は、保健上必要があるにもかかわらず、経済的理由により、入院助産を受けることができない妊産婦を入所させて、助産を受けさせることを目的とする施設とする。

Article 36 A midwifery home shall be 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.

第三十七条　乳児院は、乳児（保健上、安定した生活環境の確保その他の理由により特に必要のある場合には、幼児を含む。）を入院させて、これを養育し、あわせて退院した者について相談その他の援助を行うことを目的とする施設とする。

Article 37 An infant home shall be 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 intended for providing consultation and other assistance to those who have left there.

第三十八条　母子生活支援施設は、配偶者のない女子又はこれに準ずる事情にある女子及びその者の監護すべき児童を入所させて、これらの者を保護するとともに、これらの者の自立の促進のためにその生活を支援し、あわせて退所した者について相談その他の援助を行うことを目的とする施設とする。

Article 38 A maternal and child living support facility shall be 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.

第三十九条　保育所は、日日保護者の委託を受けて、保育に欠けるその乳児又は幼児を保育することを目的とする施設とする。

Article 39 (1) A nursery center shall be a facility intended for providing daycare to infants or toddlers lacking daycare based on entrustment from their guardians on a daily basis.

２　保育所は、前項の規定にかかわらず、特に必要があるときは、日日保護者の委託を受けて、保育に欠けるその他の児童を保育することができる。

(2) Notwithstanding the provision of the preceding paragraph, a nursery center may, when particularly needed, provide daycare to other children lacking daycare based on entrustment from their guardians on a daily basis.

第四十条　児童厚生施設は、児童遊園、児童館等児童に健全な遊びを与えて、その健康を増進し、又は情操をゆたかにすることを目的とする施設とする。

Article 40 A children's recreational facility shall be 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.

第四十一条　児童養護施設は、保護者のない児童（乳児を除く。ただし、安定した生活環境の確保その他の理由により特に必要のある場合には、乳児を含む。以下この条において同じ。）、虐待されている児童その他環境上養護を要する児童を入所させて、これを養護し、あわせて退所した者に対する相談その他の自立のための援助を行うことを目的とする施設とする。

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

第四十二条　知的障害児施設は、知的障害のある児童を入所させて、これを保護し、又は治療するとともに、独立自活に必要な知識技能を与えることを目的とする施設とする。

Article 42 An institution for mentally retarded children shall be a facility intended for admitting children with mental retardation and providing aid or therapy to them, and having them acquire the knowledge and skills necessary for an independent and self-supporting life.

第四十三条　知的障害児通園施設は、知的障害のある児童を日々保護者の下から通わせて、これを保護するとともに、独立自活に必要な知識技能を与えることを目的とする施設とする。

Article 43 A daycare institution for mentally retarded children shall be a facility intended for having children with mental retardation commute there from their guardians on a daily basis and protecting them, and having them acquire the knowledge and skills necessary for an independent and self-supporting life.

第四十三条の二　盲ろうあ児施設は、盲児（強度の弱視児を含む。）又はろうあ児（強度の難聴児を含む。）を入所させて、これを保護するとともに、独立自活に必要な指導又は援助をすることを目的とする施設とする。

Article 43-2 An institution for blind or deaf children shall be a facility intended for admitting and protecting blind children (including severely amblyopic children) or deaf children (including severely cloth-eared children), and providing guidance or assistance necessary for independent and self-supporting life to them.

第四十三条の三　肢体不自由児施設は、肢体不自由のある児童を治療するとともに、独立自活に必要な知識技能を与えることを目的とする施設とする。

Article 43-3 An institution for orthopedically impaired children shall be a facility intended for providing therapy to children with Limb/Trunk Dysfunction, and having them acquire the knowledge and skills necessary for independent and self-supporting life.

第四十三条の四　重症心身障害児施設は、重度の知的障害及び重度の肢体不自由が重複している児童を入所させて、これを保護するとともに、治療及び日常生活の指導をすることを目的とする施設とする。

Article 43-4 An institution for severely-retarded children shall be a facility intended for admitting and protecting children with both sever mental retardation and sever Limb/Trunk Dysfunction, and providing therapy and daily life guidance to them.

第四十三条の五　情緒障害児短期治療施設は、軽度の情緒障害を有する児童を、短期間、入所させ、又は保護者の下から通わせて、その情緒障害を治し、あわせて退所した者について相談その他の援助を行うことを目的とする施設とする。

Article 43-5 A short-term therapeutic institution for emotionally disturbed children shall be a facility intended for admitting children with mild emotional disturbance for a short term or having them commute there from their guardians in order to cure their emotional disturbance, as well as intended for providing consultation and other assistance to those who have left there.

第四十四条　児童自立支援施設は、不良行為をなし、又はなすおそれのある児童及び家庭環境その他の環境上の理由により生活指導等を要する児童を入所させ、又は保護者の下から通わせて、個々の児童の状況に応じて必要な指導を行い、その自立を支援し、あわせて退所した者について相談その他の援助を行うことを目的とする施設とする。

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

第四十四条の二　児童家庭支援センターは、地域の児童の福祉に関する各般の問題につき、児童、母子家庭その他の家庭、地域住民その他からの相談に応じ、必要な助言を行うとともに、第二十六条第一項第二号及び第二十七条第一項第二号の規定による指導を行い、あわせて児童相談所、児童福祉施設等との連絡調整その他厚生労働省令の定める援助を総合的に行うことを目的とする施設とする。

Article 44-2 (1) A child and family support center shall be a facility intended for providing consultation to children, fatherless families and other families, local residents and others and giving necessary advice to them with regard to a variety of problems concerning welfare of children in the region 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 Ordinance of the Ministry of Health, Labour and Welfare.

２　児童家庭支援センターは、厚生労働省令の定める児童福祉施設に附置するものとする。

(2) A child and family support center shall be established in a child welfare institution specified by an Ordinance of the Ministry of Health, Labour and Welfare as its auxiliary facility.

３　児童家庭支援センターの職員は、その職務を遂行するに当たつては、個人の身上に関する秘密を守らなければならない。

(3) An employee of a child and family support center shall, when performing his/her duties, not divulge any secret concerning personal circumstances.

第四十五条　厚生労働大臣は、児童福祉施設の設備及び運営並びに里親の行う養育について、最低基準を定めなければならない。この場合において、その最低基準は、児童の身体的、精神的及び社会的な発達のために必要な生活水準を確保するものでなければならない。

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

２　児童福祉施設の設置者及び里親は、前項の最低基準を遵守しなければならない。

(2) The establisher of a child welfare institution and foster parent shall comply with the minimum standards set forth in the preceding paragraph.

３　児童福祉施設の設置者は、児童福祉施設の設備及び運営についての水準の向上を図ることに努めるものとする。

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

第四十六条　都道府県知事は、前条の最低基準を維持するため、児童福祉施設の設置者、児童福祉施設の長及び里親に対して、必要な報告を求め、児童の福祉に関する事務に従事する職員に、関係者に対して質問させ、若しくはその施設に立ち入り、設備、帳簿書類その他の物件を検査させることができる。

Article 46 (1) In order to maintain the minimum standards set forth in the preceding Article, a prefectural governor may request the establishers of child welfare institutions, the heads of child welfare institution and foster parents to submit necessary reports and make said prefecture's official engaged in the affairs concerning welfare of children ask relevant persons questions or enter any of their facilities and inspect books and documents and other objects.

２　第十八条の十六第二項及び第三項の規定は、前項の場合について準用する。

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

３　都道府県知事は、児童福祉施設の設備又は運営が前条の最低基準に達しないときは、その施設の設置者に対し、必要な改善を勧告し、又はその施設の設置者がその勧告に従わず、かつ、児童福祉に有害であると認められるときは、必要な改善を命ずることができる。

(3) When any facilities or operation of a child welfare institution fails to attain the minimum standards set forth in the preceding Article, the prefectural governor may recommend its establisher to make necessary improvement. When the establisher of the institution fails to follow this recommendation and the prefectural governor finds such failure to be harmful to child welfare, the prefectural governor may order the establisher to make necessary improvement.

４　都道府県知事は、児童福祉施設の設備又は運営が前条の最低基準に達せず、かつ、児童福祉に著しく有害であると認められるときは、都道府県児童福祉審議会の意見を聴き、その施設の設置者に対し、その事業の停止を命ずることができる。

(4) When any facilities or operation of a child welfare institution fails to attain the minimum standards set forth in the preceding Article and the prefectural governor finds such failure to be extremely harmful to child welfare, the prefectural governor may order the establisher to suspend his/her services after hearing opinions from the Prefectural Child Welfare Council.

第四十六条の二　児童福祉施設の長は、都道府県知事又は市町村長（第三十二条第三項の規定により保育の実施の権限及び第二十四条第一項ただし書に規定する保護の権限が当該市町村に置かれる教育委員会に委任されている場合にあつては、当該教育委員会）からこの法律の規定に基づく措置又は保育の実施等のための委託を受けたときは、正当な理由がない限り、これを拒んではならない。

Article 46-2 When the head of a child welfare institution is requested to accept entrustment for any measure or the Daycare Practice pursuant to this Act from the prefectural governor or the mayor of municipality (or from the board of education set up in said municipality in the case where the authority of the Daycare Practice and the authority of the aid provided in the proviso of Article 24 paragraph (1) are delegated to said board of education pursuant to the provision of Article 32 paragraph (3)), the head of said institution shall not refuse such entrustment without justifiable ground.

第四十七条　児童福祉施設の長は、入所中の児童で親権を行う者又は未成年後見人のないものに対し、親権を行う者又は未成年後見人があるに至るまでの間、親権を行う。ただし、民法第七百九十七条の規定による縁組の承諾をするには、厚生労働省令の定めるところにより、都道府県知事の許可を得なければならない。

Article 47 (1) The head of a child welfare institution shall exercise parental authority over a child admitted there and having neither a person who has parental authority nor a guardian of a minor until the child comes to have either a person who has parental authority or a guardian of a minor; provided, however, that permission from the prefectural governor shall be obtained pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare when accepting adoption pursuant to the provision of Article 797 of the Civil Code.

２　児童福祉施設の長又は里親は、入所中又は受託中の児童で親権を行う者又は未成年後見人のあるものについても、監護、教育及び懲戒に関し、その児童の福祉のため必要な措置をとることができる。

(2) Even in the case where a child admitted in a child welfare institution or entrusted to a foster parent has either a person who has parental authority or a guardian of a minor, the head of the child welfare institution or the foster parent may take measures necessary for welfare of the child with regard to his/her custody, education and disciplinary action.

第四十八条　児童養護施設、知的障害児施設、盲ろうあ児施設、肢体不自由児施設、情緒障害児短期治療施設及び児童自立支援施設の長並びに里親は、学校教育法に規定する保護者に準じて、その施設に入所中又は受託中の児童を就学させなければならない。

Article 48 A head of a foster home, an institution for mentally retarded children, an institution for blind or deaf children, an institution for orthopedically impaired children, a short-term therapeutic institution for emotionally disturbed children and a children's self-reliance support facility and a foster parent shall send to school the children admitted in those institutions or entrusted to those foster parents as if they were the guardians of such children as provided in the School Education Act.

第四十八条の二　乳児院、母子生活支援施設、児童養護施設、情緒障害児短期治療施設及び児童自立支援施設の長は、当該施設の所在する地域の住民に対して、その行う児童の保護に支障がない限りにおいて、児童の養育に関する相談に応じ、及び助言を行うよう努めなければならない。

Article 48-2 The head of an infant home, a maternal and child living support facility, a foster home, a short-term therapeutic institution for emotionally disturbed children or a children's self-reliance support facility shall endeavor to provide consultation and advice concerning foster care of children to residents in the region where said institution is located, to the extent not detrimental to the protective care services for children performed by said institution.

第四十八条の三　保育所は、当該保育所が主として利用される地域の住民に対してその行う保育に関し情報の提供を行い、並びにその行う保育に支障がない限りにおいて、乳児、幼児等の保育に関する相談に応じ、及び助言を行うよう努めなければならない。

Article 48-3 (1) A nursery center shall provide information concerning its daycare to residents in the region where said nursery center is mainly utilized, and shall endeavor to provide consultation and advice concerning daycare of infants, toddlers, etc., to the extent not detrimental to the daycare services performed by said nursery center.

２　保育所に勤務する保育士は、乳児、幼児等の保育に関する相談に応じ、及び助言を行うために必要な知識及び技能の修得、維持及び向上に努めなければならない。

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

第四十九条　この法律で定めるもののほか、児童自立生活援助事業及び放課後児童健全育成事業並びに児童福祉施設の職員その他児童福祉施設に関し必要な事項は、命令で定める。

Article 49 In addition to what is provided for in this Act, matters concerning children's self-reliant living assistance services and after-school child sound upbringing services and other necessary matters concerning a child welfare institution such as their employees shall be prescribed by an Order.

第四章　費用

Chapter IV Expenses

第四十九条の二　国庫は、都道府県が、第二十七条第一項第三号に規定する措置により、国の設置する児童福祉施設に入所させた者につき、その入所後に要する費用を支弁する。

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 shall pay expenses spent for those persons after such admission.

