

# 児童福祉施設の設備及び運営に関する基準 Standards Concerning the Facilities and Operation of Child Welfare Facilities

(昭和二十三年十二月二十九日厚生省令第六十三号)

(Order of the Ministry of Health and Welfare No. 63 of December 29, 1948)

## 第一章 総則

### Chapter I General Provisions

(趣旨)

(Purpose)

第一条 児童福祉法（昭和二十二年法律第百六十四号。以下「法」という。）第四十五条第二項の厚生労働省令で定める基準（以下「設備運営基準」という。）は、次の各号に掲げる基準に応じ、それぞれ当該各号に定める規定による基準とする。

Article 1 (1) The standards specified by an Order of the Ministry of Health, Labour and Welfare set forth in paragraph (2) of Article 45 of the Child Welfare Act (Act No. 164 of 1947; hereinafter referred to as the "Act") (hereinafter referred to as the "Facility Operation Standards") are the standards pursuant to the provisions set forth in the following items according to the standards set forth in the respective items.

一 法第四十五条第一項の規定により、同条第二項第一号に掲げる事項について都道府県が条例を定めるに当たって従うべき基準 第八条ただし書（入所している者の保護に直接従事する職員に係る部分に限る。）、第十七条、第二十一条、第二十二条、第二十二条の二第一項、第二十七条、第二十七条の二第一項、第二十八条、第三十条第二項、第三十三条第一項（第三十条第一項において準用する場合を含む。）及び第二項、第三十八条、第四十二条、第四十二条の二第一項、第四十三条、第四十九条、第五十八条、第六十三条、第六十九条、第七十三条、第七十四条第一項、第八十条、第八十一条第一項、第八十二条、第八十三条、第八十八条の三、第九十条並びに第九十四条から第九十七条までの規定による基準

(i) the standards to be complied with in establishing Prefectural Ordinances with regard to the particulars listed in Article 45, paragraph (2), item (i) of the Act, pursuant to the provisions of paragraph (1) of the Article: the standards pursuant to the provisions of the proviso to Article 8 (limited to the parts pertaining to officials directly engaged in the protection of inmates.), the standards pursuant to the provisions of Article 17, Article 21, Article 22, Article 22-2, paragraph (1), Article 27, Article 27-2, paragraph (1), Article 28, Article 30, paragraph (2), Article 33, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (1)) and paragraph (2), Article 38, Article 42, Article 42, paragraph (1), Article 43,

Article 49, Article 58, Articles 63, Article 69, Article 73, Article 74, paragraph (1), Article 80, Article 81, paragraph (1), Article 82, Article 83, Article 88-3, Article 90, and Articles 94 through 97.

二 法第四十五条第一項の規定により、同条第二項第二号に掲げる事項について都道府県が条例を定めるに当たって従うべき基準 第八条ただし書（入所している者の居室及び各施設に特有の設備に係る部分に限る。）、第十九条第一号（寝室及び観察室に係る部分に限る。）、第二号及び第三号、第二十条第一号（乳幼児の養育のための専用の室に係る部分に限る。）及び第二号、第二十六条第一号（母子室に係る部分に限る。）、第二号（母子室を一世帯につき一室以上とする部分に限る。）及び第三号、第三十二条第一号（乳児室及びほふく室に係る部分に限る。）（第三十条第一項において準用する場合を含む。）、第二号（第三十条第一項において準用する場合を含む。）、第三号（第三十条第一項において準用する場合を含む。）、第五号（保育室及び遊戯室に係る部分に限る。）（第三十条第一項において準用する場合を含む。）及び第六号（保育室及び遊戯室に係る部分に限る。）（第三十条第一項において準用する場合を含む。）、第四十一条第一号（居室に係る部分に限る。）（第七十九条第二項において準用する場合を含む。）及び第二号（面積に係る部分に限る。）（第七十九条第二項において準用する場合を含む。）、第四十八条第一号（居室に係る部分に限る。）、及び第七号（面積に係る部分に限る。）、第五十七条第一号（病室に係る部分に限る。）、第六十二条第一号（指導訓練室及び遊戯室に係る部分に限る。）、第二号（面積に係る部分に限る。）及び第三号、第六十八条第一号（病室に係る部分に限る。）、第七十二条第一号（居室に係る部分に限る。）及び第二号（面積に係る部分に限る。）並びに附則第九十四条第一項の規定による基準

(ii) the standards to be complied with in establishing Prefectural Ordinance concerning the particulars set forth in Article 45, paragraph (2), item (ii) of the Act, pursuant to the provisions of paragraph (1) of the Article: the standards pursuant to the provisions of the proviso to Article 8 (limited to the parts pertaining to the room of a person admitted to the facility and the equipment specific to each facility), Article 19, item (i) (limited to the part pertaining to sleeping rooms and observation rooms), item (ii) and item (iii), Article 20, item (i) (limited to the part pertaining to rooms exclusively for raising infants) and item (ii), Article 26, item (i) (limited to the part pertaining to mother and child rooms), item (ii) (limited to those with one or more mother and child rooms per household) and item (iii), Article 32, item (i) (limited to the part pertaining to infant rooms and crawling rooms) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (1)), item (ii) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (1)), item (iii) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (1)), item (v) (limited to the part pertaining to nursery rooms and play rooms) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph

(1)) and item (vi) (limited to the part pertaining to nursery rooms and play rooms) (including the cases where applied mutatis mutandis pursuant to Article 30, paragraph (1)), Article 41, item (i) (limited to the part pertaining to a resident's room) (including the cases where applied mutatis mutandis pursuant to Article 79, paragraph (2)) and item (ii) (limited to the part pertaining to the area) (including the cases where applied mutatis mutandis pursuant to Article 79, paragraph (2)), Article 48, item (i) (limited to the part pertaining to a resident's room) and item (vii) (limited to the part pertaining to the area), Article 57, item (i) (limited to the part pertaining to sickrooms), Article 62, item (i) (limited to part pertaining to instruction and training rooms and play rooms), item (ii) (limited to the part pertaining to the area) and item (iii), Article 68, item (i) (limited to the part pertaining to sickrooms), Article 72, item (i) (limited to the part pertaining to resident's rooms) and item (ii) (limited to the part pertaining to the area), and Article 94, paragraph (1) of the Supplementary Provisions

三 法第四十五条第一項の規定により、同条第二項第三号に掲げる事項について都道府県が条例を定めるに当たつて従うべき基準 第九条から第九条の三まで、第十一条、第十四条の二、第十五条、第十九条第一号（調理室に係る部分に限る。）、第二十六条第二号（調理設備に係る部分に限る。）、第三十二条第一号（調理室に係る部分に限る。）（第三十条第一項において準用する場合を含む。）及び第五号（調理室に係る部分に限る。）（第三十条第一項において準用する場合を含む。）、第三十二条の二（第三十条第一項において準用する場合を含む。）、第三十五条、第四十一条第一号（調理室に係る部分に限る。）（第七十九条第二項において準用する場合を含む。）、第四十八条第一号（調理室に係る部分に限る。）、第五十七条第一号（給食施設に係る部分に限る。）、第六十二条第一号（調理室に係る部分に限る。）及び第六号（調理室に係る部分に限る。）、第六十八条第一号（調理室に係る部分に限る。）並びに第七十二条第一号（調理室に係る部分に限る。）の規定による基準

