

# 高齢者虐待の防止、高齢者の養護者に対する支援等に関する法律

## Act on the Prevention of Elder Abuse and Support for Caregivers of Elderly Persons

(平成十七年十一月九日法律第百二十四号)

(Act No. 124 of November 9, 2005)

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### 第一章 総則

#### Chapter I General Provisions

(目的)

(Purposes)

第一条 この法律は、高齢者に対する虐待が深刻な状況にあり、高齢者の尊厳の保持にとって高齢者に対する虐待を防止することが極めて重要であること等にかんがみ、高齢者虐待の防止等に関する国等の責務、高齢者虐待を受けた高齢者に対する保護のための措置、養護者の負担の軽減を図ること等の養護者に対する養護者による高齢者虐待の防止に資する支援（以下「養護者に対する支援」という。）のための措置等を定めることにより、高齢者虐待の防止、養護者に対する支援等に関する施策を促進し、もって高齢者の権利利益の擁護に資することを目的とする。

Article 1 In recognition of the fact that the elder abuse issue has become serious and that it is extremely important to prevent elder abuse so as to ensure the dignity of elderly persons, the purpose of this Act is to contribute to the protection of the rights and interests of elderly persons by advancing policy

measures including elder abuse prevention and support for caregivers of elderly persons, by setting forth the responsibilities of the State, etc. to prevent elder abuse, providing for measures for protecting elderly persons suffering from elder abuse, and providing for support measures, etc. for caregivers of elderly persons, such as measures for alleviating the burden borne by the caregivers (hereinafter referred to as "support for caregivers"), that are aimed at contributing to the prevention of elder abuse by caregivers.

(定義)

(Definitions)

第二条 この法律において「高齢者」とは、六十五歳以上の者をいう。

Article 2 (1) The term "elderly person" as used in this Act means a person who is 65 years of age or older.

2 この法律において「養護者」とは、高齢者を現に養護する者であつて養介護施設従事者等（第五項第一号の施設の業務に従事する者及び同項第二号の事業において業務に従事する者をいう。以下同じ。）以外のものをいう。

(2) The term "caregiver" as used in this Act means a person who actually takes care of an elderly person, and who does not fall under the category of a long-term care facility managerial staff, etc. (meaning a person engaged in the services rendered by the facilities referred to in paragraph (5), item (i), or a person engaged in the services referred to in item (ii) of that paragraph; the same applies hereinafter).

3 この法律において「高齢者虐待」とは、養護者による高齢者虐待及び養介護施設従事者等による高齢者虐待をいう。

(3) The term "elder abuse" as used in this Act means elder abuse by a caregiver and elder abuse by a long-term care facility managerial staff, etc.

4 この法律において「養護者による高齢者虐待」とは、次のいずれかに該当する行為をいう。

(4) The term "elder abuse by a caregiver" as used in this Act means an act that falls under any of the following items:

一 養護者がその養護する高齢者について行う次に掲げる行為

(i) the following acts done to an elderly person who is being taken care of by a caregiver;

イ 高齢者の身体に外傷が生じ、又は生じるおそれのある暴行を加えること。

(a) inflicting an assault upon an elderly person that may cause or is likely to cause injury to their body;

ロ 高齢者を衰弱させるような著しい減食又は長時間の放置、養護者以外の同居人によるイ、ハ又はニに掲げる行為と同様の行為の放置等養護を著しく怠ること。

(b) substantially failing to take care of an elderly person, including severely depriving the elderly person of food or leaving them unattended for a long hours in a manner that would debilitate the elderly person, and leaving the

elderly person unattended, in a manner similar to those listed in any of items (a), (c) or (d) by any person who lives together with the elderly person but who does not fall under the category of a caregiver;

ハ 高齢者に対する著しい暴言又は著しく拒絶的な対応その他の高齢者に著しい心理的外傷を与える言動を行うこと。

(c) directing to an elderly person any words or doing something which would be a significantly traumatic event of the elderly person, including significantly abusive language or a significantly negative attitude toward the elderly person; and

ニ 高齢者にわいせつな行為をすること又は高齢者をしてわいせつな行為をさせること。

(d) committing an indecent act against an elderly person, or making an elderly person engage in an indecent act.

二 養護者又は高齢者の親族が当該高齢者の財産を不当に処分することその他当該高齢者から不当に財産上の利益を得ること。

(ii) the unjust disposal of an elderly person's property by a caregiver or relative, or any other unjust acquisition of economic benefits from an elderly person.

