

# Act on the Prevention, etc. of Child Abuse

(Act No. 82 of May 24, 2000)

## (Purpose)

Article 1 The purpose of this Act is to promote measures concerning prevention, etc. of child abuse by providing for the duties of the national and local governments concerning prevention of child abuse, such as prohibition of child abuse, precaution against and early detection of child abuse, and the measures and other matters for protection of children who have suffered child abuse and support of their self-reliance, taking into account the serious violation of human rights of children by child abuse, the significant impact of child abuse on mental and physical development of children and their character formation and the adverse effect of child abuse on the nurturing of future generations of Japan, whereby contributing to the protection of rights and interests of children.

## (Definition of Child Abuse)

Article 2 The term "child abuse" as used in this Act means the following acts committed by a custodian (meaning a person who exercises parental authority, a guardian of a minor or other person who is currently engaged in custody of a child; hereinafter the same shall apply) against a child (meaning a person who is under 18 of age; hereinafter the same shall apply) under his/her custody:

- (i) Assault the child in a manner that will cause or is likely to cause external injury on the body of the child;
- (ii) Engage in indecency against the child or cause the child to engage in indecency;
- (iii) Substantially reduce the amount of food for the child or abandon and neglect the child for a long time period in a manner that may interfere with normal development of the child mentally or physically, or leave a person living together other than the custodian to commit any act that is equivalent to those listed in the preceding two items or the following item, or otherwise materially fail to perform the duty of custody as a custodian; or
- (iv) Use significantly violent language or take an extreme attitude of rejection against the child, use violence upon one's spouse in a family in which the child is living together (meaning illegal attacks on the body of the spouse (including the one who is under circumstances substantially equivalent to marital relationship although the marriage notification has not been made) that threaten the spouse's life or body, as well as the words and behaviors equivalent to said attacks which would have harmful effect on the spouse

mentally or physically), or otherwise speak or behave in a manner that would be significantly traumatic to the child.

(Prohibition of Child Abuse)

Article 3 No person shall abuse a child.

(Duties, etc. of National and Local Governments)

Article 4 (1) The national and local governments shall endeavor to develop systems necessary for prevention, etc. of child abuse, such as for strengthening collaboration among the relevant ministries and government agencies, other relevant organs and private bodies, providing support to the private bodies, developing the system for providing medical care and the like, in order to facilitate precaution against and early detection of child abuse, prompt and appropriate protection of children who have suffered child abuse and support of their self-reliance (including self-reliance support for persons who have become 18 years of age after suffering child abuse; the same shall apply in paragraph (3) and paragraph (2) of the following Article), and to provide appropriate guidance and support to custodians who have committed child abuse by taking into account the promotion of reunion of parent and child and other matters necessary for the abused children to live in a good and homelike environment.

(2) The national and local governments shall take necessary measures such as providing trainings, in order to promote early detection of child abuse by officials of child guidance centers and other relevant organs, teachers and other staff workers of schools, officials of child welfare institutions, medical practitioners, public health nurses, attorneys-at-law and other persons involved in child welfare in the course of their duties, and otherwise to contribute to the prevention of child abuse.

(3) The national and local governments shall take necessary measures such as providing trainings, for maintaining human resources of officials of child guidance centers and other relevant organs, teachers and other staff workers of schools, officials of child welfare institutions and other persons engaged in the duties of protecting abused children and supporting their self-reliance, and for helping them improve their qualifications, in order to conduct the protection of children who have suffered child abuse and the support of their self-reliance properly based on expert knowledge.

(4) The national and local governments shall, for facilitating the prevention of child abuse, endeavor to conduct necessary public relations and other enlightenment activities regarding human rights of children, effect of child abuse on children, obligation of notification of child abuse and the like.

(5) The national and local governments shall conduct an analysis of child abuse cases in which the abused children suffered significantly serious damage

mentally or physically, while conducting research and study as well as observation of necessary matters for prevention, etc. of child abuse, such as the measures for precaution against and early detection of child abuse, what the care of children who have suffered child abuse and the guidance and support for custodians who committed child abuse should be like, and the roles and functions of teachers and other staff workers of schools and officials of child welfare institutions in the prevention of child abuse.