第五十条　次に掲げる費用は、都道府県の支弁とする。

Article 50 Expenses listed in any of the following items shall be paid by a prefectural government:

一　都道府県児童福祉審議会に要する費用

(i) Expenses spent for the Prefectural Child Welfare Council;

二　児童福祉司及び児童委員に要する費用

(ii) Expenses spent for Child Welfare Officers and commissioned child welfare volunteers;

三　児童相談所に要する費用（第九号の費用を除く。）

(iii) Expenses spent for the child guidance center (excluding expenses set forth in item (ix));

四　削除

(iv) Deleted;

五　第二十条の措置に要する費用

(v) Expenses spent for measures set forth in Article 20;

五の二　第二十一条の五の事業の実施に要する費用

(v)-2 Expenses spent for the implementation of the services set forth in Article 21-5;

六　都道府県の設置する助産施設又は母子生活支援施設において市町村が行う助産の実施又は母子保護の実施に要する費用（助産の実施又は母子保護の実施につき第四十五条の最低基準を維持するために要する費用をいう。第六号の三及び次条第二号において同じ。）

(vi) Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by municipal governments in the midwifery homes or maternal and child living support facilities established by the prefectural government (which shall mean expenses spent to maintain the minimum standards set forth in Article 45 with regard to the Midwifery Care Practice or the Maternal and Child Aid Practice; the same shall apply in item (vi)-3 of this Act and item (ii) of the following Article);

六の二　都道府県の設置する保育所における保育の実施に要する保育費用（保育の実施につき第四十五条の最低基準を維持するために要する費用をいう。次条第三号及び第四号並びに第五十六条第三項において同じ。）

(vi)-2 Daycare expenses spent for the Daycare Practice in the nursery centers established by the prefectural government (which shall mean expenses spent to maintain the minimum standards set forth in Article 45 with regard to the Daycare Practice; the same shall apply in items (iii) and (iv) of the following Article and Article 56 paragraph (3));

六の三　都道府県が行う助産の実施又は母子保護の実施に要する費用

(vi)-3 Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by the prefectural government;

六の四　障害児施設給付費、高額障害児施設給付費若しくは特定入所障害児食費等給付費又は障害児施設医療費（以下「障害児施設給付費等」という。）の支給に要する費用

(vi)-4 Expenses spent for payments of Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, or Institutional Medical Expenses for Disabled Children (hereinafter referred to as "Institutional Benefits for Disabled Children, etc.");

七　都道府県が、第二十七条第一項第三号に規定する措置を採つた場合において、入所又は委託に要する費用及び入所後の保護又は委託後の養育につき、第四十五条の最低基準を維持するために要する費用（国の設置する乳児院、児童養護施設、知的障害児施設、知的障害児通園施設、盲ろうあ児施設、肢体不自由児施設、重症心身障害児施設、情緒障害児短期治療施設又は児童自立支援施設に入所させた児童につき、その入所後に要する費用を除く。）

(vii) Expenses spent for admission or entrustment and expenses spent to maintain the minimum standards set forth in Article 45 with regard to the aid after the admission or for child care after the entrustment (excluding expenses spent, after their admission, for the children admitted into infant homes, foster homes, institutions for mentally retarded children, daycare institutions for mentally retarded children, institutions for blind or deaf children, institutions for orthopedically impaired children, institutions for severely-retarded children, short-term therapeutic institutions for emotionally disturbed children or children's self-reliance support facilities established by the national government), in the case where the prefectural government takes measures provided in Article 27 paragraph (1) item (iii);

七の二　都道府県が、第二十七条第二項に規定する措置を採つた場合において、委託及び委託後の治療等に要する費用

(vii)-2 Expenses spent for entrustment and therapy, etc. after the entrustment in the case where the prefectural government takes measures provided in Article 27 paragraph (2);

八　一時保護に要する費用

(viii) Expenses spent for temporary custody; and

九　児童相談所の設備並びに都道府県の設置する児童福祉施設の設備及び職員の養成施設に要する費用

(ix) Expenses spent 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.

第五十一条　次に掲げる費用は、市町村の支弁とする。

Article 51 Expenses listed in any of the following items shall be paid by a municipal government:

一　第二十一条の六の措置に要する費用

(i) Expenses spent for measures set forth in Article 21-6;

二　市町村が行う助産の実施又は母子保護の実施に要する費用（都道府県の設置する助産施設又は母子生活支援施設に係るものを除く。）

(ii) Expenses spent for the Midwifery Care Practice or the Maternal and Child Aid Practice afforded by the municipal government (excluding expenses pertaining to the midwifery homes or the maternal and child living support facilities established by the prefectural government);

三　市町村の設置する保育所における保育の実施に要する保育費用

(iii) Daycare expenses spent for the Daycare Practice at nursery centers established by the municipal government;

四　都道府県及び市町村以外の者の設置する保育所における保育の実施に要する保育費用

(iv) Daycare expenses spent for the Daycare Practice at nursery centers established by persons other than the prefectural government and the municipal government;

五　子育て短期支援事業の実施に要する費用

(v) Expenses spent for the implementation of short-term Child Care Support Services;

六　市町村の設置する児童福祉施設の設備及び職員の養成施設に要する費用

(vi) Expenses spent for the facilities of child welfare institutions established by the municipal government and their personnel training facilities; and

七　市町村児童福祉審議会に要する費用

(vii) Expenses spent for the Municipal Child Welfare Council.

第五十二条　国庫は、第五十条第九号及び前条第六号の費用のうち、知的障害児施設等の設備に関するものに対しては、政令の定めるところにより、その二分の一（知的障害児通園施設、盲ろうあ児施設及び肢体不自由児施設の設備については、二分の一ないし三分の一）を負担する。

Article 52 The national treasury shall, pursuant to the provisions of a Cabinet Order, bear a half of such expenses set forth in Article 50 item (ix) and item (vi) of the preceding Article as relating to the facilities of the institutions for mentally retarded children, etc. (or a half to one-third thereof, if they are relating to the facilities of daycare institutions for mentally retarded children, institutions for blind or deaf children and institutions for orthopedically impaired children).

第五十三条　国庫は、前条に規定するもののほか、第五十条（第一号から第三号まで、第五号の二及び第六号の二を除く。）及び第五十一条（第三号、第五号及び第七号を除く。）に規定する地方公共団体の支弁する費用に対しては、政令の定めるところにより、その二分の一を負担する。

Article 53 In addition to what is provided in the preceding Article, the national treasury shall, pursuant to the provisions of a Cabinet Order, bear a half of the expenses paid by local governments as provided in Article 50 (excluding items (i) to (iii) inclusive, (v)-2 and (vi)-2) and Article 51 (excluding items (iii), (v) and (vii)).

第五十三条の二　国庫は、第五十条第五号の二の費用に対しては、政令の定めるところにより、その二分の一以内を補助することができる。

Article 53-2 The national treasury may, pursuant to the provisions of a Cabinet Order, bear not more than a half of the expenses set forth in Article 50 item (v)-2.

第五十四条　削除

Article 54 Deleted

第五十五条　都道府県は、第五十一条第一号、第二号及び第四号の費用に対しては、政令の定めるところにより、その四分の一を負担しなければならない。

Article 55 The prefectural government shall, pursuant to the provisions of a Cabinet Order, bear a quarter of the expenses set forth in Article 51 items (i), (ii) and (iv).

第五十六条　第四十九条の二に規定する費用を国庫が支弁した場合においては、厚生労働大臣は、本人又はその扶養義務者（民法に定める扶養義務者をいう。以下同じ。）から、都道府県知事の認定するその負担能力に応じ、その費用の全部又は一部を徴収することができる。

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 referenced person or his/her supporter under duty (which shall mean a supporter under duty provided in the Civil Code; the same shall apply hereinafter) in accordance with the financial capacity recognized by the prefectural governor.

２　第五十条第五号、第六号、第六号の三、第七号及び第七号の二に規定する費用を支弁した都道府県又は第五十一条第一号及び第二号に規定する費用を支弁した市町村の長は、本人又はその扶養義務者から、その負担能力に応じ、その費用の全部又は一部を徴収することができる。

(2) If a prefectural government has paid expenses provided in Article 50 items (v), (vi), (vi)-3, (vii) and (vii)-2, or if a municipal government has paid expenses provided in Article 51 items (i) and (ii), the head of such a prefecture or municipality may collect the full amount of those expenses or part thereof from the referenced person or his/her supporter under duty in accordance with his/her financial capacity.

３　第五十条第六号の二に規定する保育費用を支弁した都道府県又は第五十一条第三号若しくは第四号に規定する保育費用を支弁した市町村の長は、本人又はその扶養義務者から、当該保育費用をこれらの者から徴収した場合における家計に与える影響を考慮して保育の実施に係る児童の年齢等に応じて定める額を徴収することができる。

(3) If a prefectural government has paid daycare expenses provided in Article 50 item (vi)-2, or if a municipal government has paid daycare expenses provided in Article 51 item (iii) or (iv), the head of such a prefectural or municipal government may collect said daycare expenses from the referenced person or his/her supporter under duty in the amount to be provided in accordance with the age, etc. of the child pertaining to such Daycare Practice after considering the impact on his/her household finances that will be caused by such collection.

４　前項に規定する額の収納の事務については、収入の確保及び本人又はその扶養義務者の便益の増進に寄与すると認める場合に限り、政令で定めるところにより、私人に委託することができる。

(4) The affairs for collections and payments of the amounts prescribed in the preceding paragraph may be entrusted to a private person pursuant to the provisions of a Cabinet Order only when it is found that such entrustment will contribute to the ensuring of income and promoting convenience and benefits to the concerned persons or their supporter under duty.

５　第二十一条の五に規定する医療の給付を行う場合においては、当該措置に要する費用を支弁すべき都道府県の知事は、本人又はその扶養義務者に対して、その負担能力に応じ、その費用の全部又は一部を同条に規定する医療の給付を行う医療機関（次項において「医療機関」という。）に支払うべき旨を命ずることができる。

(5) In the case where medical care benefits prescribed in Article 21-5 are provided, the governor of the prefecture which is required to pay the expenses spent therefor may order the referenced person or his/her supporter under duty to pay the full amount of those expenses or part thereof, in accordance with his/her financial capacity, to the medical institution providing the medical care benefits prescribed in the same Article (referred to as a "Medical Institution" in the following paragraph).

６　本人又はその扶養義務者が前項の規定により支払うべき旨を命ぜられた額の全部又は一部を医療機関に支払つたときは、当該医療機関の都道府県に対する当該費用に係る請求権は、その限度において消滅するものとする。

(6) When the referenced person or his/her supporter under duty has paid the amount ordered to be paid pursuant to the provision of the preceding paragraph, in full or in part, to the Medical Institution, said Medical Institution's right of claim pertaining to the referenced expenses against the prefectural government shall be extinguished to the extent paid as aforesaid.

７　第五項に規定する措置が行われた場合において、本人又はその扶養義務者が、これらの規定により支払うべき旨を命ぜられた額の全部又は一部を支払わなかつたため、都道府県においてその費用を支弁したときは、都道府県知事は、本人又はその扶養義務者からその支払わなかつた額を徴収することができる。

(7) In the case where a measure provided in paragraph (5) is taken, when the referenced person or his/her supporter under duty fails to pay the amount ordered to be paid pursuant thereto, in full or in part, and thus the prefectural government pays the amount of such unpaid expenses, the prefectural governor may collect such unpaid amount from the referenced person or his/her supporter under duty.

８　都道府県知事又は市町村長は、第一項の規定による負担能力の認定、第二項若しくは第三項の規定による費用の徴収又は第五項の規定による費用の支払の命令に関し必要があると認めるときは、本人又はその扶養義務者の収入の状況につき、官公署に対し、必要な書類の閲覧又は資料の提供を求めることができる。

(8) When it is found necessary for the recognition of the financial capacity pursuant to the provision of paragraph (1), for the collection of expenses pursuant to the provision of paragraph (2) or (3), or for the order for payment of expenses pursuant to the provision of paragraph (5), the prefectural governor or the mayor of municipality may request the concerned public agency to inspect necessary documents or provide necessary materials with regard to the state of income of the referenced person or his/her supporter under duty.

９　第一項から第三項まで又は第七項の規定による費用の徴収は、これを本人又はその扶養義務者の居住地又は財産所在地の都道府県又は市町村に嘱託することができる。

(9) The collection of expenses pursuant to the provisions of paragraphs (1) to (3) inclusive or paragraph (7) may be commissioned to the prefectural or municipal government where the place of residence or the location of property of the referenced person or his/her supporter under duty exists.

１０　第一項から第三項まで又は第七項の規定により徴収される費用を、指定の期限内に納付しない者があるときは、第一項に規定する費用については国税の、第二項、第三項又は第七項に規定する費用については地方税の滞納処分の例により処分することができる。この場合における徴収金の先取特権の順位は、国税及び地方税に次ぐものとする。

(10) When the amount of expenses collected pursuant to the provisions of paragraphs (1) to (3) inclusive or paragraph (7) is not paid by the designated due date, a disposition may be implemented by applying the rules for collection of national tax delinquency, with regard to the expenses provided in paragraph (1), and by applying the rules for collection of local tax delinquency, with regard to the expenses provided in paragraph (2), (3) or (7). In this case, the order of the statutory lien on the amount collected shall come after national taxes and local taxes.

第五十六条の二　都道府県及び市町村は、次の各号に該当する場合においては、第三十五条第四項の規定により、国、都道府県及び市町村以外の者が設置する児童福祉施設について、その新設（社会福祉法第三十一条第一項の規定により設立された社会福祉法人が設置する児童福祉施設の新設に限る。）、修理、改造、拡張又は整備（以下「新設等」という。）に要する費用の四分の三以内を補助することができる。ただし、一の児童福祉施設について都道府県及び市町村が補助する金額の合計額は、当該児童福祉施設の新設等に要する費用の四分の三を超えてはならない。

Article 56-2 (1) In the case falling under any of the following items, a prefectural government and a municipal government may subsidize not more than three-quarters (3/4) of the amount of expenses spent for new construction (limited to new construction of child welfare institutions set up by social welfare corporations formed pursuant to the provision of Article 31 paragraph (1) of the Social Welfare Act), repair, renovation, expansion or improvement (hereinafter referred to as "Construction, etc.") for child welfare institutions set up by persons other than the national, prefectural and municipal governments pursuant to the provision of Article 35 paragraph (4); provided, however, that the total amount of the amounts subsidized by the prefectural and municipal governments for any one child welfare institution shall not exceed three-quarters (3/4) of the expenses spent for Construction, etc. of said child welfare institution:

一　その児童福祉施設が、社会福祉法第三十一条第一項の規定により設立された社会福祉法人、日本赤十字社又は公益社団法人若しくは公益財団法人の設置するものであること。

(i) When the child welfare institution is established by a social welfare corporation established pursuant to the provision 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

二　その児童福祉施設が主として利用される地域において、この法律の規定に基づく障害児施設給付費の支給、入所させる措置又は保育の実施等を必要とする児童、その保護者又は妊産婦の分布状況からみて、同種の児童福祉施設が必要とされるにかかわらず、その地域に、国、都道府県又は市町村の設置する同種の児童福祉施設がないか、又はあつてもこれが十分でないこと。

(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, is/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 guardians or expectant and nursing mothers in need of measures such as payments of Institutional Benefits for Disabled Children, admission into those institutions, and the Daycare Practice, etc. pursuant to this Act.