5 この法律において「養介護施設従事者等による高齢者虐待」とは、次のいずれかに該当する行為をいう。

(5) The term "elder abuse by a long-term care facility managerial staff, etc." as used in this Act means an act which falls under any of the following items:

一 老人福祉法（昭和三十八年法律第百三十三号）第五条の三に規定する老人福祉施設若しくは同法第二十九条第一項に規定する有料老人ホーム又は介護保険法（平成九年法律第百二十三号）第八条第二十項に規定する地域密着型介護老人福祉施設、同条第二十四項に規定する介護老人福祉施設、同条第二十五項に規定する介護老人保健施設、同条第二十六項に規定する介護療養型医療施設若しくは同法第百十五条の三十九第一項に規定する地域包括支援センター（以下「養介護施設」という。）の業務に従事する者が、当該養介護施設に入所し、その他当該養介護施設を利用する高齢者について行う次に掲げる行為

(i) an act listed in any of the following sub-items, which is committed by a person engaged in the services rendered by a welfare facility for the elderly referred to in Article 5-3 of the Act on Social Welfare for the Elderly (Act No. 133 of 1963) or a fee-based nursing home for the elderly referred to in Article 29, paragraph (1) of that Act, or in the services rendered by a community-based nursing home for the elderly specified in Article 8, paragraph (20) of the Long-Term Care Insurance Act (Act No. 123 of 1997), a special nursing home for the elderly specified in paragraph (24) of that Article, a long-term care facility covered by insurance specified in paragraph (25) of that Article, a medical facility providing medical care for the elderly specified in paragraph (26) of that Article or a community' comprehensive support center specified in Article 115-39, paragraph (1) of that Act (hereinafter collectively

referred to as a "long-term care facility"), upon an elderly person who has been admitted to or otherwise utilizes the relevant long-term care facility:

イ 高齢者の身体に外傷が生じ、又は生じるおそれのある暴行を加えること。

(a) inflicting an assault upon an elderly person which may cause or is likely to cause injury to their body;

ロ 高齢者を衰弱させるような著しい減食又は長時間の放置その他の高齢者を養護すべき職務上の義務を著しく怠ること。

(b) substantially failing to fulfill the professional duties to take care of and protect an elderly person, including severely depriving the elderly person of food or leaving them unattended for long hours in a manner that would debilitate the elderly person;

ハ 高齢者に対する著しい暴言又は著しく拒絶的な対応その他の高齢者に著しい心理的外傷を与える言動を行うこと。

(c) directing to an elderly person any words or do something which would be a significantly traumatic event of the elderly person, including significantly abusive language or a significantly negative attitude toward the elderly person;

ニ 高齢者にわいせつな行為をすること又は高齢者をしてわいせつな行為をさせること。

(d) committing an indecent act against an elderly person, or making an elderly person engage in an indecent act.

ホ 高齢者の財産を不当に処分することその他当該高齢者から不当に財産上の利益を得ること。

(e) unjustly disposing of an elderly person's property or otherwise acquiring economic benefits from such elderly person in an unjust manner.

二 老人福祉法第五条の二第一項に規定する老人居宅生活支援事業又は介護保険法第八条第一項に規定する居宅サービス事業、同条第十四項に規定する地域密着型サービス事業、同条第二十一項に規定する居宅介護支援事業、同法第八条の二第一項に規定する介護予防サービス事業、同条第十四項に規定する地域密着型介護予防サービス事業若しくは同条第十八項に規定する介護予防支援事業（以下「養介護事業」という。）において業務に従事する者が、当該養介護事業に係るサービスの提供を受ける高齢者について行う前号イからホまでに掲げる行為

(ii) an act listed in any of the sub-items (a) through (e) of the preceding item, which is committed by a person who provides in-home elderly support services specified in Article 5-2, paragraph (1) of the Act on Social Welfare for the Elderly, or in in-home services specified in Article 8, paragraph (1) of the Long-Term Care Insurance Act, community-based long-term care services specified in paragraph (14) of that Article, in-home long-term care support specified in paragraph (21) of that Article, preventive long-term care services specified in Article 8-2, paragraph (1) of that Act, community-based preventive long-term care services specified in paragraph (14) of that Article

or preventive long-term care support services specified in paragraph (18) of that Article (hereinafter collectively referred to as "long-term care services"), upon an elderly person to whom service is provided in relation to the long-term care services.

(国及び地方公共団体の責務等)

(Responsibilities of the State and Local Governments)

第三条 国及び地方公共団体は、高齢者虐待の防止、高齢者虐待を受けた高齢者の迅速かつ適切な保護及び適切な養護者に対する支援を行うため、関係省庁相互間その他関係機関及び民間団体の間の連携の強化、民間団体の支援その他必要な体制の整備に努めなければならない。

Article 3 (1) The State and the local governments must, in order to prevent elder abuse, to swiftly and appropriately protect elderly persons suffering from elder abuse and to provide appropriate support for caregivers, endeavor to put in place the necessary systems, such as strengthening partnership among the relevant government agencies, other relevant organizations and private organizations, and providing support to private organizations.

2 国及び地方公共団体は、高齢者虐待の防止及び高齢者虐待を受けた高齢者の保護並びに養護者に対する支援が専門的知識に基づき適切に行われるよう、これらの職務に携わる専門的な人材の確保及び資質の向上を図るため、関係機関の職員の研修等必要な措置を講ずるよう努めなければならない。

(2) For the purpose of appropriately preventing elder abuse, of protecting elderly persons suffering elder abuse and of supporting caregivers based upon expert knowledge, the State and the local governments must endeavor to provide training to officials of the relevant government agencies or take any other necessary measures to maintain adequate specialized employees who take charge of such duties, and to improve their competency.