- (6) A person who exercises parental authority over his/her child shall be primarily responsible for nurturing the child in a sound manner mentally and physically, and shall endeavor to respect the interests of the child to the maximum extent possible in exercising parental authority.
- (7) Any person shall pay attention to the requirement of good and homelike environment and collaboration of neighboring society for sound development of children.

(Early Detection, etc. of Child Abuse)

Article 5 (1) Teachers, officials and other staff workers of schools, child welfare institutions, hospitals and other bodies involved in child welfare in the course of their operations, and officials of child welfare institutions, medical practitioners, public health nurses, attorneys-at-law and other persons involved in child welfare in the course of their duties, shall endeavor to detect child abuse at an early stage, acknowledging that they are in the positions to detect child abuse easily.

- (2) A person prescribed in the preceding paragraph shall endeavor to cooperate with the precautions against child abuse and other measures for preventing child abuse, as well as the measures concerning protection of children who have suffered child abuse and support of their self-reliance, taken by the national and local governments.
- (3) Schools and child welfare institutions shall endeavor to educate and enlighten children and custodians for the prevention of child abuse.

(Notification of Child Abuse)

Article 6 (1) A person who has detected a child who appears to have suffered child abuse shall promptly give notification to the municipality or the welfare office or child guidance center established by the prefecture, or to the municipality or such welfare office or child guidance center through a commissioned child welfare volunteer.

- (2) The notification given pursuant to the provision of the preceding paragraph shall be deemed to be a notification given pursuant to the provision of Article 25 of the Child Welfare Act (Act No. 164 of 1947), and the provisions of the same Act shall apply.

- (3) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code (Act No. 45 of 1907) and the provisions in any other Act providing for confidentiality obligations shall not be construed to preclude a person from complying with the obligation of notification prescribed by paragraph (1).

Article 7 When a municipality or a welfare office or child guidance center established by a prefecture receives a notification pursuant to the provision of paragraph (1) of the preceding Article, the director, employees and other officials of the municipality or the welfare office or child guidance center established by a prefecture, and the commissioned child welfare volunteer who mediated said notification, shall not divulge any information that comes to their knowledge in the course of their duties and that may identify the person who made said notification.

(Measures Taken upon Receipt of Notification or Referral)

Article 8 (1) When a municipality or a welfare office established by a prefecture receives a notification pursuant to the provision of paragraph (1) of Article 6, the mayor of the municipality or the director of the welfare office shall take measures to confirm safety of the relevant child, such as an interview with the child, while obtaining cooperation of the residents of neighboring communities, teachers and other staff workers of his/her school, officials of child welfare institutions and other persons as necessary, and shall take the measures listed in the following as necessary:

- (i) Refer the child to a child guidance center pursuant to the provision of item (i), paragraph (1) or item (i), paragraph (2) of Article 25-7 of the Child Welfare Act or item (i) of Article 25-8 of the same Act; or
  - (ii) Notify the prefectural governor or the director of child guidance center of the relevant child for whom it would be appropriate to make a request for appearance and conduct investigations or questioning pursuant to the provision of paragraph (1) of the following Article, or conduct an entry and investigations or questioning pursuant to the provision of paragraph (1), Article 9 or take temporary custody pursuant to the provision of paragraph (1) or (2) of Article 33 of the Child Welfare Act.
- (2) When a child guidance center receives a notification pursuant to the provision of paragraph (1), Article 6 or a referral pursuant to the provision of item (i), paragraph (1) or item (i), paragraph (2) of Article 25-7 or item (i) of Article 25-8 of the Child Welfare Act, the director of the child guidance center shall take measures to confirm safety of the child, such as an interview with the child, while obtaining cooperation of the residents of neighboring communities, teachers and other staff workers of his/her school, officials of child welfare

institutions and other persons as necessary, and shall take temporary custody pursuant to the provision of paragraph (1), Article 33 of the same Act as necessary.

- (3) The person who takes the measures to confirm safety of the child, refers the child to a child guidance center or takes temporary custody of the child as prescribed in the preceding two paragraphs shall do so in a prompt manner.

(Request for Appearance, etc.)

Article 8-2 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse, request the custodian of the relevant child to make appearance with the child, and cause a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning. In this case, the prefectural governor shall require the child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.