２　前項の規定により、児童福祉施設に対する補助がなされたときは、厚生労働大臣、都道府県知事及び市町村長は、その補助の目的が有効に達せられることを確保するため、当該児童福祉施設に対して、第四十六条及び第五十八条に規定するもののほか、次に掲げる権限を有する。

(2) When subsidies are disbursed for a child welfare institution pursuant to the provision of the preceding paragraph, the Minister of Health, Labor and Welfare, the prefectural governor and the mayor of municipality shall have the authorities listed in the following items over said child welfare institution, in addition to what is provided in Articles 46 and 58, in order to ensure that the purpose of the subsidies will be effectively achieved:

一　その児童福祉施設の予算が、補助の効果をあげるために不適当であると認めるときは、その予算について必要な変更をすべき旨を指示すること。

(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

二　その児童福祉施設の職員が、この法律若しくはこれに基づく命令又はこれらに基づいてする処分に違反したときは、当該職員を解職すべき旨を指示すること。

(ii) Instruct dismissal of an employee of the child welfare institution when he/she has violated this Act or any order pursuant to this Act or any disposition imposed pursuant thereto

３　国庫は、第一項の規定により都道府県が知的障害児施設等について補助した金額の三分の二以内を補助することができる。

(3) The national treasury may subsidize not more than two-thirds (2/3) of the amount subsidized by the prefectural government pursuant to the provision of paragraph (1) for any one of the institution for mentally retarded children, etc.

第五十六条の三　都道府県及び市町村は、次に掲げる場合においては、補助金の交付を受けた児童福祉施設の設置者に対して、既に交付した補助金の全部又は一部の返還を命ずることができる。

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:

一　補助金の交付条件に違反したとき。

(i) When the conditions for the grant of the subsidies are violated;

二　詐欺その他の不正な手段をもつて、補助金の交付を受けたとき。

(ii) When the subsidies are granted by fraudulent or other wrongful means;

三　児童福祉施設の経営について、営利を図る行為があつたとき。

(iii) When an act in pursuit of profit is committed with regard to the operation of the child welfare institution; or

四　児童福祉施設が、この法律若しくはこれに基く命令又はこれらに基いてする処分に違反したとき。

(iv) When the child welfare institution violates this Act or any order pursuant to this Act or any disposition imposed pursuant thereto.

第五十六条の四　国庫は、第五十条第二号に規定する児童委員に要する費用のうち、厚生労働大臣の定める事項に関するものについては、予算の範囲内で、その一部を補助することができる。

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 matters specified by the Minister of Health, Labor and Welfare.

第五十六条の五　社会福祉法第五十八条第二項から第四項までの規定は、国有財産特別措置法（昭和二十七年法律第二百十九号）第二条第二項第二号の規定又は同法第三条第一項第四号及び同条第二項の規定により普通財産の譲渡又は貸付けを受けた児童福祉施設に準用する。

Article 56-5 The provisions of Article 58 paragraphs (2) to (4) inclusive of the Social Welfare Act shall 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.

第五章　雑則

Chapter V Miscellaneous Provisions

第五十六条の六　地方公共団体は、児童の福祉を増進するため、介護給付費等、障害児施設給付費、高額障害児施設給付費又は特定入所障害児食費等給付費の支給、第二十一条の六又は第二十七条第一項若しくは第二項の規定による措置及び保育の実施等並びにその他の福祉の保障が適切に行われるように、相互に連絡及び調整を図らなければならない。

Article 56-6 (1) For the purpose of promoting welfare of children, local governments shall facilitate mutual liaison and coordination in order to ensure adequate implementation of the payments of Nursing Care Benefits, etc., Institutional Benefits for Disabled Children, Large-amount Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children, the measures pursuant to the provision of Article 21-6 or Article 27 paragraph (1) or (2) and the Daycare Practice, etc., and other kinds of guarantee of welfare.

２　児童自立生活援助事業又は放課後児童健全育成事業を行う者及び児童福祉施設の設置者は、その事業を行い、又はその施設を運営するに当たつては、相互に連携を図りつつ、児童及びその家庭からの相談に応ずることその他の地域の実情に応じた積極的な支援を行うように努めなければならない。

(2) 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 shall facilitate their mutual coordination and shall endeavor to provide consultation to children and their families and afford other positive support in line with the condition of each region.

第五十六条の七　保育の実施への需要が増大している市町村は、公有財産（地方自治法第二百三十八条第一項に規定する公有財産をいう。）の貸付けその他の必要な措置を積極的に講ずることにより、社会福祉法人その他の多様な事業者の能力を活用した保育所の設置又は運営を促進し、保育の実施に係る供給を効率的かつ計画的に増大させるものとする。

Article 56-7 (1) By positively leasing or lending public property (which shall mean the public property provided in Article 238 paragraph (1) of the Local Autonomy Act) or taking other necessary measures, a municipality facing an increasing demand for the Daycare Practice shall promote establishment or operation of nursery centers by utilizing the abilities of social welfare corporations and other various business operators and shall thereby increase supply pertaining to the Daycare Practice efficiently and systematically.

２　国及び都道府県は、前項の市町村の措置に関し、必要な支援を行うものとする。

(2) The national and prefectural governments shall provide necessary support with regard to measures set forth in the preceding paragraph taken by the municipal governments.

第五十六条の八　保育の実施への需要が増大している市町村（厚生労働省令で定める要件に該当するものに限る。以下この条において「特定市町村」という。）は、保育の実施の事業及び主務省令で定める子育て支援事業その他児童の保育に関する事業であつて特定市町村が必要と認めるものの供給体制の確保に関する計画を定めるものとする。

Article 56-8 (1) A municipality facing an increasing demand for the Daycare Practice (limited to the municipalities falling under the requirements specified by an Ordinance of the Ministry of Health, Labour and Welfare; referred to as a "Specified Municipality" hereinafter in this Article) shall formulate a plan to ensure the system for supplying the services for the Daycare Practice and the Child Care Support Services specified by an ordinance of the competent ministry and other services concerning daycare of children that are found necessary by the Specified Municipality.

２　特定市町村は、前項の計画（以下「市町村保育計画」という。）を定め、又は変更しようとするときは、あらかじめ、住民の意見を反映させるために必要な措置を講ずるものとする。

(2) When a Specified Municipality intends to formulate or revise a plan set forth in the preceding paragraph (hereinafter referred to as a "Municipal Daycare Plan"), the municipality shall take necessary measures in advance to reflect the opinions of the residents.

３　特定市町村は、市町村保育計画を定め、又は変更したときは、遅滞なく、これを公表するとともに、都道府県知事に提出しなければならない。

(3) When a Specified Municipality formulates or revises a Municipal Daycare Plan, it shall be publicized and submitted to the prefectural governor without delay.

４　特定市町村は、毎年少なくとも一回、市町村保育計画に定められた事業の実施の状況を公表しなければならない。

(4) A Specified Municipality shall publicize the state of the implementation of the services stated in the Municipal Daycare Plan at least once a year.

５　特定市町村は、市町村保育計画の作成及び市町村保育計画に定められた事業の実施に関して特に必要があると認めるときは、保育所の設置者、子育て支援事業を行う者その他の関係者に対し調査を実施するため必要な協力を求めることができる。

(5) When a Specified Municipality finds particularly necessary for the preparation of a Municipal Daycare Plan and the implementation of the services stated therein, the Specified Municipality may request the establishers of nursery centers, the persons engaged in Child Care Support Services and other relevant persons to provide cooperation necessary to carry out investigations.

第五十六条の九　保育の実施への需要が増大している都道府県（厚生労働省令で定める要件に該当するものに限る。以下この条において「特定都道府県」という。）は、市町村保育計画の達成その他の市町村における保育の実施の事業及び主務省令で定める子育て支援事業その他児童の保育に関する事業であつて特定都道府県が必要と認めるものの供給体制の確保に資するため、各市町村を通ずる広域的な見地から、当該供給体制の確保に関する計画を定めるものとする。

Article 56-9 (1) In order to contribute to achieving the Municipal Daycare Plans and ensuring the system for supplying the Daycare Practice and the Child Care Support Services specified by an ordinance of the competent ministry and such other services concerning daycare of children that the specified prefecture (as defined below) finds necessary in the municipalities other than specified municipalities, the prefecture facing an increasing demand for the Daycare Practice (limited to the prefectures falling under the requirements specified by an Ordinance of the Ministry of Health, Labour and Welfare; referred to as a "Specified Prefecture" hereinafter in this Article) shall formulate a plan to ensure said supply system from a cross-regional standpoint across the respective municipalities.

２　特定都道府県は、前項の計画（以下「都道府県保育計画」という。）を定め、又は変更しようとするときは、あらかじめ、住民の意見を反映させるために必要な措置を講ずるものとする。

(2) When a Specified Prefecture intends to formulate or revise a plan set forth in the preceding paragraph (hereinafter referred to as "Prefectural Daycare Plan"), the prefecture shall take necessary measures in advance to reflect the opinions of the residents.

３　特定都道府県は、都道府県保育計画を定め、又は変更したときは、遅滞なく、これを公表するとともに、厚生労働大臣に提出しなければならない。

(3) When a Specified Prefecture formulates or revises a Prefectural Daycare Plan, the prefecture shall be publicized and submitted to the Minister of Health, Labor and Welfare without delay.

４　厚生労働大臣は、前項の規定による都道府県保育計画の提出があつたときは、遅滞なく、これを第一項の主務省令で定める子育て支援事業を所管する他の大臣に通知しなければならない。

(4) When a Prefectural Daycare Plan is submitted pursuant to the provision of the preceding paragraph, the Minister of Health, Labor and Welfare shall, without delay, notify other minister having jurisdiction over Child Care Support Services specified by an ordinance of the competent ministry set forth in paragraph (1).

５　特定都道府県は、毎年少なくとも一回、都道府県保育計画に定められた事業の実施の状況を公表しなければならない。

(5) A Specified Prefecture shall publicize the state of the implementation of the services stated in the Prefectural Daycare Plan at least once a year.

６　特定都道府県は、都道府県保育計画の作成及び都道府県保育計画に定められた事業の実施に関して特に必要があると認めるときは、市町村長、保育所の設置者、子育て支援事業を行う者その他の関係者に対し調査を実施するため必要な協力を求めることができる。

(6) When a Specified Prefecture finds particularly necessary for the preparation of a Prefectural Daycare Plan and the implementation of the services stated therein, the Specified Prefecture may request the mayors of municipality, the establishers of nursery centers, the persons engaged in Child Care Support Services and other relevant persons to provide cooperation necessary to carry out investigations.

第五十六条の十　都道府県は、市町村に対し、市町村保育計画の作成上の技術的事項について必要な助言その他の援助をするように努めなければならない。

Article 56-10 (1) A prefectural government shall endeavor to provide the municipal governments with necessary advice and other assistance with regard to technical matters concerning the preparation of a Municipal Daycare Plan.

２　主務大臣は、都道府県に対し、都道府県保育計画の作成の手法その他都道府県保育計画の作成上重要な技術的事項について必要な助言その他の援助をするように努めなければならない。

(2) The competent minister shall endeavor to provide the prefectural governments with necessary advice and other assistance with regard to the method of the preparation of a Prefectural Daycare Plan and other technical matters of importance concerning the preparation of Prefectural Daycare Plans.

第五十六条の十一　国及び地方公共団体は、市町村保育計画又は都道府県保育計画の達成に資する事業を行う者に対し、当該事業の円滑な実施のために必要な援助をするように努めなければならない。

Article 56-11 The national and local governments shall endeavor to provide the persons engaged in the services that contribute to achieving a Municipal Daycare Plan or a Prefectural Daycare Plan with assistance necessary for smooth implementation of said services.

第五十七条　都道府県、市町村その他の公共団体は、左の各号に掲げる建物及び土地に対しては、租税その他の公課を課することができない。但し、有料で使用させるものについては、この限りでない。

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 shall not apply to those that are made available for use with charge:

一　主として児童福祉施設のために使う建物

(i) A building mainly utilized for a child welfare institution; or

二　前号に掲げる建物の敷地その他主として児童福祉施設のために使う土地

(ii) The site for a building listed in the preceding item or any other land mainly utilized for a child welfare institution.

第五十七条の二　都道府県は、偽りその他不正の手段により障害児施設給付費等の支給を受けた者があるときは、その者から、その障害児施設給付費等の額に相当する金額の全部又は一部を徴収することができる。

Article 57-2 (1) When there is a person who receives Institutional Benefits for Disabled Children, etc. by a deception or other wrongful means, the prefectural government may collect the amount equivalent to such Institutional Benefits for Disabled Children, etc., in full or in part, from that person.

２　都道府県は、指定知的障害児施設等が、偽りその他不正の行為により障害児施設給付費若しくは特定入所障害児食費等給付費又は障害児施設医療費の支給を受けたときは、当該指定知的障害児施設等に対し、その支払つた額につき返還させるほか、その返還させる額に百分の四十を乗じて得た額を支払わせることができる。

(2) When any of the designated retarded child institutions, etc. receives Institutional Benefits for Disabled Children or Benefits for Meal Expenses, etc. for Specified Institutionalized Disabled Children or Institutional Medical Expenses for Disabled Children by a deception or other wrongful act, the prefectural government may cause said Designated Institution for Mentally Retarded Children, etc. to refund the amount paid and additionally pay the amount obtained by multiplying the amount to be refunded by forty-hundredths (40/100).