3 国及び地方公共団体は、高齢者虐待の防止及び高齢者虐待を受けた高齢者の保護に資するため、高齢者虐待に係る通報義務、人権侵犯事件に係る救済制度等について必要な広報その他の啓発活動を行うものとする。

(3) The State and the local government must, for the purpose of facilitating the prevention of elder abuse and the protection of an elderly person suffering from elder abuse, implement public relations activities and any other activities to increase the awareness on these matters necessary in relation to the obligation to provide notification regarding elder abuse, a system of remedies for the victims of human rights violation cases, etc.

(国民の責務)

(Responsibilities of the Citizens)

第四条 国民は、高齢者虐待の防止、養護者に対する支援等の重要性に関する理解を深めるとともに、国又は地方公共団体が講ずる高齢者虐待の防止、養護者に対する支援

等のための施策に協力するよう努めなければならない。

**Article 4** The citizens must endeavor to gain better understanding of the significance of the prevention of elder abuse, support for caregivers, etc. and to cooperate for the policy measures taken by the State or local governments for the prevention of elder abuse, support for caregivers, etc.

(高齢者虐待の早期発見等)

(Identification of Elder Abuse at the Early Stages)

第五条 養介護施設、病院、保健所その他高齢者の福祉に業務上関係のある団体及び養介護施設従事者等、医師、保健師、弁護士その他高齢者の福祉に職務上関係のある者は、高齢者虐待を発見しやすい立場にあることを自覚し、高齢者虐待の早期発見に努めなければならない。

**Article 5** (1) Organizations in a business relationship with welfare services for elderly persons, such as long-term care facilities, hospitals and health centers, as well as persons who are in a business relationship with welfare services for elderly persons, such as long-term care facility managerial staff, etc., medical doctors, public health nurses and attorneys-at-law, must be aware that they are in a position to easily identify elder abuse, and must endeavor to do so at the early stages.

2 前項に規定する者は、国及び地方公共団体が講ずる高齢者虐待の防止のための啓発活動及び高齢者虐待を受けた高齢者の保護のための施策に協力するよう努めなければならない。

(2) A person prescribed in the preceding paragraph must endeavor to cooperate for the activities to increase awareness on prevention of elder abuse and policy measures for the protection of elderly persons suffering from elder abuse implemented by the State and local governments.

## 第二章 養護者による高齢者虐待の防止、養護者に対する支援等

### Chapter II Prevention of Elder Abuse by Caregivers and Support for Caregivers

(相談、指導及び助言)

(Consultations, Guidance and Advice)

第六条 市町村は、養護者による高齢者虐待の防止及び養護者による高齢者虐待を受けた高齢者の保護のため、高齢者及び養護者に対して、相談、指導及び助言を行うものとする。

**Article 6** A municipality must, in order to prevent elder abuse by caregivers and to protect elderly persons suffering from elder abuse by their caregivers, provide consultations, guidance and advice for such elderly persons and caregivers.

(養護者による高齢者虐待に係る通報等)

**(Reporting Elder Abuse by a Caregiver)**

第七条 養護者による高齢者虐待を受けたと思われる高齢者を発見した者は、当該高齢者の生命又は身体に重大な危険が生じている場合は、速やかに、これを市町村に通報しなければならない。

Article 7 (1) If any person has found an elderly person who is likely to have been abused by a caregiver, and if the elderly person's life or body is seriously threatened, the person must promptly report this to the relevant municipality.

2 前項に定める場合のほか、養護者による高齢者虐待を受けたと思われる高齢者を発見した者は、速やかに、これを市町村に通報するよう努めなければならない。

(2) In addition to the case set forth in the preceding paragraph, if any person has found an elderly person who is likely to have been abused by a caregiver, the person must endeavor to promptly report this to the relevant municipality.

3 刑法（明治四十年法律第四十五号）の秘密漏示罪の規定その他の守秘義務に関する法律の規定は、前二項の規定による通報をすることを妨げるものと解釈してはならない。

(3) The provisions concerning the crime of unlawful disclosure of confidential information as set forth in the Penal Code (Act No. 45 of 1907) and the provisions of any other Acts providing for a confidentiality obligation must not be construed to preclude any reporting under the provisions of the preceding two paragraphs.

第八条 市町村が前条第一項若しくは第二項の規定による通報又は次条第一項に規定する届出を受けた場合においては、当該通報又は届出を受けた市町村の職員は、その職務上知り得た事項であつて当該通報又は届出をした者を特定させるものを漏らしてはならない。

Article 8 If a municipality has received a report under the provisions of paragraph (1) or (2) of the preceding Article or a report under the provisions of paragraph (1) of the following Article, an official of the municipality who has received such notification or report must not divulge any information which may come to their knowledge in the course of their duties and based on which the person who made either report is identifiable.