- (2) When the prefectural governor intends to request appearance of the custodian of the child pursuant to the provision of the preceding paragraph, he/she shall give notification to the custodian in writing describing the particulars of the fact which constitutes the ground for requesting the appearance, the date, time and place of the requested appearance, the name of the child with whom the custodian is to make appearance and other necessary matters, as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

- (3) If the custodian set forth in paragraph (1) fails to follow the request for appearance made pursuant to the provision of the same paragraph, the prefectural governor shall take necessary measures such as an entry and investigations or questioning by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of paragraph (1) of the following Article.

(On-site Investigations, etc.)

Article 9 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse, cause a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children to enter the domicile or residence of the child and conduct necessary investigations or questioning. In this case, the prefectural governor shall require the commissioned child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.

- (2) The entry and investigations or questioning conducted by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of the preceding paragraph shall be deemed to be an entry and investigations or questioning conducted by a

commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of Article 29 of the Child Welfare Act, and the provision of Article 61-5 of the same Act shall apply.

(Request for Re-appearance, etc.)

- Article 9-2 (1) A prefectural governor may, when he/she finds a possibility of ongoing child abuse in cases where the custodian set forth in paragraph (1) of Article 8-2 or the custodian of the child set forth in paragraph (1) of the preceding Article has refused, obstructed or evaded the entry or investigations by a commissioned child welfare volunteer or an official engaged in the affairs concerning welfare of children pursuant to the provision of the same paragraph without justifiable grounds, request said custodian to make appearance with the child, and cause the commissioned child welfare volunteer or the official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning. In this case, the prefectural governor shall require the child welfare volunteer or the official to carry his/her identification and to produce it at the request of the relevant person.
- (2) The provision of paragraph (2) of Article 8-2 shall apply mutatis mutandis to the request for appearance made pursuant to the provision of the preceding paragraph.

(Inspection, Search, etc.)

- Article 9-3 (1) A prefectural governor may, when he/she finds a suspicion of ongoing child abuse in cases where the custodian set forth in paragraph (1) of Article 8-2 or the custodian of the child set forth in paragraph (1) of Article 9 fails to follow the request for appearance pursuant to the provision of paragraph (1) of the preceding Article, cause an official engaged in the affairs concerning welfare of children to inspect the domicile or residence of the child or search for the child, for ensuring that safety of the child is confirmed and secured, with a permit issued in advance by a judge of a district court, family court or summary court which has jurisdiction over the location of the domicile or residence of the child.
- (2) The prefectural governor may, when he/she causes the inspection or search to be made pursuant to the provision of the preceding paragraph, cause an official engaged in the affairs concerning welfare of children to conduct necessary investigations or questioning.
- (3) When the prefectural governor makes a request for the permit set forth in paragraph (1) (hereinafter referred to as the "permit"), he/she shall submit the materials to prove the suspicion of ongoing child abuse, materials to prove that the child is in the domicile or residence to be inspected, and materials to prove the fact that the custodian of the child has refused, obstructed or evaded the

entry or investigations pursuant to the provision of paragraph (1) of Article 9 and has failed to follow the request for appearance pursuant to the provision of paragraph (1) of the preceding Article.

- (4) If a request set forth in the preceding paragraph is made, the judge of the district court, family court or summary court shall issue the permit to the prefectural governor with the judge's name and seal affixed and the following information written: the site to be inspected or the name of the child to be searched and the valid period of the permit, and the description to the effect that the inspection or search may not be initiated and the permit must be returned after the expiration of the valid period, and the date of issuance of the permit and the name of the court.
- (5) The prefectural governor shall deliver the permit to an official engaged in the affairs concerning welfare of children to cause him/her to conduct the inspection or search pursuant to the provision of paragraph (1).
- (6) The system for the inspection or search pursuant to the provision of paragraph (1) must be operated properly by giving sufficient consideration to the fact that said system has been established specifically taking into account the risk of child abuse which may cause significant danger of life or body of the child due to special circumstances, such as the fact that child abuse is hardly acknowledged by others and the child can hardly escape from suffering on his/her own because child abuse is committed by the custodian against the child under his/her custody.