３　前二項の規定による徴収金は、地方自治法第二百三十一条の三第三項に規定する法律で定める歳入とする。

(3) The amounts collected pursuant to the provisions of the preceding two paragraphs shall be revenues specified by the act provided in Article 231-3 paragraph (iii) of the Local Autonomy Act.

第五十七条の三　都道府県は、障害児施設給付費等の支給に関して必要があると認めるときは、障害児の保護者若しくは障害児の属する世帯の世帯主その他その世帯に属する者又はこれらの者であつた者に対し、報告若しくは文書その他の物件の提出若しくは提示を命じ、又は当該職員に質問させることができる。

Article 57-3 (1) When a prefectural government finds necessary for payments of Institutional Benefits for Disabled Children, etc., the prefectural government may order reporting or submission or presentation of documents and other objects to the guardian of a disabled child, or the householder or any other member of the family to which a disabled child belongs, or a person who used to be said guardian, householder or family member, or may make said prefecture's official ask them questions.

２　第二十四条の十五第二項の規定は前項の規定による質問について、同条第三項の規定は前項の規定による権限について準用する。

(2) The provision of Article 24-15 paragraph (2) shall apply mutatis mutandis to the questioning pursuant to the provision of the preceding paragraph, and the provision of paragraph (3) of the same Article shall apply mutatis mutandis to the authority pursuant to the provision of the preceding paragraph.

第五十七条の四　都道府県は、障害児施設給付費等の支給に関して必要があると認めるときは、障害児の保護者又は障害児の属する世帯の世帯主その他その世帯に属する者の資産又は収入の状況につき、官公署に対し必要な文書の閲覧若しくは資料の提供を求め、又は銀行、信託会社その他の機関若しくは障害児の保護者の雇用主その他の関係人に報告を求めることができる。

Article 57-4 When a prefectural government finds necessary for payments of Institutional Benefits for Disabled Children, etc., 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 guardian of a disabled child, or the householder or any other member of the family to which a disabled child belongs, or may request reporting from banks, trust corporations and other bodies or the employer of the guardian of the disabled child and other relevant persons.

第五十七条の五　租税その他の公課は、この法律により支給を受けた金品を標準として、これを課することができない。

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　障害児施設給付費等を受ける権利は、譲り渡し、担保に供し、又は差し押さえることができない。

(2) The right to receive Institutional Benefits for Disabled Children, etc. may not be transferred, hypothecated nor seized.

３　前項に規定するもののほか、この法律による支給金品は、既に支給を受けたものであるとないとにかかわらず、これを差し押さえることができない。

(3) In addition to 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.

第五十八条　第三十五条第四項の規定により設置した児童福祉施設が、この法律若しくはこの法律に基づいて発する命令又はこれらに基づいてなす処分に違反したときは、都道府県知事は、同項の認可を取り消すことができる。

Article 58 When a child welfare institution established pursuant to the provision 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.

第五十九条　都道府県知事は、児童の福祉のため必要があると認めるときは、第三十六条から第四十四条までの各条に規定する業務を目的とする施設であつて第三十五条第三項の届出をしていないもの又は同条第四項の認可を受けていないもの（前条の規定により児童福祉施設の認可を取り消されたものを含む。）については、その施設の設置者若しくは管理者に対し、必要と認める事項の報告を求め、又は当該職員をして、その事務所若しくは施設に立ち入り、その施設の設備若しくは運営について必要な調査若しくは質問をさせることができる。この場合においては、その身分を証明する証票を携帯させなければならない。

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 Articles 36 to 44 inclusive for which the notification set forth in Article 35 paragraph (iii) has not been made or the approval set forth in paragraph (iv) of the same Article has not been obtained (including institutions for which the approval as a child welfare institution has been rescinded pursuant to the provision of the preceding Article), the prefectural governor may request its establisher or manager to report the matters found necessary by the prefectural governor or cause said 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 shall make the official carry his/her certification for identification.

２　第十八条の十六第三項の規定は、前項の場合について準用する。

(2) The provision of Article 18-16 paragraph (3) shall apply mutatis mutandis to the case referred to in the preceding paragraph.

３　都道府県知事は、児童の福祉のため必要があると認めるときは、第一項に規定する施設の設置者に対し、その施設の設備又は運営の改善その他の勧告をすることができる。

(3) A prefectural governor may, when he/she finds necessary for the welfare of children, 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 him/her.

４　都道府県知事は、前項の勧告を受けた施設の設置者がその勧告に従わなかつたときは、その旨を公表することができる。

(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　都道府県知事は、第一項に規定する施設について、児童の福祉のため必要があると認めるときは、都道府県児童福祉審議会の意見を聴き、その事業の停止又は施設の閉鎖を命ずることができる。

(5) With regard to an institution provided in paragraph (1), a prefectural governor may, when he/she finds necessary for welfare of children, order suspension of its services or its closing, after hearing opinions from the Prefectural Child Welfare Council.

６　都道府県知事は、児童の生命又は身体の安全を確保するため緊急を要する場合で、あらかじめ都道府県児童福祉審議会の意見を聴くいとまがないときは、当該手続を経ないで前項の命令をすることができる。

(6) In the case of urgent necessity to ensure the life or physical safety of a child, when there is not much time to 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 said procedure for hearing.

７　都道府県知事は、第三項の勧告又は第五項の命令をした場合には、その旨を当該施設の所在地の市町村長に通知するものとする。

(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 shall notify the mayor of municipality having jurisdiction over the location of the referenced institution to that effect.

第五十九条の二　第三十九条第一項に規定する業務を目的とする施設（少数の乳児又は幼児を対象とするものその他の厚生労働省令で定めるものを除く。）であつて第三十五条第四項の認可を受けていないもの（第五十八条の規定により児童福祉施設の認可を取り消されたものを含む。）については、その施設の設置者は、その事業の開始の日（同条の規定により児童福祉施設の認可を取り消された施設にあつては、当該認可の取消しの日）から一月以内に、次に掲げる事項を都道府県知事に届け出なければならない。

Article 59-2 (1) With regard to an institution intended for the services provided in Article 39 paragraph (1) (excluding institutions targeting a small number of infants or toddlers and other facilities as specified by an Ordinance of the Ministry of Health, Labour and Welfare) for which the approval set forth in Article 35 paragraph (4) has not been obtained (including institutions for which the approval as a child welfare institution has been rescinded pursuant to the provision of Article 58), the establisher of the institution shall notify the prefectural governor of the matters listed in the following items within 1 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 for which the approval has been rescinded pursuant to the provision of Article 58):

一　施設の名称及び所在地

(i) Name and location of the institution;

二　設置者の氏名及び住所又は名称及び所在地

(ii) Name and address, or name and location, of the establisher;

三　建物その他の設備の規模及び構造

(iii) Scale and structure of buildings and other facilities;

四　事業を開始した年月日

(iv) Date of commencement of the services;

五　施設の管理者の氏名及び住所

(v) Name and address of the manager of the institution; and

六　その他厚生労働省令で定める事項

(vi) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

２　前項に規定する施設の設置者は、同項の規定により届け出た事項のうち厚生労働省令で定めるものに変更を生じたときは、変更の日から一月以内に、その旨を都道府県知事に届け出なければならない。その事業を廃止し、又は休止したときも、同様とする。

(2) When any change arises in such matters as specified in an Ordinance 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 shall notify the prefectural governor within 1 month from the date of such change. The same shall apply when the services of the institution has been abolished or suspended.

３　都道府県知事は、前二項の規定による届出があつたときは、当該届出に係る事項を当該施設の所在地の市町村長に通知するものとする。

(3) When notification is made pursuant to the provisions of the preceding two paragraphs, the prefectural governor shall give notice of the matters pertaining to said notification to the mayor of municipality having jurisdiction over the location of the referenced institution.

第五十九条の二の二　前条第一項に規定する施設の設置者は、次に掲げる事項を当該施設において提供されるサービスを利用しようとする者の見やすい場所に掲示しなければならない。

Article 59-2-2 The establisher of an institution prescribed in paragraph (1) of the preceding Article shall post the matters listed in the following items in a place easily viewable for persons who intend to use the services provided in said institution:

一　設置者の氏名又は名称及び施設の管理者の氏名

(i) Name of the establisher of the institution and name of its manager;

二　建物その他の設備の規模及び構造

(ii) Scale and structure of buildings and other facilities; and

三　その他厚生労働省令で定める事項

(iii) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

第五十九条の二の三　第五十九条の二第一項に規定する施設の設置者は、当該施設において提供されるサービスを利用しようとする者からの申込みがあつた場合には、その者に対し、当該サービスを利用するための契約の内容及びその履行に関する事項について説明するように努めなければならない。

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 said institution, the establisher shall endeavor to explain the matters concerning the contents of a contract for use of said services and the performance thereof.

第五十九条の二の四　第五十九条の二第一項に規定する施設の設置者は、当該施設において提供されるサービスを利用するための契約が成立したときは、その利用者に対し、遅滞なく、次に掲げる事項を記載した書面を交付しなければならない。

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 said institution shall, without delay, deliver to the user a document stating the matters listed in the following items:

一　設置者の氏名及び住所又は名称及び所在地

(i) Name and address, or name and location, of the establisher;

二　当該サービスの提供につき利用者が支払うべき額に関する事項

(ii) Matters concerning the amounts payable by the user for provision of said services; and

三　その他厚生労働省令で定める事項

(iii) Other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

第五十九条の二の五　第五十九条の二第一項に規定する施設の設置者は、毎年、厚生労働省令で定めるところにより、当該施設の運営の状況を都道府県知事に報告しなければならない。

Article 59-2-5 (1) The establisher of an institution provided in Article 59-2 paragraph (1) shall report the state of the operation of said institution to the prefectural governor every year pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare.

２　都道府県知事は、毎年、前項の報告に係る施設の運営の状況その他第五十九条の二第一項に規定する施設に関し児童の福祉のため必要と認める事項を取りまとめ、これを各施設の所在地の市町村長に通知するとともに、公表するものとする。

(2) A prefectural governor shall annually compile the state of the operation of the institutions pertaining to the reports set forth in the preceding paragraph and other matters 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.

第五十九条の二の六　都道府県知事は、第五十九条、第五十九条の二及び前条に規定する事務の執行及び権限の行使に関し、市町村長に対し、必要な協力を求めることができる。

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.

第五十九条の二の七　町村が一部事務組合又は広域連合を設けて福祉事務所を設置した場合には、この法律の適用については、その一部事務組合又は広域連合を福祉事務所を設置する町村とみなす。

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, said association or federation shall be deemed to be a town or village establishing a Welfare Office.

第五十九条の三　町村の福祉事務所の設置又は廃止により助産の実施及び母子保護の実施に係る都道府県又は市町村に変更があつた場合においては、この法律又はこの法律に基づいて発する命令の規定により、変更前の当該助産の実施若しくは母子保護の実施に係る都道府県又は市町村の長がした行為は、変更後の当該助産の実施若しくは母子保護の実施に係る都道府県又は市町村の長がした行為とみなす。ただし、変更前に行われ、又は行われるべきであつた助産の実施若しくは母子保護の実施に関する費用の支弁及び負担については、変更がなかつたものとする。

Article 59-3 In the case where a prefecture or municipality pertaining to the Midwifery Care Practice and the Maternal and Child Aid 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 said Midwifery Care Practice or Maternal and Child Aid Practice before such change pursuant to the provision of this Act or orders issued pursuant to this Act shall be deemed to be the acts done by the head of the prefecture or municipality pertaining to said Midwifery Care Practice or Maternal and Child Aid Practice after such change; provided, however, that no change shall be regarded to have arisen with regard to the payments and burden of the expenses for the Midwifery Care Practice or the Maternal and Child Aid Practice that were, or should have been, provided before such change.

第五十九条の四　この法律中都道府県が処理することとされている事務で政令で定めるものは、地方自治法第二百五十二条の十九第一項の指定都市（以下「指定都市」という。）及び同法第二百五十二条の二十二第一項の中核市（以下「中核市」という。）並びに児童相談所を設置する市として政令で定める市（以下「児童相談所設置市」という。）においては、政令で定めるところにより、指定都市若しくは中核市又は児童相談所設置市（以下「指定都市等」という。）が処理するものとする。この場合においては、この法律中都道府県に関する規定は、指定都市等に関する規定として指定都市等に適用があるものとする。

Article 59-4 (1) With regard to a designated city set forth in Article 252-19 paragraph (1) of the Local Autonomy Act (hereinafter referred to as "Designated City") and a core city set forth in Article 252-22 paragraph (1) of the same Act (hereinafter referred to as "Core City"), and a city specified by a Cabinet Order as the one establishing a child guidance center (hereinafter referred to as "City with Child Guidance Center"), the affairs specified by a Cabinet Order that are supposed to be handled by a prefectural government under this Act shall be handled by the Designated City or Core City or the City with Child Guidance Center (hereinafter referred to as "Designated Cities, etc.") pursuant to the provisions of a Cabinet Order. In this case, the provisions concerning prefectures in this Act shall apply to Designated Cities, etc. as if they were the provisions concerning Designated Cities, etc.

２　前項の規定により指定都市等の長がした処分（地方自治法第二条第九項第一号に規定する第一号法定受託事務に係るものに限る。）に係る審査請求についての都道府県知事の裁決に不服がある者は、厚生労働大臣に対して再審査請求をすることができる。

(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 provision of the preceding paragraph (limited to the dispositions pertaining to the category 1 statutory entrusted affairs 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　都道府県知事は、児童相談所設置市の長に対し、当該児童相談所の円滑な運営が確保されるように必要な勧告、助言又は援助をすることができる。

(3) 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.

４　この法律に定めるもののほか、児童相談所設置市に関し必要な事項は、政令で定める。

(4) In addition to what is provided for in this Act, necessary matters concerning a City with Child Guidance Center shall be prescribed by a Cabinet Order.