(通報等を受けた場合の措置)

**(Procedures for Handling Reports of Elder Abuse)**

第九条 市町村は、第七条第一項若しくは第二項の規定による通報又は高齢者からの養護者による高齢者虐待を受けた旨の届出を受けたときは、速やかに、当該高齢者の安全の確認その他当該通報又は届出に係る事実の確認のための措置を講ずるとともに、第十六条の規定により当該市町村と連携協力する者（以下「高齢者虐待対応協力者」という。）とその対応について協議を行うものとする。

Article 9 (1) Upon receipt of a report under the provisions of paragraph (1) or (2)

of Article 7 or a report from an elderly person informing the municipality that the elderly person has been abused by their caregiver, a municipality must promptly implement measures to confirm the safety of the elderly person and any other measures to identify the facts so notified or reported, and must consult with partners that collaborate with the relevant municipality pursuant to the provisions of Article 16 (hereinafter referred to as "partners responding to elder abuse") regarding how to respond to such elder abuse.

2 市町村又は市町村長は、第七条第一項若しくは第二項の規定による通報又は前項に規定する届出があった場合には、当該通報又は届出に係る高齢者に対する養護者による高齢者虐待の防止及び当該高齢者の保護が図られるよう、養護者による高齢者虐待により生命又は身体に重大な危険が生じているおそれがあると認められる高齢者を一時的に保護するため迅速に老人福祉法第二十条の三に規定する老人短期入所施設等に入所させる等、適切に、同法第十条の四第一項若しくは第十一条第一項の規定による措置を講じ、又は、適切に、同法第三十二条の規定により審判の請求をするものとする。

(2) The municipality or mayor that has received a report under the provisions of paragraph (1) or (2) of Article 7 or a report specified in the preceding paragraph must properly implement the measures set forth in Article 10-4, paragraph (1) or Article 11, paragraph (1) of the Act on Social Welfare for the Elderly, including promptly accommodating the elderly person whose life or health is likely to have been materially endangered due to elder abuse by their caregiver into a facility such as a short-term admission facility for the elderly referred to in Article 20-3 of that Act, in order to temporarily shelter the elderly person, or must properly file a request for a trial pursuant to the provisions of Article 32 of that Act, so as to prevent further elder abuse of the elderly person by a caregiver and to protect the elderly person pertaining to the report or notification.

(居室の確保)

(Assurance for Accommodation)

第十条 市町村は、養護者による高齢者虐待を受けた高齢者について老人福祉法第十条の四第一項第三号又は第十一条第一項第一号若しくは第二号の規定による措置を採るために必要な居室を確保するための措置を講ずるものとする。

Article 10 A municipality must implement measures to assure the accommodations necessary for taking the measures under the provisions of Article 10-4, paragraph (1), item (iii) or Article 11, paragraph (1), item (i) or (ii) of the Act on Social Welfare for the Elderly, for an elderly person who has been abused by a caregiver.

(立入調査)

(On-Site Inspections)



第十一条 市町村長は、養護者による高齢者虐待により高齢者の生命又は身体に重大な危険が生じているおそれがあると認めるときは、介護保険法第百十五条の三十九第二項の規定により設置する地域包括支援センターの職員その他の高齢者の福祉に関する事務に従事する職員をして、当該高齢者の住所又は居所に立ち入り、必要な調査又は質問をさせることができる。

Article 11 (1) If a mayor of municipality finds that elder abuse by a caregiver may have posed a material threat to the life or health of an elderly person, the mayor may instruct officials of the community comprehensive support center that is to be established pursuant to the provisions of Article 115-39, paragraph (2) of the Long-Term Care Insurance Act or any other officials engaged in business affairs related to welfare services for elderly persons to enter the elderly person's domicile or residence and carry out a necessary investigation or questioning.

2 前項の規定による立入り及び調査又は質問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 entering the domicile or residence and carrying out an investigation or questioning under the provisions of the preceding paragraph, the relevant official must carry an identification card and present this card to any relevant persons if they so request.

3 第一項の規定による立入り及び調査又は質問を行う権限は、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 to enter the domicile or residence and to carry out an investigation or questioning specified in paragraph (1) must not be construed as having been granted for the purpose of any criminal investigation.

(警察署長に対する援助要請等)

(Request to the Chief of Police for Assistance)

第十二条 市町村長は、前条第一項の規定による立入り及び調査又は質問をさせようとする場合において、これらの職務の執行に際し必要があると認めるときは、当該高齢者の住所又は居所の所在地を管轄する警察署長に対し援助を求めることができる。

Article 12 (1) When the mayor of a municipality intends to instruct an official to enter a domicile or residence and to conduct an investigation or questioning under the provisions of paragraph (1) of the preceding Article, and if the mayor deems it necessary for the execution of such duties, the mayor may seek assistance from the chief of police having the jurisdiction over the location of the domicile or residence of the relevant elderly person.

2 市町村長は、高齢者の生命又は身体の安全の確保に万全を期する観点から、必要に応じ適切に、前項の規定により警察署長に対し援助を求めなければならない。

(2) The mayor of a municipality must, pursuant to the provisions of the preceding paragraph, appropriately seek assistance from the chief of police as necessary,

from the viewpoint of ensuring that the life or the health of an elderly person is secured.