(Restriction on Night Inspection or Search)

Article 9-4 (1) No inspection or search pursuant to the provision of paragraph (1) of the preceding Article may be conducted during the period from sunset to sunrise unless it is specified in the permit that the permit may be executed at night.

- (2) An inspection or search conducted pursuant to the provision of paragraph (1) of the preceding Article which has been started before sunset may, when it is found necessary, be continued after sunset.

(Presentation of Permit)

Article 9-5 The permit for the inspection or search issued pursuant to the provision of paragraph (1) of Article 9-3 shall be presented to the person who is subject to such disposition.

(Certification of Status)

Article 9-6 An official engaged in the affairs concerning welfare of children shall, when he/she conducts the inspection or search pursuant to the provision of paragraph (1) of Article 9-3 or the investigations or questioning pursuant to

the provision of paragraph (2) of the same Article (hereinafter referred to as the "inspection, etc."), carry his/her identification and produce it at the request of the relevant person.

(Necessary Dispositions upon Inspection or Search)

Article 9-7 An official engaged in the affairs concerning welfare of children may, when it is necessary for conducting the inspection or search pursuant to the provision of paragraph (1) of Article 9-3, remove the lock or take other necessary dispositions.

(Prohibition of Entrance and Leaving During Inspection, etc.)

Article 9-8 An official engaged in the affairs concerning welfare of children may prohibit any person from entering or leaving the site without permission while the inspection, etc. is conducted.

(Attendance of Responsible Person, etc.)

Article 9-9 (1) An official engaged in the affairs concerning welfare of children shall, when he/she conducts an inspection or search pursuant to the provision of paragraph (1) of Article 9-3, cause the owner or manager of the domicile or residence of the relevant child (including the representative, agent or other person acting on their behalf) or a relative who has attained the age of majority and lives together to attend said inspection or search.

(2) If, in the case of the preceding paragraph, the official is unable to cause a person prescribed in the same paragraph to attend his/her inspection or search, he/she shall cause a neighbor who has attained the age of majority or an official of the local government of that place.

(Request for Assistance from Police Chief, etc.)

Article 10 (1) When a director of child guidance center intends to confirm safety of the child or take temporary custody of the child pursuant to the provision of paragraph (2) of Article 8, and finds it necessary in performing those duties, he/she may ask the chief of police station having jurisdiction over the location of the domicile or residence of the relevant child for assistance. The same shall apply where a prefectural governor intends to cause the entry and investigations or questioning to be conducted or cause the inspection, etc. to be conducted pursuant to the provision of paragraph (1) of Article 9.

(2) The director of child guidance center or the prefectural governor shall ask the chief of police station pursuant to the provision of the preceding paragraph promptly and appropriately as necessary from the viewpoint of ensuring that safety of the child is confirmed and secured perfectly.

(3) The chief of police station shall, when he/she receives a request for assistance

pursuant to the provision of paragraph (1) and finds it necessary to confirm or secure the life or physical safety of the child, endeavor to cause a police official belonging to said police station to take measures provided for in the Police Duties Execution Act (Act No. 136 of 1948) and other laws and regulations which are necessary for assisting the performance of the duties set forth in the same paragraph.

(Record)

Article 10-2 An official engaged in the affairs concerning welfare of children shall, when he/she has conducted an inspection or search pursuant to the provision of paragraph (1) of Article 9-3, produce a record describing the date on which such disposition was made and the result thereof, present the same to the observer who attended the disposition, and sign and seal the same with the observer. Provided, however, that if the observer fails to, or is unable to, sign and seal the record, it would be sufficient to make a supplementary note to that effect.

(Report to Prefectural Governor)

Article 10-3 An official engaged in the affairs concerning welfare of children shall, when he/she has completed the inspection, etc., report the result thereof to the prefectural governor.

(Exclusion from Application of the Administrative Procedure Act)

Article 10-4 The provisions of Chapter III of the Administrative Procedure Act (Act No. 88 of 1993) shall not apply with regard to the dispositions for the inspection, etc.

(Restriction on Appeal)

Article 10-5 No appeal may be entered against a disposition for the inspection, etc. in accordance with the Administrative Appeal Act (Act No. 160 of 1962).