(iii) the standards to be complied with in establishing Prefectural Ordinance concerning the particulars set forth in Article 45, paragraph (2), item (iii) of the Act pursuant to the provisions of paragraph (1) of the same Article: the standards pursuant to the provisions of Articles 9 through 9-3, Article 11, Article 14-2, Article 15, Article 19, item (i) (limited to the part pertaining to kitchens), Article 26, item (ii) (limited to the part pertaining to cooking equipment), Article 32, item (i) (limited to the part pertaining to kitchens) (including the case where it is applied mutatis mutandis pursuant to Article 30, paragraph (1)) and item (v) (limited to the part pertaining to kitchens) (including the case where it is applied mutatis mutandis pursuant to Article 30, paragraph (1)), Article 32-2 (including the case where it is applied mutatis mutandis pursuant to Article 30, paragraph (1)), Article 35, Article 41, item (i) (limited to the part pertaining to kitchens) (including the case

where it is applied mutatis mutandis pursuant to Article 79, paragraph (2)), Article 48, item (i) (limited to the part pertaining to kitchens), Article 57, item (i) (limited to the part pertaining to food service facilities), Article 62, item (i) (limited to the part pertaining to kitchens) and item (vi) (limited to the parts pertaining to kitchens), Article 68, item (i) (limited to the part pertaining to kitchens), and Article 72, item (i) (limited to the part pertaining to kitchens)

四 法第四十五条第一項の規定により、同条第二項各号に掲げる事項以外の事項について都道府県が条例を定めるに当たって参酌すべき基準 この省令に定める基準のうち、前三号に定める規定による基準以外のもの

(iv) the standards to be taken into consideration by a prefecture in establishing a Prefectural Ordinance with regard to matters other than those listed in the items of Article 45, paragraph (2) of the Act pursuant to the provisions of paragraph (1) of the same Article: the standards specified by this ministerial order other than those specified in the preceding three items.

2 設備運営基準は、都道府県知事の監督に属する児童福祉施設に入所している者が、明るくて、衛生的な環境において、素養があり、かつ、適切な訓練を受けた職員（児童福祉施設の長を含む。以下同じ。）の指導により、心身ともに健やかにして、社会に適応するように育成されることを保障するものとする。

(2) The Facility Operation Standards ensures that persons placed in a child welfare institution under the supervision of the prefectural governor are nurtured to be healthy in mind and body and adaptable to society under the guidance of well-informed and appropriately trained personnel (including the head of the child welfare institution; the same applies hereinafter) in a bright and sanitary environment.

3 厚生労働大臣は、設備運営基準を常に向上させるように努めるものとする。

(3) The Minister of Health, Labour and Welfare is to make every effort to improve the Facility Operation Standards.

（最低基準の目的）

(Objective of Minimum Standards)

第二条 法第四十五条第一項の規定により都道府県が条例で定める基準（以下「最低基準」という。）は、都道府県知事の監督に属する児童福祉施設に入所している者が、明るくて、衛生的な環境において、素養があり、かつ、適切な訓練を受けた職員の指導により、心身ともに健やかにして、社会に適応するように育成されることを保障するものとする。

Article 2 The standards specified by Prefectural Ordinances pursuant to the provisions of paragraph (1) of Article 45 of the Act (hereinafter referred to as the "minimum standards") ensures that persons placed in child welfare institutions under the supervision of the prefectural governor are nurtured to be healthy in mind and body and adaptable to society in a bright and sanitary

environment under the guidance of well-prepared and appropriately trained personnel.

(最低基準の向上)

(Improvement of Minimum Standards)

第三条 都道府県知事は、その管理に属する法第八条第二項に規定する都道府県児童福祉審議会（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（以下この項において「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、地方社会福祉審議会）の意見を聴き、その監督に属する児童福祉施設に対し、最低基準を超えて、その設備及び運営を向上させるように勧告することができる。

Article 3 (1) The prefectural governor is to comply with the requirements of the Prefectural Child Welfare Council (the Local Social Welfare Council prescribed in Article 7, paragraph (1) of the Social Welfare Act (Act No. 45 of 1951), as stipulated in Article 12, paragraph (1) of the Social Welfare Act (hereinafter referred to as the "local social welfare council" in this paragraph). For prefectures, the local social welfare council may listen to the opinions of the prefectural government and recommend child welfare facilities under its supervision improve their facilities and operations beyond the minimum standards.

2 都道府県は、最低基準を常に向上させるように努めるものとする。

(2) Prefectures is to make every effort to improve the minimum standards.

(最低基準と児童福祉施設)

(Minimum Standards and Child Welfare Facilities)

第四条 児童福祉施設は、最低基準を超えて、常に、その設備及び運営を向上させなければならない。

Article 4 (1) Child welfare facilities must constantly improve their facilities and operation beyond the minimum standards.

2 最低基準を超えて、設備を有し、又は運営をしている児童福祉施設においては、最低基準を理由として、その設備又は運営を低下させてはならない。

(2) Child welfare facilities having or operating facilities beyond the minimum standards must not reduce their facilities or operations due to the minimum standards.

(児童福祉施設の一般原則)

(General Principles of Child Welfare Facilities)

第五条 児童福祉施設は、入所している者の人権に十分配慮するとともに、一人一人の人格を尊重して、その運営を行わなければならない。

Article 5 (1) Child welfare facilities must conduct their operations in full consideration of the human rights of the residents and respecting the

personalities of each individual.

- 2 児童福祉施設は、地域社会との交流及び連携を図り、児童の保護者及び地域社会に対し、当該児童福祉施設の運営の内容を適切に説明するよう努めなければならない。

(2) Child welfare facilities must endeavor to interact and cooperate with the local community and to properly explain the management of child welfare facilities to the custodians of children and to the local community.

- 3 児童福祉施設は、その運営の内容について、自ら評価を行い、その結果を公表するよう努めなければならない。

(3) Child welfare facilities must endeavor to evaluate its own management and to publicize the results thereof.

- 4 児童福祉施設には、法に定めるそれぞれの施設の目的を達成するために必要な設備を設けなければならない。

(4) Child welfare facilities must have the facilities necessary to achieve the purpose of each facility as specified by the law.

- 5 児童福祉施設の構造設備は、採光、換気等入所している者の保健衛生及びこれらの者に対する危害防止に十分な考慮を払って設けられなければならない。

(5) The structural facilities of child welfare facilities must be provided with sufficient consideration for the health and hygiene of persons admitted and prevention of harm to such persons, including lighting and ventilation.