- 3 警察署長は、第一項の規定による援助の求めを受けた場合において、高齢者の生命又は身体の安全を確保するため必要と認めるときは、速やかに、所属の警察官に、同項の職務の執行を援助するために必要な警察官職務執行法（昭和二十三年法律第百三十六号）その他の法令の定めるところによる措置を講じさせるよう努めなければならない。

(3) If the chief of police has been requested to provide assistance under the provisions of paragraph (1), and where the chief of police deems it necessary for ensuring that the life or the health of the elderly person is secured, the chief of police must endeavor to instruct police officers under their jurisdiction to promptly implement measures in accordance with the Act on the Execution of Official Police Duties (Act No. 136 of 1949) or any other laws and regulations, necessary for supporting the execution of their duties referred to in that paragraph.

（面会の制限）

(Restrictions on Visitation)

第十三条 養護者による高齢者虐待を受けた高齢者について老人福祉法第十一条第一項第二号又は第三号の措置が採られた場合においては、市町村長又は当該措置に係る養介護施設の長は、養護者による高齢者虐待の防止及び当該高齢者の保護の観点から、当該養護者による高齢者虐待を行った養護者について当該高齢者との面会を制限することができる。

Article 13 If the measures referred to in Article 11, paragraph (1), item (ii) or (iii) of the Act on Social Welfare for the Elderly have been implemented for any elderly person who has been abused by a caregiver, the mayor of the municipality or the head of the long-term care facility related to the measures may, from the viewpoint of preventing elder abuse by the caregiver and protecting the relevant elderly person, restrict the caregiver who have committed the i elder abuse from visiting the elderly person.

（養護者の支援）

(Support for Caregivers)

第十四条 市町村は、第六条に規定するもののほか、養護者の負担の軽減のため、養護者に対する相談、指導及び助言その他必要な措置を講ずるものとする。

Article 14 (1) In addition to the measures prescribed in Article 6, a municipality must, for the purpose of alleviating the burden on a caregiver, implement necessary measures, such as providing consultations, guidance and advice for the caregiver.

- 2 市町村は、前項の措置として、養護者の心身の状態に照らしその養護の負担の軽減を図るため緊急の必要があると認める場合に高齢者が短期間養護を受けるために必要

となる居室を確保するための措置を講ずるものとする。

(2) A municipality must, as a measure referred to in the preceding paragraph, implement measures to ensure the accommodation necessary for an elderly person to be taken care of for a short period of time if the municipality, in consideration of the caregiver's physical and mental condition, finds that there is an urgent need to do so in order to alleviate the burden on the caregiver.

(専門的に従事する職員の確保)

(Maintaining Sufficient Number of Municipal Employees Specialized in Elder Abuse)

第十五条 市町村は、養護者による高齢者虐待の防止、養護者による高齢者虐待を受けた高齢者の保護及び養護者に対する支援を適切に実施するために、これらの事務に専門的に従事する職員を確保するよう努めなければならない。

Article 15 A municipality must, in order to properly implement the measures to prevent elder abuse by caregivers, to protect elderly persons abused by a caregiver and to provide support for caregivers, endeavor to maintain a sufficient number of municipal employees specialized in elder abuse.

(連携協力体制)

(Collaboration with Local Organizations)

第十六条 市町村は、養護者による高齢者虐待の防止、養護者による高齢者虐待を受けた高齢者の保護及び養護者に対する支援を適切に実施するため、老人福祉法第二十条の七の二第一項に規定する老人介護支援センター、介護保険法第百十五条の三十九第三項の規定により設置された地域包括支援センターその他関係機関、民間団体等との連携協力体制を整備しなければならない。この場合において、養護者による高齢者虐待にいつでも迅速に対応することができるよう、特に配慮しなければならない。

Article 16 A municipality must, in order to properly implement the measures to prevent elder abuse by caregivers, to protect elderly persons abused by a caregiver and to provide support for caregivers, establish a partnership with the relevant agencies, such as long-term care support centers referred to in Article 20-7-2, paragraph (1) of the Act on Social Welfare for the Elderly, community comprehensive support centers established pursuant to the provisions of Article 115-39, paragraph (3) of the Long-Term Care Insurance Act, and private organizations, etc. In this case, the municipality must pay due consideration so that the municipality can promptly respond at any time to elder abuse by a caregiver.

(事務の委託)

(Entrustment of Functions)

第十七条 市町村は、高齢者虐待対応協力者のうち適当と認められるものに、第六条の規定による相談、指導及び助言、第七条第一項若しくは第二項の規定による通報又は

第九条第一項に規定する届出の受理、同項の規定による高齢者の安全の確認その他通報又は届出に係る事実の確認のための措置並びに第十四条第一項の規定による養護者の負担の軽減のための措置に関する事務の全部又は一部を委託することができる。

Article 17 (1) A municipality may entrust a partner responding to elder abuse that is deemed appropriate with all or part of its functions related to consultation, guidance and advice under the provisions of Article 6; acceptance of reports under the provisions of Article 7, paragraph (1) or (2) or of notifications specified in Article 9, paragraph (1); the fact-finding measures to confirm the safety of the elderly person and other reports or notifications under the provisions of that paragraph; and the measures for alleviating the burden on caregivers under the provisions of Article 14, paragraph (1).