(Restriction on Administrative Case Litigation)

Article 10-6 No action for an injunctive order may be filed against a disposition for the inspection, etc. pursuant to the provision of Article 37-4 of the Administrative Case Litigation Act (Act No. 139 of 1962).

(Guidance, etc. for Custodian Who Has Committed Child Abuse)

Article 11 (1) Guidance to be given under item (ii), paragraph (1), Article 27 of the Child Welfare Act to a custodian who has committed child abuse shall be properly given by taking into account the reunion of parent and child and other matters necessary for the abused child to live in a good and homelike

environment.

- (2) If the measures are taken under item (ii), paragraph (1), Article 27 of the Child Welfare Act against a custodian who has committed child abuse, said custodian shall receive guidance set forth in the same item.
- (3) If, in the case of the preceding paragraph, the custodian fails to receive guidance set forth in the same paragraph, the prefectural governor may recommend said custodian to receive guidance set forth in the same paragraph.
- (4) The prefectural governor shall, when he/she finds it necessary where the custodian who has received recommendation pursuant to the provision of the preceding paragraph fails to follow the recommendation, cause the director of child guidance center to take temporary custody of the child who has suffered child abuse pursuant to the provision of paragraph (2), Article 33 of the Child Welfare Act or to delegate said temporary custody to an appropriate person, and take necessary measures such as the measures pursuant to the provision of item (iii), paragraph (1), Article 27 or paragraph (1), Article 28 of the same Act.
- (5) If the custodian who has received recommendation pursuant to the provision of paragraph (3) fails to follow the recommendation, and the welfare of the child under his/her custody is materially harmed by the exercise of parental authority by said custodian, the director of child guidance center shall make a request pursuant to the provision of Article 33-7 of the Child Welfare Act properly as necessary.

(Restriction, etc. on Visitation and Other Act)

- Article 12 (1) In cases where the measures prescribed by item (iii), paragraph (1), Article 27 of the Child Welfare Act (hereinafter referred to as the "measures for residential care, etc.") are taken for a child who has suffered child abuse or temporary custody is taken for such child pursuant to the provision of paragraph (1) or (2), Article 33 of the same Act, when it is found necessary for preventing child abuse and for protecting the child who has suffered child abuse, the director of child guidance center and in the case of the measures for residential care, etc. being taken for the child, the head of the institution prescribed in the same item into which the measures for residential care, etc. are taken may, as specified by an Ordinance of the Ministry of Health, Labour and Welfare, restrict the whole or part of the following acts by the custodian who committed the child abuse:
- (i) Visitation with the child; and
  - (ii) Communication with the child.
- (2) When the head of the institution set forth in the preceding paragraph imposes the restriction pursuant to the provision of the same paragraph or ceases to impose such restriction, he/she shall give notice to the director of child

guidance center to that effect.

- (3) In cases where the measures for residential care, etc. (limited to those taken pursuant to the provision of Article 28 of the Child Welfare Act) are taken for a child who has suffered child abuse or temporary custody is taken for such child pursuant to the provision of paragraph (1) or (2), Article 33 of the same Act, when there is a possibility of repeated child abuse, such as the possibility of the child taken back by the custodian, or when it is found that the protection of the child would be disturbed if the domicile or resident of the child is identified to the custodian who has abused the child, the director of child guidance center shall not identify the domicile or residence of the child.

Article 12-2 (1) In cases where the measures for residential care, etc. (excluding those taken pursuant to the provision of Article 28 of the Child Welfare Act; the same shall apply in this paragraph) are taken for a child who has suffered child abuse, when such measures are against the will of the relevant custodian and it is found difficult to continue such measures on the ground of the circumstances such as the custodian demands delivery of the child or fails to observe the restriction prescribed by paragraph (1) of the preceding Article, even though it is found that repeated child abuse is likely once the child is delivered to the custodian who committed the child abuse, the director of child guidance center may take temporary custody of the child pursuant to the provision of paragraph (1), Article 33 of the same Act until he/she makes the report set forth in the following paragraph.

- (2) The director of child guidance center shall, when he/she has taken temporary custody set forth in the preceding paragraph, promptly report to the prefectural governor to the effect that the measures for residential care, etc. prescribed by Article 28 of the Child Welfare Act are necessary, pursuant to the provision of item (i), paragraph (1), Article 26 of the same Act.