第五十九条の五　第二十一条の四第一項、第三十四条の四第一項、第三十四条の五、第四十六条及び第五十九条の規定により都道府県知事の権限に属するものとされている事務は、児童の利益を保護する緊急の必要があると厚生労働大臣が認める場合にあつては、厚生労働大臣又は都道府県知事が行うものとする。

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 21-4 paragraph (1), Article 34-4 paragraph (1), Article 34-5, Article 46 and Article 59 shall be conducted by the Minister of Health, Labor and Welfare or the prefectural governor.

２　前項の場合においては、この法律の規定中都道府県知事に関する規定（当該事務に係るものに限る。）は、厚生労働大臣に関する規定として厚生労働大臣に適用があるものとする。この場合において、第四十六条第四項中「都道府県児童福祉審議会の意見を聴き、その施設の」とあるのは「その施設の」と、第五十九条第五項中「都道府県児童福祉審議会の意見を聴き、その事業の」とあるのは「その事業の」とする。

(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) shall 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 his/her 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) shall be deemed to be replaced with "suspend his/her services" and suspension of its services or its closing" respectively.

３　第一項の場合において、厚生労働大臣又は都道府県知事が当該事務を行うときは、相互に密接な連携の下に行うものとする。

(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 shall be conducted under mutually close coordination.

第五十九条の六　第五十六条第一項の規定により都道府県が処理することとされている事務は、地方自治法第二条第九項第一号に規定する第一号法定受託事務とする。

Article 59-6 The affairs that are supposed to be handled by a prefectural government pursuant to the provision of Article 56 paragraph (1) shall be the category 1 statutory entrusted affairs provided in item (i) of Article 2 paragraph (9) of the Local Autonomy Act.

第五十九条の七　第五十六条の十第二項における主務大臣は、厚生労働大臣とする。ただし、同項の援助のうち他の大臣が所管する子育て支援事業（第五十六条の九第一項の主務省令で定めるものに限る。）に係るものに関する事項については、厚生労働大臣及びその事業を所管する大臣とする。

Article 59-7 (1) The competent minister referred to in Article 56-10 paragraph (2) shall be the Minister of Health, Labor and Welfare; provided, however, that, with regard to the matters concerning such assistance set forth in the same paragraph as pertaining to the Child Care Support Services that are placed under the jurisdiction of other minister (limited to the services specified by an ordinance of the competent ministry set forth in Article 56-9 paragraph (1)), both the Minister of Health, Labor and Welfare and the minister having jurisdiction over such services shall be the competent ministers.

２　この法律における主務省令は、厚生労働省令とする。ただし、第二十一条の九各号に掲げる事業に該当する事業のうち厚生労働大臣以外の大臣が所管するものに関する事項については、厚生労働大臣及びその事業を所管する大臣の発する命令とする。

(2) The ordinance of the competent ministry referred to in this Act shall be an Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that, with regard to the matters 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 shall be the competent ministry's orders.

第五十九条の八　この法律に規定する厚生労働大臣の権限は、厚生労働省令で定めるところにより、地方厚生局長に委任することができる。

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 Ordinance of the Ministry of Health, Labour and Welfare.

２　前項の規定により地方厚生局長に委任された権限は、厚生労働省令で定めるところにより、地方厚生支局長に委任することができる。

(2) The authorities delegated to the Director General of the Regional Bureau of Health and Welfare pursuant to the provision 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 Ordinance of the Ministry of Health, Labour and Welfare.

第六章　罰則

Chapter VI Penal Provisions

第六十条　第三十四条第一項第六号の規定に違反した者は、十年以下の懲役若しくは三百万円以下の罰金に処し、又はこれを併科する。

Article 60 (1) A person who violates the provision of Article 34 paragraph (1) item (vi) shall be 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　第三十四条第一項第一号から第五号まで又は第七号から第九号までの規定に違反した者は、三年以下の懲役若しくは百万円以下の罰金に処し、又はこれを併科する。

(2) A person who violates any of the provisions of items (i) to (v) inclusive or Article 34 paragraph (1) items (vii) to (ix) inclusive shall be punished by imprisonment with work for not more than 3 years or a fine of not more than 1,000,000 yen, or by cumulative imposition of both penalties.

３　第三十四条第二項の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

(3) A person who violates the provision of Article 34 paragraph (2) shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

４　児童を使用する者は、児童の年齢を知らないことを理由として、前三項の規定による処罰を免れることができない。ただし、過失のないときは、この限りでない。

(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 shall not apply when the person is not negligent.

５　法人の代表者又は法人若しくは人の代理人、使用人その他の従業者が、その法人又は人の業務に関して、第一項から第三項までの違反行為をしたときは、行為者を罰するほか、その法人又は人に対しても、当該各項の罰金刑を科する。

(5) When a representative of a juridical person or an agent, employee or other worker of a juridical person or individual causes a violation set forth in paragraphs (1) to (3) inclusive with regard to the business of said juridical person or individual, not only offender shall be punished but also said juridical person or individual shall be punished by the fine prescribed in the respective paragraphs.

６　第二項（第三十四条第一項第七号及び第九号の規定に違反した者に係る部分に限る。）の罪は、刑法第四条の二の例に従う。

(6) Crimes set forth in paragraph (2) (limited to the portions pertaining to the persons who violate any of the provisions of Article 34 paragraph (1) items (vii) and (ix) shall be governed by Article 4-2 of the Penal Code.

第六十一条　児童相談所において、相談、調査及び判定に従事した者が、正当の理由なく、その職務上取り扱つたことについて知得した人の秘密を漏らしたときは、これを一年以下の懲役又は五十万円以下の罰金に処する。

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 his/her knowledge in the course of duties without justifiable ground, he/she shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

第六十一条の二　第十八条の二十二の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 61-2 (1) A person who violates the provision of Article 18-22 shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

２　前項の罪は、告訴がなければ公訴を提起することができない。

(2) With regard to a crime set forth in the preceding paragraph, no prosecution may be instituted without complaint.

第六十一条の三　第十八条の八第四項、第十八条の十二第一項、第二十一条の十二又は第二十五条の五の規定に違反した者は、一年以下の懲役又は五十万円以下の罰金に処する。

Article 61-3 A person who violates the provision of Article 18-8 paragraph (4), Article 18-12 paragraph (1), Article 21-12 or Article 25-5 shall be punished by imprisonment with work for not more than 1 year or a fine of not more than 500,000 yen.

第六十一条の四　第四十六条第四項又は第五十九条第五項の規定による事業の停止又は施設の閉鎖の命令に違反した者は、六月以下の懲役若しくは禁錮又は五十万円以下の罰金に処する。

Article 61-4 A person who violates an order for suspension of the services or closing of an institution pursuant to the provision of Article 46 paragraph (4) or Article 59 paragraph (5) shall be punished by imprisonment with work or imprisonment for not more than 6 months or a fine of not more than 500,000 yen.

第六十一条の五　正当の理由がないのに、第二十九条の規定による児童委員若しくは児童の福祉に関する事務に従事する職員の職務の執行を拒み、妨げ、若しくは忌避し、又はその質問に対して答弁をせず、若しくは虚偽の答弁をし、若しくは児童に答弁をさせず、若しくは虚偽の答弁をさせた者は、五十万円以下の罰金に処する。

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 provision 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, shall be punished by a fine of not more than 500,000 yen.

第六十一条の六　正当の理由がないのに、第十八条の十六第一項の規定による報告をせず、若しくは虚偽の報告をし、同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避した場合には、その違反行為をした指定試験機関の役員又は職員は、三十万円以下の罰金に処する。

Article 61-6 When an officer or employee of a Designated Examining Body fails to make a report pursuant to the provision of Article 18-16 paragraph (1) or makes a false report, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph, without justifiable ground, the officer or employee causing such violation shall be punished by a fine of not more than 300,000 yen.

第六十二条　次の各号のいずれかに該当する者は、三十万円以下の罰金に処する。

Article 62 A person who falls under any of the following items shall be punished by a fine of not more than 300,000 yen:

一　第十八条の十九第二項の規定により保育士の名称の使用の停止を命ぜられた者で、当該停止を命ぜられた期間中に、保育士の名称を使用したもの

(i) A person who uses the name of nursery teacher during the period for which he/she is ordered to suspend the use of the name of nursery teacher pursuant to the provision of Article 18-19 paragraph (2);

二　第十八条の二十三の規定に違反した者

(ii) A person who violates the provision of Article 18-23;

三　正当の理由がないのに、第二十一条の十四第一項の規定による報告をせず、若しくは虚偽の報告をし、同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避した者

(iii) A person who fails to make reporting pursuant to the provision of paragraph (1) of Article 21-14 or makes a false report, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph, without justifiable ground;

四　正当の理由がないのに、第二十四条の十五第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をし、又は同項の規定による立入り若しくは検査を拒み、妨げ、若しくは忌避した者

(iv) A person who fails to make a report pursuant to the provision of Article 24-15 paragraph (1) or 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 provision of the same paragraph or makes a false answer, or refuses, interferes with, or recuses the entry or inspection pursuant to the provision of the same paragraph, without justifiable ground;

五　正当の理由がないのに、第二十九条の規定による児童委員若しくは児童の福祉に関する事務に従事する職員の職務の執行を拒み、妨げ、若しくは忌避し、又はその質問に対して答弁をせず、若しくは虚偽の答弁をし、又は児童に答弁をさせず、若しくは虚偽の答弁をさせた者

(v) 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 provision 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;

六　第三十条第一項に規定する届出を怠つた者

(vi) A person who neglects to give notification provided in Article 30 paragraph (1); or

七　正当の理由がないのに、第五十九条第一項の規定による報告をせず、若しくは虚偽の報告をし、同項の規定による立入調査を拒み、妨げ、若しくは忌避し、又は同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をした者

(vii) A person who fails to make a report pursuant to the provision of paragraph (1) of Article 59 or makes a false report, or refuses, interferes with, or recuses the entry and inspection pursuant to the provision of the same paragraph, or fails to answer a question pursuant to the provision of the same paragraph or makes a false answer, without justifiable ground.

第六十二条の二　第五十九条の二第一項又は第二項の規定による届出をせず、又は虚偽の届出をした者は、五十万円以下の過料に処する。

Article 62-2 A person who fails to give notification pursuant to the provision of Article 59-2 paragraph (1) or (2) or gives false notification shall be punished by a civil fine of not more than 500,000 yen.

第六十二条の三　都道府県は、条例で、次の各号のいずれかに該当する者に対し十万円以下の過料を科する規定を設けることができる。

Article 62-3 A prefectural government may, in a Prefectural Ordinance, prescribe a provision to impose a civil fine of not more than 100,000 yen on a person who falls under any of the following items:

一　第二十四条の四第二項の規定による施設受給者証の返還を求められてこれに応じない者

(i) A person who is unwilling to comply with a request for return of the Institutional Beneficiary Certificate pursuant to the provision of Article 24-4 paragraph (2); or

二　正当の理由がないのに、第五十七条の三第一項の規定による報告若しくは物件の提出若しくは提示をせず、若しくは虚偽の報告若しくは虚偽の物件の提出若しくは提示をし、又は同項の規定による質問に対して答弁をせず、若しくは虚偽の答弁をした者

(ii) A person who fails to make a report pursuant to the provision of Article 57-3 paragraph (1) or 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 provision of the same paragraph or makes a false answer, without justifiable ground.

附　則　〔抄〕

Supplementary Provisions [Extract]

第六十三条　この法律は、昭和二十三年一月一日から、これを施行する。但し、第十九条、第二十二条から第二十四条まで、第五十条第四号、第六号、第七号及び第九号（児童相談所の設備に関する部分を除く。）第五十一条、第五十四条及び第五十五条の規定並びに第五十二条、第五十三条及び第五十六条の規定中これらの規定に関する部分は、昭和二十三年四月一日から、これを施行する。

Article 63 This Act shall come into force as from January 1, 1948; provided, however, that the provisions of Article 19, Articles 22 to 24 inclusive, 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 aforesaid provisions referred to in the provisions of Articles 52, 53 and 56 shall come into force as from April 1, 1948.

第六十三条の二　都道府県は、第三十一条第二項の規定にかかわらず、当分の間、第二十七条第一項第三号の規定により知的障害児施設（国の設置する知的障害児施設を除く。）に入所した児童であつてその障害の程度が重度であるものについて、引き続いて入所させておかなければその者の福祉を損なうおそれがあると認めるときは、満二十歳に達した後においても、引き続きその者をその施設に在所させる措置を採ることができる。

Article 63-2 (1) For the time being, with regard to a child admitted in an institution for mentally retarded children (excluding those established by the national government) pursuant to the provision of Article 27 paragraph (1) item (iii) whose level of the disability is serious, when a prefectural governor finds that welfare of the child is likely to be impaired unless his/her admission is continued, the prefectural government may, notwithstanding the provision of Article 31 paragraph (2), take a measure to continue his/her admission even after he/she attains the age of 20.

２　都道府県は、第三十一条第三項の規定にかかわらず、当分の間、第二十七条第一項第三号の規定により肢体不自由児施設に入所した児童又は同条第二項の規定による委託により指定医療機関に入院した第四十三条の三に規定する児童であつてその障害の程度が重度であるものについて、引き続いて入所又は入院させておかなければその者の福祉を損なうおそれがあると認めるときは、満二十歳に達した後においても、引き続きその者を肢体不自由児施設に在所させ、若しくは第二十七条第二項の規定による委託を継続し、又はこれらの措置を相互に変更する措置を採ることができる。

(2) For the time being, with regard to a child admitted in an institution for orthopedically impaired children pursuant to the provision of Article 27 paragraph (1) item (iii) or a child provided in Article 43-3 and hospitalized in a Designated Medical Institution based on an entrustment pursuant to paragraph (2) of the same Article whose level of the disability is serious, when a prefectural governor finds that welfare of the child is likely to be impaired unless his/her admission or hospitalization is continued, the prefectural government may, notwithstanding the provision of Article 31 paragraph (3), take a measure to continue his/her admission in the institution for orthopedically impaired children or the entrustment pursuant to the provision of Article 27 paragraph (2), or change either of these two measures to the other one, even after he/she attains the age of 20.