(児童福祉施設と非常災害)

(Child Welfare Facilities and Emergency Disasters)

第六条 児童福祉施設においては、軽便消火器等の消火用具、非常口その他非常災害に必要な設備を設けるとともに、非常災害に対する具体的計画を立て、これに対する不断の注意と訓練をするように努めなければならない。

Article 6 (1) Child welfare facilities must prepare fire extinguishers, emergency exits, and other equipment necessary for emergencies, and endeavor to establish concrete plans for emergencies, and provide constant attention and training.

- 2 前項の訓練のうち、避難及び消火に対する訓練は、少なくとも毎月一回は、これを行わなければならない。

(2) Of the training set forth in the preceding paragraph, training on evacuation and fire suppression must be carried out at least once a month.

(児童福祉施設における職員の一般的要件)

(General Requirements for Staff in Child Welfare Facilities)

第七条 児童福祉施設に入所している者の保護に従事する職員は、健全な心身を有し、豊かな人間性と倫理観を備え、児童福祉事業に熱意のある者であつて、できる限り児童福祉事業の理論及び実際について訓練を受けた者でなければならない。

Article 7 Officials engaged in the protection of the residents in child welfare facilities must have a sound mind and body, be rich in humanity and ethics, be

enthusiastic about child welfare services, and be trained in the theory and practice of child welfare services as much as possible.

(児童福祉施設の職員の知識及び技能の向上等)

(Improvement of Knowledge and Skills for Employees of Child Welfare Facilities)

第七条の二 児童福祉施設の職員は、常に自己研鑽さんに励み、法に定めるそれぞれの施設の目的を達成する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。

Article 7-2 (1) The officials of child welfare facilities must strive to improve themselves and endeavor to acquire, maintain and improve the knowledge and skills necessary for achieving the purpose of each facility provided for in the Act.

2 児童福祉施設は、職員に対し、その資質の向上のための研修の機会を確保しなければならない。

(2) Child welfare facilities must ensure that employees have the opportunity to undergo training to improve their qualifications.

(他の社会福祉施設を併せて設置するときの設備及び職員の基準)

(Standards of Facilities and Staff When Establishing Other Social Welfare Facilities)

第八条 児童福祉施設は、他の社会福祉施設を併せて設置するときは、必要に応じ当該児童福祉施設の設備及び職員の一部を併せて設置する社会福祉施設の設備及び職員に兼ねることができる。ただし、入所している者の居室及び各施設に特有の設備並びに入所している者の保護に直接従事する職員については、この限りでない。

Article 8 When a child welfare facility is established together with another social welfare institution, a part of the facilities and employees of the relevant child welfare facility may be substituted for the facilities and employees of the social welfare institution established together, if necessary; provided, however, that this does not apply to the rooms of the residents, the facilities particular to each institution, and the employees directly engaged in the protection of the residents.

(入所した者を平等に取り扱う原則)

(Principle to Treat Residents Equally)

第九条 児童福祉施設においては、入所している者の国籍、信条、社会的身分又は入所に要する費用を負担するか否かによつて、差別的取扱いをしてはならない。

Article 9 Child welfare facilities must not discriminate against a person admitted to the facility on the basis of nationality, creed, social status or whether or not the person bears the expenses required for admission.

(虐待等の禁止)

**(Prohibition of Abuse)**

第九条の二 児童福祉施設の職員は、入所中の児童に対し、法第三十三条の十各号に掲げる行為その他当該児童の心身に有害な影響を与える行為をしてはならない。

Article 9-2 Employees of child welfare facilities must not engage in the activities listed in items of Article 33-10 of the Act or any other acts that have a harmful effect on the mind and body of any child who are in residence.

(懲戒に係る権限の濫用禁止)

**(Prohibition Against Abuse of the Authority in Relation to Disciplinary Action)**

第九条の三 児童福祉施設の長は、入所中の児童等（法第三十三条の七に規定する児童等をいう。以下この条において同じ。）に対し法第四十七条第一項本文の規定により親権を行う場合であつて懲戒するとき又は同条第三項の規定により懲戒に関しその児童等の福祉のために必要な措置を採るときは、身体的苦痛を与え、人格を辱める等その権限を濫用してはならない。

Article 9-3 When the head of the child welfare facilities disciplines a child in a facility (the term "child" as used in this Act means a child as prescribed in Article 33 -7 of the Act; the same applies hereinafter in this Article.) with parental authority pursuant to the main clause of Article 47, paragraph (1) of the Act, or takes any measures necessary for welfare of the child in connection with disciplinary action pursuant to the provisions of paragraph (3) of the same Article, the head of the child welfare facilities must not abuse the authority by inflicting physical pain or humiliating the child's personality.

(衛生管理等)

**(Hygiene Management)**

第十条 児童福祉施設に入所している者の使用する設備、食器等又は飲用に供する水については、衛生的な管理に努め、又は衛生上必要な措置を講じなければならない。

Article 10 (1) With regard to equipment, tableware, etc. used by persons residing in a child welfare facility or drinking water, efforts must be made for hygiene management and necessary sanitary measures must be taken.

2 児童福祉施設は、当該児童福祉施設において感染症又は食中毒が発生し、又はまん延しないように必要な措置を講ずるよう努めなければならない。

(2) Child welfare facilities must endeavor to take necessary measures to prevent infection or food poisoning from occurring or spreading.

3 児童福祉施設（助産施設、保育所及び児童厚生施設を除く。）においては、入所している者の希望等を勘案し、清潔を維持することができるよう適切に、入所している者を入浴させ、又は清拭しなければならない。

(3) In child welfare facilities (excluding a midwifery facility, nursery center and child recreational facilities), the residents must be bathed or wiped appropriately so as to maintain cleanliness, while taking into consideration the



wishes of the inmate.

- 4 児童福祉施設には、必要な医薬品その他の医療品を備えるとともに、それらの管理を適正に行わなければならない。

(4) Child welfare facilities must be equipped with necessary medicines and other medical products which must be appropriately managed.

(食事)

(Food)

第十一条 児童福祉施設（助産施設を除く。以下この項において同じ。）において、入所している者に食事を提供するときは、当該児童福祉施設内で調理する方法（第八条の規定により、当該児童福祉施設の調理室を兼ねている他の社会福祉施設の調理室において調理する方法を含む。）により行わなければならない。

Article 11 (1) When providing meals to persons admitted in a child welfare facility (excluding midwifery facilities; hereinafter the same applies in this paragraph), the meals must be prepared by the method of cooking in that child welfare facility (including the method of cooking in the kitchen of another social welfare facility which also serves as the kitchen of the child welfare facility pursuant to the provisions of Article 8).

- 2 児童福祉施設において、入所している者に食事を提供するときは、その献立は、できる限り、変化に富み、入所している者の健全な発育に必要な栄養量を含有するものでなければならない。

(2) When a child welfare facility provides meals to residents, the menu must be as varied as much as possible and contain the nutritional requirements necessary for the sound development of the residents.