Article 12-3 In cases where the director of child guidance center has taken temporary custody of a child who has suffered child abuse pursuant to the provision of paragraph (1), Article 33 of the Child Welfare Act (excluding the cases where temporary custody is taken under paragraph (1) of the preceding Article) and it is found that the measures for residential care, etc. are necessary for the child, when it is found that such measures are against the will of the relevant custodian on the ground of the circumstances such as the custodian demands delivery of the child or fails to observe the restriction prescribed by paragraph (1) of Article 12, even though it is found that repeated child abuse is likely once the child is delivered to the custodian who committed the child abuse, the director of child guidance center shall promptly report to the prefectural governor to the effect that the measures for residential care, etc.

prescribed by Article 28 of the Child Welfare Act are necessary, pursuant to the provision of item (i), paragraph (1), Article 26 of the same Act.

- Article 12-4 (1) When a prefectural governor specifically finds it necessary for preventing child abuse and protecting a child who has suffered child abuse in cases where the measures for residential care, etc. (limited to those taken pursuant to the provision of Article 28 of the Child Welfare Act) have been taken for the child who has suffered child abuse and the custodian who has abused the child is restricted from being engaged in all acts listed in each item of paragraph (1) of Article 12 pursuant to the provision of the same paragraph, the prefectural governor may, as specified by an Ordinance of the Ministry of Health, Labour and Welfare, order said custodian to refrain from constantly approaching the child at the domicile or residence of the child, the school the child attends or any other place, or from loitering in the vicinity of the domicile or residence of the child, the school the child attends or any other place normally frequented by the child (including the school commuting roads and other routes the child normally uses for living his/her daily or social life) by specifying the period not exceeding six months.
- (2) In the case prescribed in the preceding paragraph, the prefectural governor may, when he/she specifically finds it necessary for continuously preventing child abuse and protecting the child who has suffered child abuse, renew the valid period of an order which has been issued pursuant to the provision of the same paragraph by specifying the period not exceeding six months.
- (3) The prefectural governor shall, when he/she intends to issue an order pursuant to the provision of paragraph (1) (including the cases of intending to renew the valid period of an order issued under paragraph (1) pursuant to the provision of the preceding paragraph), hold a hearing irrespective of the categories of procedures for hearing statement of opinions under paragraph (1), Article 13 of the Administrative Procedure Act.
- (4) When issuing an order pursuant to the provision of paragraph (1) (including the cases of renewing the valid period of an order issued under paragraph (1) pursuant to the provision of paragraph (2)), a written order describing the matters specified by an Ordinance of the Ministry of Health, Labour and Welfare shall be delivered.
- (5) When the measures for residential care, etc. taken pursuant to the provision of Article 28 of the Child Welfare Act are canceled, suspended or changed to other measures or the restrictions imposed pursuant to the provision of paragraph (1) of Article 12 ceases to be imposed, in whole or part, after an order is issued pursuant to the provision of paragraph (1), said order shall lose its effect. The same shall apply when an order is issued pursuant to the provision of paragraph (1) in cases where the measures for residential care, etc.

are continuously taken pursuant to the provision of paragraph (3), Article 28 of the same Act, and the determination on an application for approval pertaining to the renewal of valid period for such measures filed pursuant to the provision of paragraph (2) of the same Article becomes final and binding prior to the lapse of the valid period of said order.

- (6) When a prefectural governor has issued an order pursuant to the provision of paragraph (1) and finds that said order has become unnecessary, he/she shall rescind said order as specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Cancellation of Measures for Residential Care, etc.)

Article 13 When a prefectural governor intends to cancel the measures for residential care, etc. taken for a child who has suffered child abuse in case where the measures for residential care, etc. have been taken for the child and also the measures prescribed by item (ii), paragraph (1), Article 27 of the Child Welfare Act have been taken for the custodian of the child, he/she shall hear opinions of the child welfare officer or other person who is supposed to give guidance to the custodian of the child as prescribed in the same item, while taking into account the effect of such guidance given to the custodian, the expected effect of the precautionary measures taken against repeated abuse of the child and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Support of Children, etc. Who Have Suffered Child Abuse)

Article 13-2 (1) A municipality shall, when it makes selection of children for admission to a nursery center pursuant to the provision of paragraph (3), Article 24 of the Child Welfare Act, take into account the welfare of families in need of special support, for contributing to the prevention of child abuse.