３　前二項に規定する措置は、この法律の適用については、第二十七条第一項第三号又は第二項に規定する措置とみなす。

(3) With regard to the application of this Act, the measure provided in the preceding two paragraphs shall be deemed to be a measure provided in Article 27 paragraph (1) item (iii) or paragraph (2) of the same Article.

４　第一項又は第二項の場合においては、都道府県知事は、児童相談所長の意見を聴かなければならない。

(4) In the case referred to in paragraph (1) or (2), the prefectural governor shall hear opinions from the child guidance center's director.

第六十三条の三　都道府県は、当分の間、必要があると認めるときは、重度の知的障害及び重度の肢体不自由が重複している満十八歳以上の者について、その者を重症心身障害児施設に入所させ、又は指定医療機関に対し、その者を入院させて治療等を行うことを委託することができる。

Article 63-3 (1) For the time being, a prefectural government may, when he/she finds necessary, admit a person of 18 years of age or more who has both severe mental retardation and severe Limb/Trunk Dysfunction in an institution for severely-retarded children or entrust a Designated Medical Institution to hospitalize him/her and provide therapy, etc. to him/her.

２　前項に規定する措置は、この法律の適用については、第二十七条第一項第三号又は同条第二項に規定する措置とみなす。

(2) With regard to the application of this Act, the measure provided in the preceding paragraph shall be deemed to be a measure prescribed in Article 27 paragraph (1) item (iii) or item (ii) of the same Article.

第六十三条の三の二　都道府県は、第二十四条の二第一項、第二十四条の六第一項、第二十四条の七第一項又は第二十四条の二十第一項の規定にかかわらず、当分の間、厚生労働省令で定める指定知的障害児施設等に入所等をした障害児（以下この項において「入所者」という。）について、引き続き指定施設支援を受けなければその福祉を損なうおそれがあると認めるときは、当該入所者が満十八歳に達した後においても、当該入所者からの申請により、当該入所者が社会生活に順応することができるようになるまで、厚生労働省令で定めるところにより、引き続き障害児施設給付費等を支給することができる。ただし、当該入所者が障害者自立支援法第五条第五項に規定する療養介護（以下「療養介護」という。）その他の支援を受けることができる場合は、この限りでない。

Article 63-3-2 (1) For the time being, with regard to a disabled child under Admission, etc. in any of the designated retarded child institutions, etc. specified by an Ordinance 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 Institutional Support for him/her is continued, the prefectural government may, notwithstanding the provision of Article 24-2 paragraph (1), Article 24-6 paragraph (1), Article 24-7 paragraph (1) or Article 24-20 paragraph (1), continue to pay or provide Institutional Benefits for Disabled Children, etc. to said Admittee based on his/her application, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare, until said Admittee becomes able to adapt him/herself to social life, even after he/she attains the age of 18; provided, however, that this shall not apply to the case where said Admittee can receive the treatment and care services provided in Article 5 paragraph (5) of the Act on Self-reliance Support for Persons with Disabilities (hereinafter referred to as "Treatment and Care Services") or other support.

２　都道府県は、第二十四条の二第一項、第二十四条の六第一項、第二十四条の七第一項又は第二十四条の二十第一項の規定にかかわらず、当分の間、重度の知的障害及び重度の肢体不自由が重複している満十八歳以上の者について、重症心身障害児施設支援に係る指定施設支援を受けなければその福祉を損なうおそれがあると認めるときは、その者からの申請により、厚生労働省令で定めるところにより、重症心身障害児施設支援に係る障害児施設給付費等を支給することができる。ただし、その者が療養介護その他の支援を受けることができる場合は、この限りでない。

(2) For the time being, with regard to a person of 18 years of age or more who has both severe mental retardation and severe Limb/Trunk Dysfunction, when a prefectural government finds that the welfare of the child is likely to be impaired unless he/she receives Designated Institutional Support pertaining to severely-retarded child institution, the prefectural government may, notwithstanding the provision of Article 24-2 paragraph (1), Article 24-6 paragraph (1), Article 24-7 paragraph (1) or Article 24-20 paragraph (1), continue to pay or provide to said person Institutional Benefits for Disabled Children, etc. pertaining to institutional support for severely-retarded children based on said person's application, pursuant to the provisions of Ordinance of the Ministry of Health, Labour and Welfare; provided, however, that this shall not apply to the case where he/she can receive the Treatment and Care Services or other support.

３　前二項の規定により障害児施設給付費等を支給することができることとされた者については、その者を障害児又は障害児の保護者とみなして、第二十四条の二から第二十四条の七まで及び第二十四条の十九から第二十四条の二十二までの規定を適用する。この場合において、必要な技術的読替えは、政令で定める。

(3) With regard to a person who is eligible for Institutional Benefits for Disabled Children, etc. pursuant to the provisions of the preceding two paragraphs, he/she shall be deemed to be a disabled child or the guardian of a disabled child and the provisions of Articles 24-2 to 24-7 inclusive and Articles 24-19 to 24-22 inclusive shall apply. In this case, necessary terminological replacements shall be prescribed by a Cabinet Order.

４　第一項の場合においては、都道府県知事は、児童相談所長の意見を聴かなければならない。

(4) In the case referred to in paragraph (1), the prefectural governor shall hear opinions from the child guidance center's director.

第六十三条の四　児童相談所長は、当分の間、第二十六条第一項に規定する児童のうち身体障害者福祉法第十五条第四項の規定により身体障害者手帳の交付を受けた十五歳以上の者について、障害者自立支援法第五条第十二項に規定する障害者支援施設（次条において「障害者支援施設」という。）に入所すること又は障害福祉サービス（同法第四条第一項に規定する障害者のみを対象とするものに限る。次条において同じ。）を利用することが適当であると認めるときは、その旨を身体障害者福祉法第九条又は障害者自立支援法第十九条第二項若しくは第三項に規定する市町村の長に通知することができる。

Article 63-4 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 provision of Article 15 paragraph (4) of the Physically Disabled Welfare Act, when the child guidance center's director finds appropriate to admit the child into a disabled person support institution provided in Article 5 paragraph (12) of the Act on Self-reliance Support for Persons with Disabilities (referred to as a "Disabled Person Support Institution" in the following Article) or use Disabled Person Welfare Services (limited to the services targeting only persons with disabilities provided in Article 4 paragraph (1) of the same Act; the same shall apply in the following Article), the child guidance center's director may notify the head of the municipality provided in Article 9 of the Physically Disabled Welfare Act or Article 19 paragraph (2) or (3) of the Act on Self-reliance Support for Persons with Disabilities.

第六十三条の五　児童相談所長は、当分の間、第二十六条第一項に規定する児童のうち十五歳以上の者について、障害者支援施設に入所すること又は障害福祉サービスを利用することが適当であると認めるときは、その旨を知的障害者福祉法第九条又は障害者自立支援法第十九条第二項若しくは第三項に規定する市町村の長に通知することができる。

Article 63-5 For the time being, with regard to a child of 15 years of age or more as provided in Article 26 paragraph (1), when the child guidance center's director finds appropriate to admit the child into a Disabled Person Support Institution or use Disabled Person Welfare Services, the child guidance center's director may notify the head of the municipality provided in Article 9 of the Retarded Person Welfare Act or Article 19 paragraph (2) or (3) of the Act on Self-reliance Support for Persons with Disabilities.

第六十五条　児童虐待防止法及び少年教護法は、これを廃止する。但し、これらの法律廃止前に、なした行為に関する罰則の適用については、これらの法律は、なおその効力を有する。

Article 65 The Child Abuse Prevention Act and the Juvenile Education and Protection Act shall be abolished; provided, however, that these acts shall remain in force with regard to the application of the penal provisions to an act done prior to their abolition.

第六十六条　児童虐待防止法第二条の規定により、都道府県知事のなした処分は、これをこの法律中の各相当規定による措置とみなす。

Article 66 A disposition imposed by a prefectural governor pursuant to the provision of Article 2 of the Child Abuse Prevention Act shall be deemed to be a measure pursuant to the applicable provision of this Act.

第六十七条　この法律施行の際、現に存する少年教護法の規定による少年教護院及び職員養成所は、これをこの法律の規定により設置した教護院及び職員養成施設とみなし、少年教護院に在院中の者は、これを第二十七条第一項第三号の規定により、教護院に入院させられた者とみなす。

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 shall be 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 shall be deemed to be a person institutionalized in an education and protection center pursuant to the provision of Article 27 paragraph (1) item (iii).

第六十八条　少年教護法第二十四条第一項但書の規定により、その教科につき、文部大臣の承認を受けた少年教護院であつて、この法律施行の際、現に存するものは、第四十八条第三項の規定により、教科に関する事項につき、学校教育法第二十条又は第三十八条の監督庁の承認を受けたものとみなす。

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, said center shall be deemed to have obtained approval set forth in Article 20 or 38 of the School Education Act from the supervising agency for the matters concerning the curriculum pursuant to the provision of Article 48 paragraph (3).

第六十九条　この法律施行の際、現に存する生活保護法の規定による保護施設中の児童保護施設は、これをこの法律の規定により設置した児童福祉施設とみなす。

Article 69 A child aid institution actually existing upon the coming into force of this Act and falling under an aid institution pursuant to the Public Assistance Act shall be deemed to be a child welfare institution established pursuant to the provisions of this Act.

第七十条　この法律施行の際、現に存する児童福祉施設であつて、第六十七条及び前条の規定に該当しないものは、命令の定めるところにより、行政庁の認可を得て、この法律による児童福祉施設として存続することができる。

Article 70 A child welfare institution actually existing upon the coming into force of this Act and not falling under the provision 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.

第七十一条　満十四歳以上の児童で、学校教育法第九十六条の規定により、義務教育の課程又はこれと同等以上と認める課程を修了した者については、第三十四条第一項第三号から第五号までの規定は、これを適用しない。

Article 71 The provisions of Article 34 paragraph (1) items (iii) to (v) inclusive shall 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 provision of Article 96 of the School Education Act.

第七十二条　国は、当分の間、都道府県（第五十九条の四第一項の規定により、都道府県が処理することとされている第五十六条の二第一項の事務を指定都市等が処理する場合にあつては、当該指定都市等を含む。以下この項及び第七項において同じ。）に対し、第五十六条の二第三項の規定により国がその費用について補助することができる知的障害児施設等の新設等で日本電信電話株式会社の株式の売払収入の活用による社会資本の整備の促進に関する特別措置法（昭和六十二年法律第八十六号。以下「社会資本整備特別措置法」という。）第二条第一項第二号に該当するものにつき、社会福祉法第三十一条第一項の規定により設立された社会福祉法人、日本赤十字社又は公益社団法人若しくは公益財団法人に対し当該都道府県が補助する費用に充てる資金について、予算の範囲内において、第五十六条の二第三項の規定（この規定による国の補助の割合について、この規定と異なる定めをした法令の規定がある場合には、当該異なる定めをした法令の規定を含む。以下同じ。）により国が補助することができる金額に相当する金額を無利子で貸し付けることができる。

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 provision of Article 59-4 paragraph (1); the same shall apply hereinafter in this paragraph and paragraph (7)), and any such loan shall be in the amount equivalent to the amount that can be subsidized by the national government pursuant to the provision 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 shall apply hereinafter). Such loans shall be funded to be appropriated to the expenses subsidized by said prefectural government to social welfare corporations established pursuant to the provision 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 said prefectural government are granted for the expenses spent for such Construction, etc. of institutions for mentally retarded children, etc. that can be subsidized by the national government pursuant to the provision of pursuant to the provision of Article 56-2 paragraph (3) and that falls under Article 2 item (ii) paragraph (1) 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　国は、当分の間、都道府県又は市町村に対し、児童家庭支援センターの新設、修理、改造、拡張又は整備で社会資本整備特別措置法第二条第一項第二号に該当するものに要する費用に充てる資金の一部を、予算の範囲内において、無利子で貸し付けることができる。

(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　国は、当分の間、都道府県又は指定都市等に対し、児童の保護を行う事業又は児童の健全な育成を図る事業を目的とする施設の新設、修理、改造、拡張又は整備（第五十六条の二第三項の規定により国がその費用について補助するものを除く。）で社会資本整備特別措置法第二条第一項第二号に該当するものにつき、当該都道府県又は指定都市等が自ら行う場合にあつてはその要する費用に充てる資金の一部を、指定都市等以外の市町村又は社会福祉法人が行う場合にあつてはその者に対し当該都道府県又は指定都市等が補助する費用に充てる資金の一部を、予算の範囲内において、無利子で貸し付けることができる。

(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 provision of Article 56-2 paragraph (3)) of institutions that is intended for the services for providing the aid 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 said prefectural government or Designated City, etc., the loans from the national government shall be provided for part of funds to be appropriated to the expenses spent therefor by said 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 shall be provided for part of funds to be appropriated to the expenses subsidized therefor by said prefectural government or Designated City, etc.

４　国は、当分の間、都道府県、市町村又は長期にわたり医療施設において療養を必要とする児童（以下「長期療養児童」という。）の療養環境の向上のために必要な事業を行う者に対し、長期療養児童の家族が宿泊する施設の新設、修理、改造、拡張又は整備で社会資本整備特別措置法第二条第一項第二号に該当するものに要する費用に充てる資金の一部を、予算の範囲内において、無利子で貸し付けることができる。

(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 referred to as "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　前各項の国の貸付金の償還期間は、五年（二年以内の据置期間を含む。）以内で政令で定める期間とする。

(5) The period for reimbursement of loans from the national government set forth in any of the preceding paragraphs shall be a period not exceeding 5 years (inclusive of a grace period not exceeding 2 years) as specified by a Cabinet Order.