2 前項の規定による委託を受けた高齢者虐待対応協力者若しくはその役員若しくは職員又はこれらの者であった者は、正当な理由なしに、その委託を受けた事務に関して知り得た秘密を漏らしてはならない。

(2) A partner responding to elder abuse that has been entrusted with the function under the provisions of the preceding paragraph, or who is or was its officer or employee, must not divulge any confidential information concerning the functions entrusted with them that may come to their knowledge, without reasonable grounds.

3 第一項の規定により第七条第一項若しくは第二項の規定による通報又は第九条第一項に規定する届出の受理に関する事務の委託を受けた高齢者虐待対応協力者が第七条第一項若しくは第二項の規定による通報又は第九条第一項に規定する届出を受けた場合には、当該通報又は届出を受けた高齢者虐待対応協力者又はその役員若しくは職員は、その職務上知り得た事項であって当該通報又は届出をした者を特定させるものを漏らしてはならない。

(3) If the partner responding to elder abuse that, has been entrusted with the functions related to the acceptance of reports under the provisions of Article 7, paragraph (1) or (2) or of notifications specified in Article 9, paragraph (1) receives a report under the provisions of Article 7, paragraph (1) or (2) or a notification specified in Article 9, paragraph (1), the partner responding to elder abuse or its officer or employee who receives either a report or notification must not divulge any information which may come to their knowledge in the course of their duties that identifies the person who made the report or notification.

(周知)

(Publication)

第十八条 市町村は、養護者による高齢者虐待の防止、第七条第一項若しくは第二項の規定による通報又は第九条第一項に規定する届出の受理、養護者による高齢者虐待を受けた高齢者の保護、養護者に対する支援等に関する事務についての窓口となる部局及び高齢者虐待対応協力者の名称を明示すること等により、当該部局及び高齢者虐待

対応協力者を周知させなければならない。

Article 18 A municipality must publicize the department or section and partners responding to elder abuse in charge of the services related to the prevention of elder abuse by caregivers, the acceptance of reports under the provisions of Article 7, paragraph (1) or (2) or notifications specified in Article 9, paragraph (1), the protection of elderly persons who have been abused by a caregiver, and provision of support for caregivers, , by making the department or section or partners responding to elder abuse known to the public.

(都道府県の援助等)

(Assistance from Prefectures)

第十九条 都道府県は、この章の規定により市町村が行う措置の実施に関し、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ものとする。

Article 19 (1) A prefecture must provide the assistance necessary for a municipality to implement the measures pursuant to the provisions of in this Chapter, such as liaison and coordination among municipalities and provision of information to municipalities.

2 都道府県は、この章の規定により市町村が行う措置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) A prefecture may, if it finds it necessary for ensuring the proper implementation measures to be taken by the municipalities pursuant to the provisions of this Chapter, give the municipalities any necessary advice.

### 第三章 養介護施設従事者等による高齢者虐待の防止等

#### Chapter III Prevention of Elder Abuse by Long-term Care Facility Managerial Staff

(養介護施設従事者等による高齢者虐待の防止等のための措置)

(Measures to Prevent Elder Abuse by Long-term Care Facility Managerial Staff)

第二十条 養介護施設の設置者又は養介護事業を行う者は、養介護施設従事者等の研修の実施、当該養介護施設に入所し、その他当該養介護施設を利用し、又は当該養介護事業に係るサービスの提供を受ける高齢者及びその家族からの苦情の処理の体制の整備その他の養介護施設従事者等による高齢者虐待の防止等のための措置を講ずるものとする。

Article 20 The establisher of a long-term care facility or a person who provides long-term care services must take measures to prevent elder abuse, etc. by long-term care facility managerial staff, etc., including providing training to long-term care facility managerial staff, etc., and establishing a system for handling complaints from elderly persons to whom the service pertaining to the long-term care service is being provided, as well as complaints from their

family members.

(養介護施設従事者等による高齢者虐待に係る通報等)

(Elder Abuse Reporting by Lon-term Care Facility Managerial Staff)

第二十一条 養介護施設従事者等は、当該養介護施設従事者等がその業務に従事している養介護施設又は養介護事業（当該養介護施設の設置者若しくは当該養介護事業を行う者が設置する養介護施設又はこれらの者が行う養介護事業を含む。）において業務に従事する養介護施設従事者等による高齢者虐待を受けたと思われる高齢者を発見した場合は、速やかに、これを市町村に通報しなければならない。

Article 21 (1) If any long-term care facility managerial staff member, etc. finds an elderly person who appears to have been abused by any other long-term care facility managerial staff member, etc. who works at the long-term care facility or in long-term care services in which the relevant long-term care facility managerial works (including long-term care facilities established by the establisher of the long-term care facility or by the person who provides the long-term care services, or long-term care services provided by these persons), the long-term care facility managerial staff member must promptly report this to the municipality.