(2) The national and local governments shall take necessary measures such as improvement and enrichment of contents and methods of education, in order to allow children who have suffered child abuse to receive sufficient education suitable to their age and capabilities.

(3) The national and local governments shall take measures to support self-reliance of persons who have suffered child abuse, such as securing their residential place, supporting their education at higher-level schools or employment and the like.

(Provision of Materials or Information)

Article 13-3 A local government organ may, when it is required by a mayor of municipality, director of a welfare office established by a prefecture or director of child guidance center to provide materials or information on the mental or

physical condition and surroundings of an abused child or his/her custodian, and other materials or information related to the abused child, his/her custodian and other relevant persons pertaining to prevention, etc. of child abuse, provide such materials or information, as long as the mayor of municipality, director of a welfare office established by a prefecture or director of child guidance center uses the same within the scope necessary to conduct the affairs or services related to prevention, etc. of child abuse and there is any reasonable ground for such use. Provided, however, that this shall not apply to cases where the provision of said materials or information is found to be likely to violate the rights and interests of the child, his/her custodian or other relevant persons or any third party in an unreasonable manner.

(Report to Prefectural Child Welfare Council, etc.)

Article 13-4 A prefectural governor shall report, to the Prefectural Child Welfare Council prescribed by paragraph (2), Article 8 of the Child Welfare Act (or the Local Social Welfare Council, in the case of a prefecture prescribed by the proviso to paragraph (1) of the same Article), the state of implementation of the entry and investigations or questioning made pursuant to the provision of paragraph (1), Article 9, inspection, etc. and temporary custody of children who have suffered child abuse pursuant to the provision of paragraph (1) or (2), Article 33 of the Child Welfare Act, child abuse cases which caused significant damage to the relevant children mentally or physically and other matters specified by an Ordinance of the Ministry of Health, Labour and Welfare.

(Consideration, etc. of Exercise of Parental Authority)

Article 14 (1) A person who exercises parental authority over his/her child shall give due consideration to appropriate exercise of such authority in disciplining the child.

(2) No person who exercises parental authority over his/her child shall be exempt from punishment for assault, bodily injury or other criminal offence related to child abuse on the ground that he/she is the one who exercises parental authority over the child.

(Proper Operation of System for Loss of Parental Authority)

Article 15 The system for the loss of parental authority provided for in the Civil Code (Act No. 89 of 1896) must be properly operated from the viewpoint of preventing child abuse and protecting children who have suffered child abuse.

(Special Provisions for Large Cities, etc.)

Article 16 In a designated city set forth in paragraph (1), Article 252-19 of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as the

"designated city") and a core city set forth in paragraph (1), Article 252-22 of the same Act (hereinafter referred to as the "core city"), and in a city with child guidance center prescribed by paragraph (1), Article 59-4 of the Child Welfare Act, the administrative affairs which a prefecture is supposed to process in this Act and which are prescribed by a Cabinet Order shall be processed, pursuant to the provisions of the Cabinet Order, by the designated city, the core city or the city with child guidance center (hereinafter referred to as the "designated city, etc."), respectively. In this case, the provisions concerning a prefecture in this Act shall be deemed to apply to the designated city, etc. as if they were the provisions concerned with the designated city, etc.

(Penal Provisions)

Article 17 A person who has violated an order issued pursuant to the provision of paragraph (1) of Article 12-4 (including, where the valid period of an order issued under paragraph (1) of the same Article has been renewed pursuant to the provision of paragraph (2) of the same Article, such order) shall be sentenced to imprisonment with work for not more than one year or a fine of not more than one million yen.

#### **Supplementary Provisions [Extract]**

(Effective Date)

Article 1 This Act shall come into effect as from the day specified by a Cabinet Order within a period not to exceed six months from the date of promulgation.

#### **Supplementary Provisions [Act No. 53 of May 25, 2011]**

This Act shall come into effect as from the date of enforcement of the new Non-Contentious Cases Procedures Act.