６　前項に定めるもののほか、第一項から第四項までの規定による貸付金の償還方法、償還期限の繰上げその他償還に関し必要な事項は、政令で定める。

(6) In addition to what is prescribed in the preceding paragraph, the method of reimbursement of loans, acceleration of the reimbursement period and other necessary matters concerning reimbursements pursuant to the provisions of paragraphs (1) to (4) inclusive shall be prescribed by a Cabinet Order.

７　国は、第一項の規定により都道府県に対し貸付けを行つた場合には、当該貸付けの対象である事業について、第五十六条の二第三項の規定による当該貸付金に相当する金額の補助を行うものとし、当該補助については、当該貸付金の償還時において、当該貸付金の償還金に相当する金額を交付することにより行うものとする。

(7) In the case where a loan is provided to a prefectural government pursuant to the provision of paragraph (1), the national government shall subsidize the amount equivalent to said loan amount pursuant to the provision of Article 56-2 item (iii) with regard to the services to be covered by said loan, and said subsidy shall be given by means of granting the amount equivalent to the amount of said loan reimbursement at the times of such reimbursements.

８　国は、第二項から第四項までの規定により都道府県、市町村又は長期療養児童の療養環境の向上のために必要な事業を行う者に対し貸付けを行つた場合には、当該貸付けの対象である事業について、当該貸付金に相当する金額の補助を行うものとし、当該補助については、当該貸付金の償還時において、当該貸付金の償還金に相当する金額を交付することにより行うものとする。

(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) to (4) inclusive, the national government shall subsidize the amount equivalent to the loan amount with regard to the services to be covered by said loan, and said subsidy shall be given by means of granting the amount equivalent to the amount of said loan reimbursement at the times of such reimbursements.

９　都道府県、市町村又は長期療養児童の療養環境の向上のために必要な事業を行う者が、第一項から第四項までの規定による貸付けを受けた無利子貸付金について、第五項及び第六項の規定に基づき定められる償還期限を繰り上げて償還を行つた場合（政令で定める場合を除く。）における前二項の規定の適用については、当該償還は、当該償還期限の到来時に行われたものとみなす。

(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) to (4) inclusive by accelerating the reimbursement period specified pursuant to the provisions of paragraphs (5) and (6) (excluding the cases specified by a Cabinet Order), said accelerated reimbursements shall be deemed to be made upon the maturity dates for said original reimbursement period.

第七十三条　第五十三条及び第五十五条の規定の昭和六十年度における適用については、第五十三条中「十分の八」とあるのは「十分の七」と、第五十五条中「十分の一」とあるのは「十分の一・五」とする。

Article 73 With regard to the application of the provisions of Articles 53 and 55 in fiscal 1985, the term "eight-tenths (8/10)" referred to in Article 53 shall be replaced with "seven-tenths (7/10)", and the term "one-tenth (1/10)" referred to in Article 55 shall be replaced with "one and a half-tenths (1.5/10)".

第七十四条　第五十三条及び第五十五条の規定の昭和六十一年度から昭和六十三年度までの各年度における適用については、第五十三条中「十分の八」とあるのは「十分の五」と、第五十五条中「十分の一」とあるのは「十分の二・五」とする。

Article 74 With regard to the application of the provisions of Articles 53 and 55 in the respective fiscal years from fiscal 1986 to fiscal 1988, the term "eight-tenths (8/10)" referred to in Article 53 shall be replaced with "five-tenths (5/10)", and the term "one-tenth (1/10)" referred to in Article 55 shall be replaced with "two and a half-tenths (2.5/10)".

附　則　〔平成十三年十一月三十日法律第百三十五号〕〔抄〕

Supplementary Provisions [Act No. 135 of November 30, 2001 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、次の各号に掲げる区分に応じ、それぞれ当該各号に定める日から施行する。

Article 1 This Act shall come into force as from the dates prescribed respectively in the following items in accordance with the classification listed in said items:

一　第五十六条の六の次に一条を加える改正規定及び次条の規定　公布の日

(i) The provision adding a new Article after Article 56-6 and the provision of the following Article: The day of promulgation;

二　目次の改正規定中「第三節　児童福祉司及び児童委員（第十一条―第十四条）第四節　児童相談所、福祉事務所及び保健所（第十五条―第十八条の三）」を「第三節　児童福祉司（第十一条―第十一条の三）第四節　児童委員（第十二条―第十四条）第五節　児童相談所、福祉事務所及び保健所（第十五条―第十八条の三）」に改める部分、第一章第三節の節名の改正規定、第十一条の次に二条を加える改正規定、第一章中第四節を第五節とし、第十二条の前に節名を付する改正規定、同条の改正規定、同条の次に一条を加える改正規定、第十三条の改正規定、同条の次に一条を加える改正規定及び第十四条の改正規定並びに附則第七条から第九条までの規定　平成十三年十二月一日

(ii) The portion of the provision revising the Table of Contents to replace "Section 3 Child Welfare Officer and Commissioned Child Welfare Volunteer (Articles 11 through 14), Section 4. Child Guidance Center, Welfare Office and public health center (Articles 15 through 18-3)" with "Section 3 Child Welfare Officer (Articles 11 through 11-3), Section 4. Commissioned Child Welfare Volunteer (Articles 12 through 14), Section 5 Child Guidance Center, Welfare Office and Health Center (Articles 15 through 18-3)", the provision renaming Chapter 1 Section 3, the provisions adding two new Articles after Article 11, the provisions in Chapter 1 renumbering Section 4 to Section 5 and adding the name of a new Section before Article 12, the provision revising Article 12, the provision adding a new Article after Article 12, the provision revising Article 13, the provision adding a new Article after Article 13, and the provision revising Article 14, and the provisions of Articles 7 to 9 inclusive of these Supplementary Provisions: December 1, 2001;

三　目次の改正規定中「第五章　雑則（第五十六条の六―第六十二条の二）」を「第五章　雑則（第五十六条の六―第五十九条の七）第六章　罰則（第六十条―第六十二条の二）」に改める部分、第四十六条第四項の改正規定、第五十九条第一項及び第三項の改正規定、同条第二項の次に二項を加える改正規定、同条に二項を加える改正規定、第五十九条の二を第五十九条の二の七とし、第五十九条の次に六条を加える改正規定、第五十九条の五第二項の改正規定、第五十九条の七の次に章名を付する改正規定、第六十条の次に三条を加える改正規定（第六十条の四に係る部分に限る。）並びに第六十二条の二の改正規定並びに附則第六条及び第十条の規定　公布の日から起算して一年を超えない範囲内において政令で定める日

(iii) The portion of the provision revising the Table of Contents to replace "Chapter 5 Miscellaneous Provisions (Articles 56-6 through 62-2)" with "Chapter 5 Miscellaneous Provisions (Articles 56-6 through 59-7), Chapter 6 Penal Provisions (Articles 60 through 62-2)", the provision revising Article 46 paragraph (4), the provisions revising Article 59 paragraphs (1) and (3), the provisions adding two new paragraphs after Article 59 paragraph (2), the provisions adding other two new paragraphs in Article 59, the provisions renumbering Article 59-2 to Article 59-2-7 and adding six new Articles after Article 59, the provision revising Article 59-5 paragraph (2), the provision adding the name of a new Chapter after Article 59-7, the provisions adding three new Articles after Article 60 (limited to the portions pertaining to Article 60-4), and the provision revising Article 62-2, and the provisions of Articles 6 and 10 of these Supplementary Provisions: The date specified by a Cabinet Order within a period not exceeding 1 year from the day of promulgation; and

四　前三号に掲げる規定以外の規定　公布の日から起算して二年を超えない範囲内において政令で定める日

(iv) The provisions other than those listed in the preceding three items: The date specified by a Cabinet Order within a period not exceeding 2 years from the day of promulgation.

（実施のための準備）

(Preparation for Enforcement)

第四条　附則第一条第四号に掲げる規定の施行の際現に保育士として必要な知識及び技能を有する者として政令で定める者は、新法第十八条の六に規定する保育士となる資格を有する者とみなす。

Article 4 A person specified by a Cabinet Order as actually possessing the knowledge and skills necessary as a nursery teacher upon the coming into force of the provisions listed in Article 1 item (iv) of these Supplementary Provisions shall be deemed to be a person qualified as a nursery teacher provided in Article 18-6 of the revised Act.

第五条　前条に規定する者であって、新法第十八条の十八第一項の規定による登録を受けていないもの（新法第十八条の五各号のいずれかに該当する者を除く。）については、新法第十八条の二十三の規定は、附則第一条第四号に掲げる規定の施行後三年間は、適用しない。

Article 5 With regard to a person provided in the preceding Article who has not yet been registered pursuant to the provision of Article 18-18 paragraph (1) of the revised Act (excluding persons who fall under any of the items of Article 18-5 of the revised Act), the provision of Article 18-23 of the revised Act shall not apply for 3 years following the coming into force of the provisions listed in Article 1 item (iv) of these Supplementary Provisions.

附　則　〔平成十六年十二月三日法律第百五十三号〕〔抄〕

Supplementary Provisions [Act No. 153 of December 3, 2004 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成十七年一月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into force as from January 1, 2005; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed respectively in said items:

一　第一条中児童福祉法第十二条の二の改正規定、同法第三十七条の改正規定（「保健上」の下に「、安定した生活環境の確保」を加える部分及び「おおむね二歳未満の」を削る部分に限る。）及び同法第四十一条の改正規定（「乳児を除いて、保護者のない児童」を「保護者のない児童（乳児を除く。ただし、安定した生活環境の確保その他の理由により特に必要のある場合には、乳児を含む。以下この条において同じ。）」に改める部分に限る。）　公布の日

(i) The provisions of Article 1 of this Act revising Article 12-2 of the Child Welfare Act, revising Article 37 of the same Act (limited to the portion to add "ensuring steady living environment" in relation to the phrase "in terms of healthcare" and the portion to delete "under 2 years of age in general" in relation to those infants referred to therein) and revising Article 41 of the same Act (limited to the portion to replace "children without guardian excluding infants" with "children without guardian (excluding infants; provided, however, that infants shall be also included in the case where it is particularly necessary for ensuring steady living environment or due to other reasons; the same shall apply hereinafter in this Article)"): The day of promulgation;

二　第一条中児童福祉法第三十四条及び第六十条の改正規定並びに附則第五条の規定　児童の売買、児童買春及び児童ポルノに関する児童の権利に関する条約の選択議定書が日本国について効力を生ずる日

(ii) The provisions of Article 1 of this Act revising Articles 34 and 60 of the Child Welfare Act, and the provisions of Article 5 of these Supplementary Provisions: The date on which the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography will come into force with regard to Japan;

三　第二条（次号に掲げる改正規定を除く。）並びに附則第三条、第四条、第六条及び第十条（次号に掲げる改正規定を除く。）の規定　平成十七年四月一日

(iii) The provisions of Article 2 of this Act (excluding the revision provisions listed in the following item) and the provisions of Articles 3, 4, 6 and 10 of these Supplementary Provisions (excluding the revision provisions listed in the following item): April 1, 2005; and

四　第二条中児童福祉法第五十九条の四の改正規定及び附則第十条中児童虐待の防止等に関する法律（平成十二年法律第八十二号）第十六条の改正規定　平成十八年四月一日

(iv) The provisions of Article 2 of this Act revising Article 59-4 of the Child Welfare Act and the provision of Article 10 of these Supplementary Provisions revising Article 16 of the Act on the Prevention, etc. of Child Abuse (Act No. 82 of 2000): April 1, 2006.

（保護受託者に関する経過措置）

(Transitional Measures concerning Entrusted guardian)

第二条　都道府県は、この法律の施行の際現に第一条の規定による改正前の児童福祉法（以下「旧法」という。）第二十七条第一項第三号の規定により保護受託者に委託されている児童については、第一条の規定による改正後の児童福祉法第二十七条第一項第三号の規定にかかわらず、旧法第二十七条第五項又は第六項の規定によりその児童について定めた委託の期間が満了するまでの間は、従前の例により引き続き当該保護受託者に委託する措置を採ることができる。

Article 2 With regard to a child actually committed to an entrusted guardian pursuant to the provision of Article 27 paragraph (1) item (iii) of the Child Welfare Act prior to the revision pursuant to the provision of Article 1 of this Act (hereinafter referred to as "Old Act") upon the coming into force of this Act, a prefectural government may, notwithstanding the provision of Article 27 paragraph (1) item (iii) of the Child Welfare Act revised pursuant to Article 1 of this Act, continue to take the measure to entrust the child to said entrusted guardian until expiration of the period of entrustment specified for the child pursuant to the provision of paragraph (5) or (6) Article 27 of the Old Act, in accordance with the provision then in force which shall remain applicable.

（児童福祉司に関する経過措置）

(Transitional Measures concerning Child Welfare Officer)

第三条　附則第一条第三号に掲げる規定の施行の際現に任用されている児童福祉司は、第二条の規定による改正後の児童福祉法第十三条第二項の規定により任用された児童福祉司とみなす。

Article 3 A Child Welfare Officer actually appointed upon the coming into force of the provisions listed in Article 1 item (iii) of these Supplementary Provisions shall be deemed to be a Child Welfare Officer appointed pursuant to the provision of Article 13 paragraph (2) of the Child Welfare Act revised pursuant to Article 2 of this Act.

（家庭裁判所の承認を得て採る措置に関する経過措置）

(Transitional Measures concerning the Measure taken with the Family Court's Approval)

第四条　平成十六年三月三十一日以前に第二条の規定による改正前の児童福祉法第二十八条第一項第一号又は第二号ただし書の規定により採られた措置であって附則第一条第三号に掲げる規定の施行の際現に採られているものについては、平成十六年四月一日に当該措置が採られたものとみなして、第二条の規定による改正後の児童福祉法第二十八条第二項から第六項までの規定を適用する。

Article 4 With regard to a measure commenced on or before March 31, 2004 pursuant to the proviso of Article 28 paragraph (1) item (i) or (ii) of the Child Welfare Act prior to the revision pursuant to the provision of Article 2 of this Act and actually taken upon the coming into force of the provisions listed in Article 1 item (iii) of these Supplementary Provisions, said measure shall be deemed to be taken as of April 1, 2004 and the provisions of Article 28 paragraphs (2) to (6) inclusive of the Child Welfare Act revised pursuant to Article 2 of this Act shall apply.