2 前項に定める場合のほか、養介護施設従事者等による高齢者虐待を受けたと思われる高齢者を発見した者は、当該高齢者の生命又は身体に重大な危険が生じている場合は、速やかに、これを市町村に通報しなければならない。

(2) In addition to the case set forth in the preceding paragraph, if any person finds an elderly person who appears to have been abused by a long-term care facility managerial staff member, etc. and if the elderly person's life or health has been materially threatened, such person shall promptly report this to the municipality.

3 前二項に定める場合のほか、養介護施設従事者等による高齢者虐待を受けたと思われる高齢者を発見した者は、速やかに、これを市町村に通報するよう努めなければならない。

(3) In addition to the cases set forth in the preceding two paragraphs, any person who finds an elderly person who appears to have been s abused by a long-term care facility managerial staff member, etc. must endeavor to promptly report this to the municipality.

4 養介護施設従事者等による高齢者虐待を受けた高齢者は、その旨を市町村に届け出ることができる。

(4) An elderly person who has been abused by a long-term care facility managerial staff member, etc. may report the abuse to the municipality.

5 第十八条の規定は、第一項から第三項までの規定による通報又は前項の規定による届出の受理に関する事務を担当する部局の周知について準用する。

(5) The provisions of Article 18 apply mutatis mutandis to the publication of the name of the department or section in charge of the services related to the

acceptance of reports under the provisions of paragraphs (1) through (3) and the acceptance of notifications specified in the preceding paragraph.

6 刑法の秘密漏示罪の規定その他の守秘義務に関する法律の規定は、第一項から第三項までの規定による通報（虚偽であるもの及び過失によるものを除く。次項において同じ。）をすることを妨げるものと解釈してはならない。

(6) The provisions concerning the crime of unlawful disclosure of confidential information set forth in the Penal Code and the provisions concerning confidentiality obligations of any other Act must not be construed to preclude a report under the provisions of paragraphs (1) through (3) (excluding false reports and reports filed by negligence; the same applies in the following paragraph).

7 養介護施設従事者等は、第一項から第三項までの規定による通報をしたことを理由として、解雇その他不利益な取扱いを受けない。

(7) A long-term care facility managerial staff member, etc. is not be treated unfavorably such as dismissal from their service on the ground that they made a report under the provisions of paragraphs (1) through (3).

第二十二條 市町村は、前条第一項から第三項までの規定による通報又は同条第四項の規定による届出を受けたときは、厚生労働省令で定めるところにより、当該通報又は届出に係る養介護施設従事者等による高齢者虐待に関する事項を、当該養介護施設従事者等による高齢者虐待に係る養介護施設又は当該養介護施設従事者等による高齢者虐待に係る養介護事業の事業所の所在地の都道府県に報告しなければならない。

Article 22 (1) If a municipality receives a report under the provisions of paragraphs (1) through (3) of the preceding Article or a notification under the provisions of paragraph (4) of that Article, it must, pursuant to the provisions of Order of the Ministry of Health, Labour and Welfare, report the information related to the elder abuse by a long-term care facility managerial staff member, etc. pertaining to the report or notification to the prefecture where the place of business of the long-term care facility related to the elder abuse by a long-term care facility managerial staff member, etc. or the place of business of the long-term care services related to the elder abuse by a care facility managerial staff member, etc. is located.

2 前項の規定は、地方自治法（昭和二十二年法律第六十七号）第二百五十二条の十九第一項の指定都市及び同法第二百五十二条の二十二第一項の中核市については、厚生労働省令で定める場合を除き、適用しない。

(2) Unless otherwise provided for by the Order of the Ministry of Health, Labour and Welfare, the provisions of the preceding paragraph do not apply to a designated city referred to in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) or a core city referred to in Article 252-22, paragraph (1) of that Act.

第二十三条 市町村が第二十一条第一項から第三項までの規定による通報又は同条第四項の規定による届出を受けた場合においては、当該通報又は届出を受けた市町村の職員は、その職務上知り得た事項であって当該通報又は届出をした者を特定させるものを漏らしてはならない。都道府県が前条第一項の規定による報告を受けた場合における当該報告を受けた都道府県の職員についても、同様とする。

Article 23 If a municipality receives a report under the provisions of Article 21, paragraphs (1) through (3) or a notification under the provisions of paragraph (4) of that Article, the municipal employee who receives the report or notification must not divulge any information which may come to their knowledge in the course of their duties that identifies the person who made the report or notification. The same applies to the employee of the prefectural government which receives a report, when the prefecture has received the report under the provisions of paragraph (1) of the preceding Article.