- 3 食事は、前項の規定によるほか、食品の種類及び調理方法について栄養並びに入所している者の身体的状況及び嗜好を考慮したものでなければならない。

(3) Beyond the provisions of the preceding paragraph, meals must be prepared in consideration of nutrition and the physical conditions and preferences of the residents with regard to the types of food and cooking methods.

- 4 調理は、あらかじめ作成された献立に従って行わなければならない。ただし、少数の児童を対象として家庭的な環境の下で調理するときは、この限りでない。

(4) Cooking must be carried out in accordance with a menu prepared in advance; provided, however, that this does not apply when cooking is done for a small number of children in a homely environment.

- 5 児童福祉施設は、児童の健康な生活の基本としての食を営む力の育成に努めなければならない。

(5) Child welfare facilities must endeavor to foster children's ability to eat as the basis of a healthy life.

(入所した者及び職員の健康診断)

(Medical Examinations for Staff and Residents)

第十二条 児童福祉施設（児童厚生施設及び児童家庭支援センターを除く。第四項を除き、以下この条において同じ。）の長は、入所した者に対し、入所時の健康診断、少なくとも一年に二回の定期健康診断及び臨時の健康診断を、学校保健安全法（昭和三十三年法律第五十六号）に規定する健康診断に準じて行わなければならない。

Article 12 (1) The head of the child welfare facility (excluding child recreational facilities and child and family support centers; hereinafter the same applies in this Article except in paragraph (4)) must provide those admitted to the facility with medical examinations at the time of admission, regular medical examinations at least twice a year, and occasional medical examinations in accordance with the medical examinations prescribed in the School Health and Safety Act (Act No. 56 of 1958).

2 児童福祉施設の長は、前項の規定にかかわらず、次の表の上欄に掲げる健康診断が行われた場合であつて、当該健康診断がそれぞれ同表の下欄に掲げる健康診断の全部又は一部に相当すると認められるときは、同欄に掲げる健康診断の全部又は一部を行わないことができる。この場合において、児童福祉施設の長は、それぞれ同表の上欄に掲げる健康診断の結果を把握しなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, the head of the child welfare facility may not perform all or part of the health examinations listed in the same column if the medical examinations listed in the upper column of the following table are deemed to be equivalent to all or part of the medical examinations listed in the lower column of the same table. In this case, the head of each child welfare facility must be aware of the results of the medical examination listed in the column above.

3 第一項の健康診断をした医師は、その結果必要な事項を母子健康手帳又は入所した者の健康を記録する表に記入するとともに、必要に応じ入所の措置又は助産の実施、母子保護の実施若しくは保育の提供若しくは法第二十四条第五項若しくは第六項の規定による措置を解除又は停止する等必要な手続をとることを、児童福祉施設の長に勧告しなければならない。

(3) The physician who has conducted the medical examination set forth in paragraph (1) must enter the necessary particulars as a result of the examination in the maternal and child health handbook or a table recording the health of the admitted person, and recommend the head of the child welfare facilities to take necessary procedures such as measures for admission, the midwifery care practice, the maternal and child aid practice or the daycare practice, or cancellation or suspension of the measures pursuant to the provisions of Article 24, paragraph (5) or (6) of the Act, as necessary.

4 児童福祉施設の職員の健康診断に当たっては、特に入所している者の食事を調理する者につき、綿密な注意を払わなければならない。

(4) In conducting medical examinations for officials of child welfare facilities, close attention must be paid particularly to those who prepare meals for the residents.

(給付金として支払を受けた金銭の管理)

**(Management of Money Paid as Benefits)**

第十二条の二 乳児院、児童養護施設、障害児入所施設、児童心理治療施設及び児童自立支援施設は、当該施設の設置者が入所中の児童に係る厚生労働大臣が定める給付金（以下この条において「給付金」という。）の支給を受けたときは、給付金として支払を受けた金銭を次に掲げるところにより管理しなければならない。

Article 12-2 When the establisher of an infant home, a foster home, a facility for the admission of children with disabilities, a child's psychological treatment facility and a children's self-reliance support facility receive payment of benefits (hereinafter referred to as "benefits" in this Article) specified by the Minister of Health, Labour and Welfare pertaining to the children who are admitted to the relevant facility, the money received as benefits must be managed in accordance with the following provisions:

一 当該児童に係る当該金銭及びこれに準ずるもの（これらの運用により生じた収益を含む。以下この条において「児童に係る金銭」という。）をその他の財産と区分すること。

(i) separating the money pertaining to the relevant child and anything equivalent thereto (including revenues generated from the investment thereof; hereinafter referred to as "money pertaining to the child" in this Article) from other property;

二 児童に係る金銭を給付金の支給の趣旨に従つて用いること。

(ii) using money pertaining to children in accordance with the purpose of payment of benefits;

三 児童に係る金銭の収支の状況を明らかにする帳簿を整備すること。

(iii) preparing books that clarify the status of the income and expenditure of money pertaining to children.

四 当該児童が退所した場合には、速やかに、児童に係る金銭を当該児童に取得させること。

(iv) in the event that the child has left the place, promptly having the child acquire money pertaining to the relevant child.

(児童福祉施設内部の規程)

**(Regulations within Child Welfare Facilities)**

第十三条 児童福祉施設（保育所を除く。）においては、次に掲げる事項のうち必要な事項につき規程を設けなければならない。

Article 13 (1) A child welfare facility (excluding a nursery center) must establish rules for necessary particulars among the following particulars:

一 入所する者の援助に関する事項

(i) particulars concerning the residents' assistance;

二 その他施設の管理についての重要事項

(ii) other important particulars concerning the management of the facility.

2 保育所は、次の各号に掲げる施設の運営についての重要事項に関する規程を定めておかなければならない。

(2) A Nursery center must establish rules for important particulars concerning the operation of the facilities listed in the following items:

一 施設の目的及び運営の方針

(i) the purpose and operational policy of the facility;

二 提供する保育の内容

(ii) the contents of the childcare to be provided;

三 職員の職種、員数及び職務の内容

(iii) the type of job, the number of employees, and the contents of their duties;

四 保育の提供を行う日及び時間並びに提供を行わない日

(iv) the days and times on which childcare services are provided and the days on which childcare services are not be provided;

五 保護者から受領する費用の種類、支払を求める理由及びその額

(v) the type of expenses received from the custodian, the reason for requesting the payment, and the amount thereof;

六 乳児、満三歳に満たない幼児及び満三歳以上の幼児の区分ごとの利用定員

(vi) the number of persons to be used for each category of infants, toddlers under three years of age, and toddlers over three years of age;

七 保育所の利用の開始、終了に関する事項及び利用に当たっての留意事項

(vii) particulars concerning the commencement and termination of the use of the nursery center and points to be noted in using the nursery center;

八 緊急時等における対応方法

(viii) how to respond in an emergency;

九 非常災害対策

(ix) emergency disaster measures;

十 虐待の防止のための措置に関する事項

(x) particulars concerning measures to prevent abuse;

十一 保育所の運営に関する重要事項

(xi) important particulars concerning the operation of the nursery center;

(児童福祉施設に備える帳簿)

(Books Kept in Child Welfare Facilities)

第十四条 児童福祉施設には、職員、財産、収支及び入所している者の処遇の状況を明らかにする帳簿を整備しておかなければならない。

Article 14 The child welfare facility must maintain books clarifying the status of officials, property, income and expenditure, and the resident's treatment.