（罰則に関する経過措置）

(Transitional Measures concerning the Penal Provisions)

第五条　第一条の規定による改正後の児童福祉法第六十条第五項の規定は、附則第一条第二号に掲げる規定の施行の日以後に日本国について効力を生ずる条約により日本国外において犯したときであっても罰すべきものとされる罪に限り適用する。

Article 5 The provision of Article 60 paragraph (5) of the Child Welfare Act revised pursuant to Article 1 of this Act shall apply only to such a crime that is supposed to be punished, even in the case it is committed outside Japan, by virtue of a treaty coming into force with regard to Japan on or after the date of the coming into force of the provisions listed in Article 1 item (ii) of these Supplementary Provisions.

附　則　〔平成十七年四月一日法律第二十五号〕〔抄〕

Supplementary Provisions [Act No. 25 of April 1, 2005 Extract] [Extract]

（施行期日）

(Effective Date)

第一条　この法律は、平成十七年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2005.

（児童福祉法等の一部改正に伴う経過措置）

(Transitional Measures due to Partial Revision of the Child Welfare Act, etc.)

第六条　この法律の規定（第一条を除く。）による改正後の規定は、平成十七年度以降の年度の予算に係る国又は都道府県の負担（平成十六年度以前の年度における事務又は事業の実施により平成十七年度以降の年度に支出される国又は都道府県の負担を除く。）について適用し、平成十六年度以前の年度における事務又は事業の実施により平成十七年度以降の年度に支出される国又は都道府県の負担については、なお従前の例による。

Article 6 The provisions of the Child Welfare Act, etc. revised pursuant to this Act (excluding Article 1 of this Act) shall apply to the burdens of the national or prefectural governments pertaining to the budgets for fiscal 2005 and subsequent fiscal years (excluding the burdens of the national or prefectural governments expended in fiscal 2005 or any subsequent fiscal year due to the affairs or services implemented in fiscal 2004 or any preceding fiscal year). With regard to the burdens of the national or prefectural governments expended in fiscal 2005 or any subsequent fiscal year due to the affairs or services implemented in fiscal 2004 or any preceding fiscal year, the provisions then in force shall remain applicable.

第七条　第二条の規定による改正後の児童福祉法（以下「新児童福祉法」という。）第七十二条第六項から第九項まで及び第十一項の規定は、国がこの法律の施行前に貸し付けた第二条の規定による改正前の児童福祉法第七十二条第一項及び第二項の貸付金についても、適用する。この場合において、新児童福祉法第七十二条第六項中「前各項」とあるのは「国の補助金等の整理及び合理化等に伴う国民健康保険法等の一部を改正する法律（平成十七年法律第二十五号）第二条の規定による改正前の児童福祉法（以下「旧児童福祉法」という。）第七十二条第一項及び第二項」と、同条第七項中「第一項から第五項まで」とあるのは「旧児童福祉法第七十二条第一項及び第二項」と、同条第八項中「第一項」とあるのは「旧児童福祉法第七十二条第一項」と、「第五十二条」とあるのは「旧児童福祉法第五十二条」と、同条第九項中「第二項」とあるのは「旧児童福祉法第七十二条第二項」と、「第五十六条の二第三項」とあるのは「旧児童福祉法第五十六条の二第三項」と、同条第十一項中「第一項から第五項まで」とあるのは「旧児童福祉法第七十二条第一項及び第二項」と、「前三項」とあるのは「旧児童福祉法第七十二条第八項及び第九項」とする。

Article 7 The provisions of paragraphs (6) to (9) inclusive and Article 72 paragraph (11) of the Child Welfare Act revised pursuant to the provision of Article 2 of this Act (hereinafter referred to as "Revised Child Welfare Act") shall also apply to such loans set forth in Article 72 paragraphs (1) and (2) of the Child Welfare Act prior to the revision pursuant to the provision of Article 2 of this Act that were, or will be, provided by the national government before the coming into force of this Act. In this case, the phrase "any of the preceding paragraphs" referred to in Article 72 paragraph (6) of the Revised Child Welfare Act shall be replaced with "Article 72 paragraphs (1) and (2) of the Child Welfare Act prior to the revision pursuant to the provision of Article 2 of the Act for Partial Revision of the National Health Insurance Act, etc. based on Arrangement and Rationalization, etc. of the National Government Subsidies, etc. (Act No. 25 of 2005) (hereinafter referred to as "Old Child Welfare Act")", the phrase "paragraphs (1) to (5) inclusive" referred to in paragraph (7) of the same Article shall be replaced with "Article 72 paragraphs (1) and (2) of the Old Child Welfare Act", the phrases "paragraph (1)" and "Article 52" referred to in paragraph (8) of the same Article shall be replaced with "Article 72 paragraph (1) of the Old Child Welfare Act" and "Article 52 of the Old Child Welfare Act" respectively, the phrases "paragraph (2)" and "Article 56-2 paragraph (3)" referred to in paragraph (9) of the same Article shall be replaced with "Article 72 paragraph (2) of the Old Child Welfare Act" and "Article 56-2 paragraph (3) of the Old Child Welfare Act" respectively, the phrases "paragraphs (1) to (5) inclusive" and "the preceding three paragraphs" referred to in paragraph (11) of the same Article shall be replaced with "Article 72 paragraphs (1) and (2) of the Old Child Welfare Act" and "Article 72 paragraphs (8) and (9) of the Old Child Welfare Act" respectively.

（その他の経過措置の政令への委任）

(Delegation of Other Transitional Measures to Cabinet Orders)

第十条　この附則に規定するもののほか、この法律の施行に伴い必要な経過措置は、政令で定める。

Article 10 In addition to what is provided in these Supplementary Provisions, necessary transitional measures due to the coming into force of this Act shall be provided by a Cabinet Order.

附　則　〔平成十八年六月二日法律第五十号〕〔抄〕

Supplementary Provisions [Act No. 50 of June 2, 2006 Extract] [Extract]

（施行期日）

(Effective Date)

１　この法律は、一般社団・財団法人法の施行の日から施行する。

(1) This Act shall come into force as from the date of the coming into force of the Act on General Incorporated Associations and General Incorporated Foundations.

（調整規定）

(Adjustment Provisions)

２　犯罪の国際化及び組織化並びに情報処理の高度化に対処するための刑法等の一部を改正する法律（平成十八年法律第　号）の施行の日が施行日後となる場合には、施行日から同法の施行の日の前日までの間における組織的な犯罪の処罰及び犯罪収益の規制等に関する法律（平成十一年法律第百三十六号。次項において「組織的犯罪処罰法」という。）別表第六十二号の規定の適用については、同号中「中間法人法（平成十三年法律第四十九号）第百五十七条（理事等の特別背任）の罪」とあるのは、「一般社団法人及び一般財団法人に関する法律（平成十八年法律第四十八号）第三百三十四条（理事等の特別背任）の罪」とする。

(2) In the case where the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information (Act No. \_ of 2006) falls after the effective date of this Act, the phrase "crime set forth in Article 157 (Aggravated Breach of Trust of Directors, etc.) of the Intermediate Corporation Act (Act No. 49 of 2001)" referred to in appended table 62 of the Act for Punishment of Organized Crimes, Control of Crime Proceeds and Other Matters (Act No. 136 of 1999; referred to as the "Organized Crime Punishment Act" in the following paragraph) shall be replaced with "crime set forth in Article 334 (Aggravated Breach of Trust of Directors, etc.) of the Act on General Incorporated Association and General Incorporated Foundation (Act No. 48 of 2006)", with regard to the application of the provision of the same appended table from the effective date of this Act to the day preceding the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information.

３　前項に規定するもののほか、同項の場合において、犯罪の国際化及び組織化並びに情報処理の高度化に対処するための刑法等の一部を改正する法律の施行の日の前日までの間における組織的犯罪処罰法の規定の適用については、第四百五十七条の規定によりなお従前の例によることとされている場合における旧中間法人法第百五十七条（理事等の特別背任）の罪は、組織的犯罪処罰法別表第六十二号に掲げる罪とみなす。

(3) With regard to the application of the provisions of the Organized Crime Punishment Act until the day preceding the date of the coming into force of the Act for Partial Revision of the Penal Code to Respond to an Increase in International and Organized Crimes and Advancement of Information, a crime set forth in Article 157 (Aggravated Breach of Trust of Directors, etc.) of the Old Act on General Incorporated Association and General Incorporated Foundation in the case where the provisions then in force are supposed to remain applicable pursuant to the provision of Article 457 of the Organized Crime Punishment Act shall be deemed to be a crime listed in item (62) of the appended table of the Organized Crime Punishment Act, in the case referred to in the preceding paragraph, in addition to what is prescribed in the same paragraph.

附　則　〔平成十八年六月七日法律第五十三号〕

Supplementary Provisions [Act No. 53 of June 7, 2006]

（施行期日）

(Effective Date)

第一条　この法律は、平成十九年四月一日から施行する。ただし、次の各号に掲げる規定は、当該各号に定める日から施行する。

Article 1 This Act shall come into force as from April 1, 2007; provided, however, that the provisions listed in the following items shall come into force as from the dates prescribed respectively in said items:

一　第百九十五条第二項、第百九十六条第一項及び第二項、第百九十九条の三第一項及び第四項、第二百五十二条の十七、第二百五十二条の二十二第一項並びに第二百五十二条の二十三の改正規定並びに附則第四条、第六条、第八条から第十条まで及び第五十条の規定　公布の日

(i) The provisions revising Article 195 paragraph (2), Article 196 paragraphs (1) and (2), Article 199-3 paragraphs (1) and (4), Article 252-17, Article 252-22 paragraph (1) and Article 252-23, and the provisions of Articles 4, 6, 8 to 10 inclusive and 50 of these Supplementary Provisions: The day of promulgation; and

二　第九十六条第一項の改正規定、第百条の次に一条を加える改正規定並びに第百一条、第百二条第四項及び第五項、第百九条、第百九条の二、第百十条、第百二十一条、第百二十三条、第百三十条第三項、第百三十八条、第百七十九条第一項、第二百七条、第二百二十五条、第二百三十一条の二、第二百三十四条第三項及び第五項、第二百三十七条第三項、第二百三十八条第一項、第二百三十八条の二第二項、第二百三十八条の四、第二百三十八条の五、第二百六十三条の三並びに第三百十四条第一項の改正規定並びに附則第二十二条及び第三十二条の規定、附則第三十七条中地方公営企業法（昭和二十七年法律第二百九十二号）第三十三条第三項の改正規定、附則第四十七条中旧市町村の合併の特例に関する法律（昭和四十年法律第六号）附則第二条第六項の規定によりなおその効力を有するものとされる同法第五条の二十九の改正規定並びに附則第五十一条中市町村の合併の特例等に関する法律（平成十六年法律第五十九号）第四十七条の改正規定　公布の日から起算して一年を超えない範囲内において政令で定める日

(ii) The provision revising Article 96 paragraph (1), the provision adding a new Article after Article 100, and the provisions revising Article 101, Article 102 paragraphs (4) and (5), Article 109, Article 109-2, Article 110, Article 121, Article 123, Article 130 paragraph (3), Article 138, Article 179 paragraph (1), Article 207, Article 225, Article 231-2, Article 234 paragraphs (3) and (5), Article 237 paragraph (3), Article 238 paragraph (1), Article 238-2 paragraph (2), Article 238-4, Article 238-5, Article 263-3 and Article 314 paragraph (1), and the provisions of Articles 22 and 32 of these Supplementary Provisions, the provision of Article 37 of these Supplementary Provisions revising Article 33 paragraph (3) of the Local Public Enterprise Act (Act No. 292 of 1952), the provision of Article 47 of these Supplementary Provisions revising Article 5-29 of the Old Act on Special Provisions of the Merger of Municipalities (Act No. 6 of 1965) to the effect that the provision of said Article 5-29 shall remain effective pursuant to the provision of Article 2 paragraph (6) of the supplementary provisions of the same Act, and the provision of Article 51 of these Supplementary Provisions revising Article 47 of the Act on Special Provisions of the Merger of Municipalities (Act No. 59 of 2004): The date specified by a Cabinet Order within a period not exceeding 1 year from the day of promulgation.

附　則　〔平成十九年六月一日法律第七十三号〕

Supplementary Provisions [Act No. 73 of June 1, 2007]

（施行期日）

(Effective Date)

第一条　この法律は、平成二十年四月一日から施行する。

Article 1 This Act shall come into force as from April 1, 2008.

（検討）

(Review)

第二条　政府は、この法律の施行後三年以内に、児童虐待の防止等を図り、児童の権利利益を擁護する観点から親権に係る制度の見直しについて検討を行い、その結果に基づいて必要な措置を講ずるものとする。

Article 2 (1) The Government shall examine a review of a system of parental authority to prevent child abuse and to protect the rights of children, and shall take necessary measures based on the result of the examination, in three years after the effective date of this act.

２　政府は、児童虐待を受けた児童の社会的養護に関し、里親及び児童養護施設等の量的拡充に係る方策、児童養護施設等における虐待の防止を含む児童養護施設等の運営の質的向上に係る方策、児童養護施設等に入所した児童に対する教育及び自立の支援の更なる充実に係る方策その他必要な事項について速やかに検討を行い、その結果に基づいて必要な措置を講ずるものとする。

(2) The Government shall promptly examine a scheme about an expansion of foster parents and foster homes, etc., a scheme about an improvement in quality of management of foster homes, etc. Including prevention of child abuse in foster homes, etc., a scheme about enrichment of education and supporting independence of children in foster homes, etc., and other necessary matters, and shall take necessary measures based on the result of the examination.