(通報等を受けた場合の措置)

(Procedures for Handling Reports of Elder Abuse)

第二十四条 市町村が第二十一条第一項から第三項までの規定による通報若しくは同条第四項の規定による届出を受け、又は都道府県が第二十二条第一項の規定による報告を受けたときは、市町村長又は都道府県知事は、養介護施設の業務又は養介護事業の適正な運営を確保することにより、当該通報又は届出に係る高齢者に対する養介護施設従事者等による高齢者虐待の防止及び当該高齢者の保護を図るため、老人福祉法又は介護保険法の規定による権限を適切に行使するものとする。

Article 24 If a municipality receives a report under the provisions of Article 21, paragraphs (1) through (3) or a notification under the provisions of paragraph (4) of that Article, or if a prefecture receives a report under the provisions of Article 22, paragraph (1), the mayor of the municipality or the prefectural governor must, in order to prevent elder abuse by the long-term care facility managerial staff member, etc., as well as to protect the elderly person by assuring proper management of the long-term care services provided by the long-term care facility or the long-term care services, exercise the authority under the provisions of the Act on Social Welfare for the Elderly or the Long-Term Care Insurance Act in an appropriate manner.

(公表)

(Elder Abuse to be Published)

第二十五条 都道府県知事は、毎年度、養介護施設従事者等による高齢者虐待の状況、養介護施設従事者等による高齢者虐待があった場合にとった措置その他厚生労働省令で定める事項を公表するものとする。

Article 25 A prefectural governor must, in each fiscal year, publish the status of elder abuse by long-term care facility managerial staff members, etc., measures taken if elder abuse by a long-term care facility managerial staff member, etc.



has occurred, and the particulars prescribed by Order of the Ministry of Health, Labour and Welfare.

#### 第四章 雑則

#### Chapter IV Miscellaneous Provisions

(調査研究)

(Research and Studies)

第二十六条 国は、高齢者虐待の事例の分析を行うとともに、高齢者虐待があった場合の適切な対応方法、高齢者に対する適切な養護の方法その他の高齢者虐待の防止、高齢者虐待を受けた高齢者の保護及び養護者に対する支援に資する事項について調査及び研究を行うものとする。

Article 26 The State is to perform an analysis of elder abuse cases, and conduct research and studies on methods for properly handling elder abuse, methods for properly taking care of elderly persons, and any other matters that contribute to the prevention of elder abuse, the protection of elderly persons who have been abused, and to the provision of support for caregivers.

(財産上の不当取引による被害の防止等)

(Prevention of Damages Caused by Unjust Property Transactions)

第二十七条 市町村は、養護者、高齢者の親族又は養介護施設従事者等以外の者が不当に財産上の利益を得る目的で高齢者を行う取引（以下「財産上の不当取引」という。）による高齢者の被害について、相談に応じ、若しくは消費生活に関する業務を担当する部局その他の関係機関を紹介し、又は高齢者虐待対応協力者に、財産上の不当取引による高齢者の被害に係る相談若しくは関係機関の紹介の実施を委託するものとする。

Article 27 (1) A municipality is to provide consultation on damages suffered by an elderly person due to a transaction aimed at unjustly gaining economic benefits carried out by a person other than the caregiver, the elderly person's relatives, or a long-term care facility managerial staff member, etc.

(hereinafter referred to as an "unjust property transaction") or is to provide consultation, introduce the elderly person to the relevant agency, such as the department or section in charge of consumer affairs; or is to entrust a partner responding to elder abuse with consultation on damages suffered by elderly persons due to unjust property transactions or to introduce the persons to the relevant agency.

2 市町村長は、財産上の不当取引の被害を受け、又は受けるおそれのある高齢者について、適切に、老人福祉法第三十二条の規定により審判の請求をするものとする。

(2) The mayor of a municipality is to, with regard to an elderly person who has or is likely to suffer any damages due to an unjust property transaction, file a request for trial pursuant to the provisions of Article 32 of the Act on Social

Welfare for the Elderly accordingly.

(成年後見制度の利用促進)

(Encouraging the Use of Adult Guardianship System)

第二十八条 国及び地方公共団体は、高齢者虐待の防止及び高齢者虐待を受けた高齢者の保護並びに財産上の不当取引による高齢者の被害の防止及び救済を図るため、成年後見制度の周知のための措置、成年後見制度の利用に係る経済的負担の軽減のための措置等を講ずることにより、成年後見制度が広く利用されるようにしなければならない。

Article 28 The State and the local governments must, in order to prevent elder abuse and to protect elderly persons who have been abused as well as to prevent damages that elderly persons may suffer due to unjust property transactions and to claim recovery of damages, encourage people to use the adult guardianship system, by implementing measures for making the adult guardianship system known to the public, and measures to alleviate the financial burdens related to the use of the system.

## 第五章 罰則

### Chapter V Penal Provisions

第二十九条 第十七条第二項の規定に違反した者は、一年以下の懲役又は百万円以下の罰金に処する。

Article 29 A person who violates the provisions of Article 17, paragraph (2) is punished by imprisonment with work of not more than one year or a fine of not more than one million yen.

第三十条 正当な理由がなく、第十一条第一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、若しくは高齢者に答弁をさせず、若しくは虚偽の答弁をさせた者は、三十万円以下の罰金に処する。

Article 30 A person who, without any legitimate grounds, refuses, prevents or evades an on-site inspection under the provisions of Article 11, paragraph (1) or refuses to give answers to the questioning under the provisions of that paragraph or who gives a false answer or does not allow an elderly person to answer or forces an elderly person to give a false answer to the questions is punished by a fine not more than 300,000 yen.