(秘密保持等)

(Confidentiality)

第十四条の二 児童福祉施設の職員は、正当な理由がなく、その業務上知り得た利用者又はその家族の秘密を漏らしてはならない。

Article 14-2 (1) Employees of a child welfare facility must not divulge any confidential information of users or their families that they have come to know in the course of duties without justifiable grounds.

2 児童福祉施設は、職員であつた者が、正当な理由がなく、その業務上知り得た利用者又はその家族の秘密を漏らすことがないように、必要な措置を講じなければならない。

(2) The child welfare facility must take necessary measures so that a person who was formerly an employee does not divulge any confidential information of users or their families which may come to such person's knowledge in the course of duties without justifiable grounds.

(苦情への対応)

(Response to Complaints)

第十四条の三 児童福祉施設は、その行つた援助に関する入所している者又はその保護者等からの苦情に迅速かつ適切に対応するために、苦情を受け付けるための窓口を設置する等の必要な措置を講じなければならない。

Article 14-3 (1) A Child welfare facility must take necessary measures such as establishing a counter for receiving complaints in order to respond promptly and appropriately to complaints from the persons admitted to the facility for the assistance provided by the facility or their custodians, etc.

2 乳児院、児童養護施設、障害児入所施設、児童発達支援センター、児童心理治療施設及び児童自立支援施設は、前項の必要な措置として、苦情の公正な解決を図るために、苦情の解決に当たって当該児童福祉施設の職員以外の者を関与させなければならない。

(2) Infant homes, foster homes, facilities for the admission of children with disabilities, child development support centers, child psychological treatment facilities and child self-reliance support facilities must have persons other than officials of the child welfare facilities concerned involved in the resolution of complaints as necessary measures set forth in the preceding paragraph.

3 児童福祉施設は、その行つた援助に関し、当該措置又は助産の実施、母子保護の実施若しくは保育の提供若しくは法第二十四条第五項若しくは第六項の規定による措置に係る都道府県又は市町村から指導又は助言を受けた場合は、当該指導又は助言に従つて必要な改善を行わなければならない。

(3) When child welfare facility receives guidance or advice from a prefecture or municipality pertaining to measures or measures pertaining to midwifery care, maternal and child protection, or childcare services, or measures pursuant to the provisions of Article 24, paragraph (5) or (6) of the Act, with regard to the assistance provided by the relevant prefecture or municipality, prefecture or municipality, the child welfare facility must make necessary improvements in accordance with the relevant guidance or advice.

4 児童福祉施設は、社会福祉法第八十三条に規定する運営適正化委員会が行う同法第八十五条第一項の規定による調査にできる限り協力しなければならない。

(4) A child welfare facility must cooperate as much as possible with the investigation under Article 85, paragraph (1) of the Social Welfare Act to be conducted by the Committee on Operational Propriety prescribed in Article 83 of the same Act.

(大都市等の特例)

(Special Provisions for Large Cities)

第十四条の四 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（以下「指定都市」という。）にあつては、第一条第一項中「都道府県」とあるのは「指定都市」と、同条第二項中「都道府県知事」とあるのは「指定都市の市長」と、第二条中「都道府県が」とあるのは「指定都市が」と、「都道府県知事」とあるのは「指定都市の市長」と、第三条第一項中「都道府県知事」とあるのは「指定都市の市長」と、「都道府県に」とあるのは「指定都市に」と、同条第二項中「都道府県」とあるのは「指定都市」と読み替えるものとする。

Article 14-4 (1) In the case of a designated city set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No. 67 of 1947) (hereinafter referred to as a "designated city"), the term "prefecture" in Article 1, paragraph (1) is replaced with "designated city"; the term "prefectural governor" in paragraph (2) of the same Article is replaced with "mayor of the designated city"; the term "prefecture" in Article 2 is replaced with "designated city"; the term "prefectural governor" in paragraph (1) of Article 3 is replaced with "mayor of the designated city"; the term "prefecture" in paragraph (2) of the same Article is replaced with "designated city".

2 地方自治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。）にあつては、第一条第一項中「都道府県」とあるのは「都道府県（助産施設、母子生活支援施設又は保育所（以下「特定児童福祉施設」という。）については、中核市）」と、同条第二項中「都道府県知事」とあるのは「都道府県知事（特定児童福祉施設については、中核市の市長）」と、第二条中「都道府県が」とあるのは「都道府県（特定児童福祉施設については、中核市）が」と、「都道府県知事」とあるのは「都道府県知事（特定児童福祉施設については、中核市の市長）」と、第三条第一項中「都道府県知事」とあるのは「都道府県知事（特定児童福祉施設については、中核市の市長）」と、「都道府県に」とあるのは「都道府県（特定児童福祉施設については、中核市）に」と、同条第二項中「都道府県」とあるのは「都道府県（特定児童福祉施設については、中核市）」と読み替えるものとする。

(2) In the case of a core city set forth in Article 252-22, paragraph (1) of the Local Autonomy Act (hereinafter referred to as a "core city"), the term "prefecture" in Article 1, paragraph (1) is replaced with "prefecture (or core city in the case of a midwifery facility, maternal and child living support facility, or nursery center (hereinafter referred to as a "specified child welfare facilities "))"; the

term "prefectural governor" in paragraph (2) of the same Article is replaced with "prefectural governor (or core city in the case of a specified child welfare facilities)"; the term "prefecture" in Article 2 is replaced with "prefecture (or core city in the case of a specified child welfare facilities)"; the term "prefectural governor" in Article 3, paragraph (1) is replaced with "prefectural governor (or core city in the case of a specified child welfare facilities)"; the term "prefecture" in paragraph (2) of the same Article is replaced with "prefecture (or core city in the case of a specified child welfare facilities)"; and the term "prefecture" in paragraph (2) of the same Article is replaced with "prefecture (or core city in the case of a specified child welfare facilities)".

- 3 法第五十九条の四第一項の児童相談所設置市（以下「児童相談所設置市」という。）にあつては、第一条第一項中「都道府県」とあるのは「児童相談所設置市」と、同条第二項中「都道府県知事」とあるのは「児童相談所設置市の市長」と、第二条中「都道府県が」とあるのは「児童相談所設置市が」と、「都道府県知事」とあるのは「児童相談所設置市の市長」と、第三条第一項中「都道府県知事」とあるのは「児童相談所設置市の市長」と、「法第八条第二項に規定する都道府県児童福祉審議会（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（以下この項において「地方社会福祉審議会」という。）に児童福祉に関する事務を調査審議させる都道府県にあつては、地方社会福祉審議会）」とあるのは「法第八条第三項に規定する児童福祉に関する審議会その他の合議制の機関」と、同条第二項中「都道府県」とあるのは「児童相談所設置市」と読み替えるものとする。

- (3) In the case of a city with child guidance centers set forth in paragraph (1) of Article 59-4 of the Act (hereinafter referred to as a "city with child guidance centers"), the term "prefecture" in Article 1, paragraph (1) is replaced with "city with child guidance centers"; the term "prefectural governor" in paragraph (2) of the same Article is replaced with "mayor of the city with child guidance centers"; the term "prefectural governor" in Article 3, paragraph (1) is replaced with "mayor of the city with child guidance centers"; the term "prefectural child welfare council prescribed in Article 8, paragraph (2) of the Act (or a local social welfare council prescribed in Article 7, paragraph (1) of the Social Welfare Act (Act No. 45 of 1951) (hereinafter referred to as a "local social welfare council "in this paragraph) in the case of a prefecture to the provisions of Article 12, paragraph (1) of the same Act, causes a local social welfare council prescribed in Article 7, paragraph (1) of the same Act (hereinafter referred to as a "local social welfare council "in this paragraph) to investigate and deliberate on affairs concerning child welfare" in Article 3, paragraph (1) is replaced with "council or other body with council system concerning child welfare prescribed in Article 8, paragraph (3) of the Act"; and the term "prefecture" in paragraph (2) of the same article is replaced with "cities with child guidance centers".

## 第二章 助産施設

### Chapter II Midwifery Facility

(種類)

(Type)

第十五条 助産施設は、第一種助産施設及び第二種助産施設とする。

Article 15 (1) A midwifery facility is a type 1 midwifery facility and a type 2 midwifery facility.

2 第一種助産施設とは、医療法（昭和二十三年法律第二百五号）の病院又は診療所である助産施設をいう。

(2) A type 1 midwifery facility means a midwifery facility that is a hospital or clinic under the Medical Care Act (Act No. 205 of 1948).

3 第二種助産施設とは、医療法の助産所である助産施設をいう。

(3) A type 2 midwifery facility means a midwifery facility that is a birthing center under the Medical Care Act.

(入所させる妊産婦)

(Expectant and Nursing Mothers to Be Admitted)

第十六条 助産施設には、法第二十二条第一項に規定する妊産婦を入所させて、なお余裕のあるときは、その他の妊産婦を入所させることができる。

Article 16 The midwifery facility may accommodate expectant or nursing mothers prescribed in Article 22, paragraph (1) of the Act, and if there is still room, other expectant or nursing mothers may be admitted.

(第二種助産施設の職員)

(Staff of a Type 2 Midwifery Facility)

第十七条 第二種助産施設には、医療法に規定する職員のほか、一人以上の専任又は嘱託の助産師を置かなければならない。

Article 17 (1) A type 2 midwifery facility must have one or more full-time or commissioned midwives in addition to the officials provided for in the Medical Care Act.

2 第二種助産施設の嘱託医は、産婦人科の診療に相当の経験を有する者でなければならない。

(2) A commissioned doctor of a type 2 midwifery facility must have considerable experience in obstetrics and gynecology.

(第二種助産施設と異常分べん)

(Type 2 Midwifery Facility and Abnormal Distribution)

第十八条 第二種助産施設に入所した妊婦が、産科手術を必要とする異常分べんをするおそれのあるときは、第二種助産施設の長は、速やかにこれを第一種助産施設その他



適当な病院又は診療所に入所させる手続をとらなければならない。ただし、応急の処置を要するときは、この限りでない。

Article 18 When a pregnant woman who has entered type 2 midwifery facility is likely to deliver an abnormal delivery requiring obstetric surgery, the head of type 2 midwifery facility must promptly arrange for her to be admitted to type 1 midwifery facility or other appropriate hospitals or clinics; provided, however, that this does not apply when emergency measures are required.

### 第三章 乳児院

#### Chapter III Infant Homes

(設備の基準)

(Standards of Facilities)

第十九条 乳児院（乳児又は幼児（以下「乳幼児」という。）十人未満を入所させる乳児院を除く。）の設備の基準は、次のとおりとする。

Article 19 The standards for a facility for infant homes (excluding infant homes where less than 10 infants or toddlers are admitted (hereinafter referred to as "infants")) are as follows:

一 寝室、観察室、診察室、病室、ほふく室、相談室、調理室、浴室及び便所を設けること。

(i) to provide a bedroom, observation room, examination room, hospital room, crawling room, consultation room, kitchen, bathroom, and lavatory.

二 寝室の面積は、乳幼児一人につき二・四七平方メートル以上であること。

(ii) the area of a bedroom is 2.47 square meters or more per infant and toddler.

三 観察室の面積は、乳児一人につき一・六五平方メートル以上であること。

(iii) the area of the observation room is 1.65 square meters or more per infant.

第二十条 乳幼児十人未満を入所させる乳児院の設備の基準は、次のとおりとする。

Article 20 The standards for facilities at infant homes where less than 10 infants and toddlers are admitted are as follows:

一 乳幼児の養育のための専用の室及び相談室を設けること。

(i) to establish a dedicated room and a consultation room for taking care of infants.

二 乳幼児の養育のための専用の室の面積は、一室につき九・九一平方メートル以上とし、乳幼児一人につき二・四七平方メートル以上であること。

(ii) the area of a room exclusively for raising infants must be 9.91 square meters or more per room and 2.47 square meters or more per infant.

(職員)

(Staff)

第二十一条 乳児院（乳幼児十人未満を入所させる乳児院を除く。）には、小児科の診

療に相当の経験を有する医師又は嘱託医、看護師、個別対応職員、家庭支援専門相談員、栄養士及び調理員を置かなければならない。ただし、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

- Article 21 (1) Infant homes (excluding infant homes in which less than 10 infants and toddlers are admitted) must have physicians or commissioned physicians with considerable experience in pediatric medical care, nurses, individual support staff, specialized consultants for family support, dietitians, and cooks; provided, however, that cooking staff may not be assigned to facilities to which all cooking services are entrusted.
- 2 家庭支援専門相談員は、社会福祉士若しくは精神保健福祉士の資格を有する者、乳児院において乳幼児の養育に五年以上従事した者又は法第十三条第三項各号のいずれかに該当する者でなければならない。
- (2) A family support specialist must be a certified social welfare worker or a certified psychiatric social worker, a person who has engaged in the care of infants at an infant home for five years or longer, or a person who falls under any of the items of Article 13, paragraph (3) of the Act.
- 3 心理療法を行う必要があると認められる乳幼児又はその保護者十人以上に心理療法を行う場合には、心理療法担当職員を置かなければならない。
- (3) A staff member in charge of psychotherapy must be assigned when performing psychotherapy for 10 or more infants and toddlers or their custodians who are deemed to be in need of psychotherapy.
- 4 心理療法担当職員は、学校教育法（昭和二十二年法律第二十六号）の規定による大学（短期大学を除く。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者であつて、個人及び集団心理療法の技術を有するもの又はこれと同等以上の能力を有すると認められる者でなければならない。
- (4) A member of staff in charge of psychotherapy must be a person who has graduated from a university (excluding a junior college) under the provisions of the School Education Act (Act No. 26 of 1947) after completing a department specialized in psychology or a course equivalent thereto, and who has the skills for individual and group psychotherapy, or a person who is recognized as having equivalent or superior abilities.
- 5 看護師の数は、乳児及び満二歳に満たない幼児おおむね一・六人につき一人以上、満二歳以上満三歳に満たない幼児おおむね二人につき一人以上、満三歳以上の幼児おおむね四人につき一人以上（これらの合計数が七人未満であるときは、七人以上）とする。
- (5) The number of nurses is one or more per approximately 1.6 infants and toddlers under two years of age, one or more per approximately two toddlers over two years of age under three years of age, and one or more per approximately four toddlers over three years of age (or seven or more if the total number of nurses is less than seven).
- 6 看護師は、保育士（国家戦略特別区域法（平成二十五年法律第百七号。以下「特区

法」という。)第十二条の五第五項に規定する事業実施区域内にある乳児院にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。次項及び次条第二項において同じ。)又は児童指導員(児童の生活指導を行う者をいう。以下同じ。)をもつてこれに代えることができる。ただし、乳幼児十人の乳児院には二人以上、乳幼児が十人を超える場合は、おおむね十人増すごとに一人以上看護師を置かなければならない。

- (6) A nurse may be substituted by a nursery teacher (in the case of an infant home within the project implementation area prescribed in Article 12-5, paragraph (5) of the National Strategy Special Zone Act (Act No. 107 of 2013 ; hereinafter referred to as the "Special Zone Act"), a nursery teacher or a nursery teacher limited to the national strategy special zone pertaining to the relevant project implementation area; the same applies in the following paragraph and paragraph (2) of the following Article) or a child instructor (meaning a person who provides life guidance for children ; the same applies hereinafter); provided, however, that in an infant home with ten infants and toddlers, two or more nurses are placed, and in the case where the number of infants and toddlers exceeds 10, one or more nurses are placed for every increase of approximately 10.

7 前項に規定する保育士のほか、乳幼児二十人以下を入所させる施設には、保育士を一人以上置かなければならない。

- (7) Beyond the nursery teachers prescribed in the preceding paragraph, one or more nursery teachers must be placed in facilities where 20 or less infants and toddlers are admitted.

第二十二條 乳幼児十人未満を入所させる乳児院には、嘱託医、看護師、家庭支援専門相談員及び調理員又はこれに代わるべき者を置かなければならない。

Article 22 (1) An infant home for which less than 10 infants and toddlers are admitted must have a commissioned doctor, nurse, family support consultant, cook, or substitute person.

2 看護師の数は、七人以上とする。ただし、その一人を除き、保育士又は児童指導員をもつてこれに代えることができる。

- (2) The number of nurses must be seven or more; provided, however, that a nursery teacher or child guidance teacher may be substituted for one of them.

(乳児院の長の資格等)

(Qualifications of Head of Infant's Hospital)

第二十二條の二 乳児院の長は、次の各号のいずれかに該当し、かつ、厚生労働大臣が指定する者が行う乳児院の運営に関し必要な知識を習得させるための研修を受けた者であつて、人格が高潔で識見が高く、乳児院を適切に運営する能力を有するものでなければならない。

Article 22-2 (1) The head of an infant home is a person who falls under any of

the following items and who has received training in order to acquire the knowledge necessary for the operation of an infant home by a person designated by the Minister of Health, Labour and Welfare, who is of a noble character and have a high level of insight, and must have the ability to appropriately operate an infant home:

一 医師であつて、小児保健に関して学識経験を有する者

(i) a physician who has relevant knowledge and experience concerning pediatric health

二 社会福祉士の資格を有する者

(ii) a person who is qualified as a certified social worker;

三 乳児院の職員として三年以上勤務した者

(iii) a person who has worked as an employee of an infant home for three years or longer;

四 都道府県知事（指定都市にあつては指定都市の市長とし、児童相談所設置市にあつては児童相談所設置市の長とする。第二十七条の二第一項第四号、第二十八条第一号、第三十八条第二項第一号、第四十三条第一号、第八十二条第三号、第九十四条及び第九十六条を除き、以下同じ。）が前各号に掲げる者と同等以上の能力を有すると認める者であつて、次に掲げる期間の合計が三年以上であるもの又は厚生労働大臣が指定する講習会の課程を修了したもの

(iv) prefectural governors (in the case of designated cities, mayors of designated cities, and in the case of cities with child guidance centers, mayors of cities with child guidance centers ; hereinafter the same applies except in Article 27-2, paragraph (1), item (iv), Article 28, item (i), Article 38, paragraph (2), item (i), Article 43, item (i), Article 82, item (iii), Article 94 and Article 96) who are deemed to have abilities equivalent to or greater than those listed in the preceding items and for whom the total of the following periods is three years or more or who have completed the course designated by the Minister of Health, Labour and Welfare;

イ 法第十二条の三第二項第六号に規定する児童福祉司（以下「児童福祉司」という。）となる資格を有する者にあつては、児童福祉事業（国、都道府県又は市町村の内部組織における児童福祉に関する事務を含む。）に従事した期間

(a) in the case of a person who is qualified to be a child welfare officer as prescribed in Article 12-3, paragraph (2), item (vi) of the Act (hereinafter referred to as a "child welfare officer"), the period during which the relevant person has engaged in child welfare services (including affairs concerning child welfare in the internal organization of the national government, prefecture or municipality);

ロ 社会福祉主事となる資格を有する者にあつては、社会福祉事業に従事した期間

(b) in the case of a person who is qualified to be a social welfare officer, the period during which the person engaged in social welfare services;

ハ 社会福祉施設の職員として勤務した期間（イ又はロに掲げる期間に該当する期

間を除く。)

(c) the period during which the person served as an employee of the social welfare facility (excluding the period falling under (a) or (b));

2 乳児院の長は、二年に一回以上、その資質の向上のための厚生労働大臣が指定する者が行う研修を受けなければならない。ただし、やむを得ない理由があるときは、この限りでない。

(2) The head of an infant home must undergo training conducted by a person designated by the Minister of Health, Labour and Welfare to improve the quality of the infant home at least once every two years; provided, however, that this does not apply if there are unavoidable reasons.

(養育)

(Child Care)

第二十三条 乳児院における養育は、乳幼児の心身及び社会性の健全な発達を促進し、その人格の形成に資することとなるものでなければならない。

Article 23 (1) Child care in an infant home must promote the sound development of the physical, mental and social nature of infants and toddlers, and contribute to the development of their character.

2 養育の内容は、乳幼児の年齢及び発達の段階に応じて必要な授乳、食事、排泄せつ、沐もく浴、入浴、外気浴、睡眠、遊び及び運動のほか、健康状態の把握、第十二条第一項に規定する健康診断及び必要に応じ行う感染症等の予防処置を含むものとする。

(2) The contents of child care include nursing, meals, excretion, bathing, bathing, outdoor bathing, sleeping, playing and exercise which are necessary according to the age and stage of development of infants, ascertaining the state of health, medical examination prescribed in Article 12, paragraph (1) and preventive measures for infectious diseases, etc. which are taken as necessary.

3 乳児院における家庭環境の調整は、乳幼児の家庭の状況に応じ、親子関係の再構築等が図られるように行わなければならない。

(3) Adjustment of the family environment in an infant home must be carried out in such a way that the parent-child relationship can be reconstructed, etc. in accordance with the family circumstances of infants.

(乳児の観察)

(Observation of Infants)

第二十四条 乳児院（乳幼児十人未満を入所させる乳児院を除く。）においては、乳児が入所した日から、医師又は嘱託医が適当と認めた期間、これを観察室に入室させ、その心身の状況を観察しなければならない。

Article 24 An infant home (excluding an infant home where less than 10 infants are admitted.) must allow an infant to enter an observation room for a period regarded as appropriate by a physician or a commissioned physician from the day on which the infant was admitted, and observe their mental and physical

condition.

(自立支援計画の策定)

(Formulation of Self-reliance Support Plan)

第二十四条の二 乳児院の長は、第二十三条第一項の目的を達成するため、入所中の個々の乳幼児について、乳幼児やその家庭の状況等を勘案して、その自立を支援するための計画を策定しなければならない。

Article 24-2 In order to achieve the purpose set forth in Article 23, paragraph (1), the head of an infant home must formulate a plan for supporting the independence of each infant in the facility, taking into consideration the infant's and their family circumstances, etc.

(業務の質の評価等)

(Evaluation of the Quality of Services)

第二十四条の三 乳児院は、自らその行う法第三十七条に規定する業務の質の評価を行うとともに、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図らなければならない。

Article 24-3 An infant home must make a self-evaluation on the quality of its own duties prescribed in Article 37 of the Act and periodically undergo an evaluation by an outside party, and publicize the results thereof and constantly strive to improve them.

(関係機関との連携)

(Cooperation with Relevant Organizations)

第二十五条 乳児院の長は、児童相談所及び必要に応じ児童家庭支援センター、児童委員、保健所、市町村保健センター等関係機関と密接に連携して乳幼児の養育及び家庭環境の調整に当たらなければならない。

Article 25 The head of an infant home must take charge of upbringing of infants and coordination of the family environment in close cooperation with child guidance centers and, when necessary, relevant organs such as child and family support centers, commissioned child welfare volunteers, health centers, and municipal health centers.

#### 第四章 母子生活支援施設

#### Chapter IV Maternal and Child Living Support Facilities

(設備の基準)

(Standards of Facilities)

第二十六条 母子生活支援施設の設備の基準は、次のとおりとする。

Article 26 The standards of a maternal and child living support facility must be as follows;

一 母子室、集会、学習等を行う室及び相談室を設けること。

(i) a maternity room, a room where meetings, learning, etc. are held and a consultation room must be provided.

二 母子室は、これに調理設備、浴室及び便所を設けるものとし、一世帯につき一室以上とすること。

(ii) a maternity room must be provided with cooking facilities, bathrooms, and lavatories, and one or more rooms per household.

三 母子室の面積は、三十平方メートル以上であること。

(iii) the area of a maternity room must be 30 square meters or more.

四 乳幼児を入所させる母子生活支援施設には、付近にある保育所又は児童厚生施設が利用できない等必要があるときは、保育所に準ずる設備を設けること。

(iv) If there is a need, a maternal and child living support facility which admit infants must be provided an equivalent facility to a nursery center due to the unavailability of a nearby nursery center or a children's recreational facility or other reasons.

五 乳幼児三十人未満を入所させる母子生活支援施設には、静養室を、乳幼児三十人以上を入所させる母子生活支援施設には、医務室及び静養室を設けること。

(v) a maternal and child living support facility accommodating less than 30 infants must have a recuperation room, and a maternal and child living support facility accommodating 30 infants or more must have a medical room and a recuperation room.

(職員)

(Staff)

第二十七条 母子生活支援施設には、母子支援員（母子生活支援施設において母子の生活支援を行う者をいう。以下同じ。）、嘱託医、少年を指導する職員及び調理員又はこれに代わるべき者を置かなければならない。

Article 27 (1) A maternal and child living support facility must have maternal and child support staff (meaning a person who provides maternal and child living support in a maternal and child living support facility; the same applies hereinafter), a commissioned doctor, an official who instructs juveniles, and a cook, or any other person who can act in their place.

2 心理療法を行う必要があると認められる母子十人以上に心理療法を行う場合には、心理療法担当職員を置かなければならない。

(2) When providing psychotherapy to 10 or more mothers and children who are found to need to receive psychotherapy, an official in charge of psychotherapy must be assigned.

3 心理療法担当職員は、学校教育法の規定による大学（短期大学を除く。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者であつて、個人及び集団心理療法の技術を有するもの又はこれと同等以上の能力を有すると認められる者でなければならない。

(3) A member of staff in charge of psychotherapy must be a person who has graduated from a university (excluding a junior college) under the provisions of the School Education Act after completing a department specialized in psychology or a course equivalent thereto, and who has the skills for individual and group psychotherapy, or a person who is recognized as having equivalent or superior abilities.

4 配偶者からの暴力を受けたこと等により個別に特別な支援を行う必要があると認められる母子に当該支援を行う場合には、個別対応職員を置かなければならない。

(4) In the case that it is deemed necessary to provide special support individually to a mother and child who have been subjected to spousal violence or the like, the government must establish an individual support staff.

5 母子支援員の数は、母子十世帯以上二十世帯未満を入所させる母子生活支援施設においては二人以上、母子二十世帯以上を入所させる母子生活支援施設においては三人以上とする。

(5) The number of maternal and child support staff is to be two or more in a maternal and child living support facility accommodating ten households or more and less than 20 households and three or more in a maternal and child living support facility accommodating 20 households or more.

6 少年を指導する職員の数は、母子二十世帯以上を入所させる母子生活支援施設においては、二人以上とする。

(6) In a maternal and child living support facility accommodating 20 households or more of a mother and child, the number of staff members who provide guidance to juveniles are to be two or more.

(母子生活支援施設の長の資格等)

(Qualifications of Heads of Maternal and Child Living Support Facilities)

第二十七条の二 母子生活支援施設の長は、次の各号のいずれかに該当し、かつ、厚生労働大臣が指定する者が行う母子生活支援施設の運営に関し必要な知識を習得させるための研修を受けた者であつて、人格が高潔で識見が高く、母子生活支援施設を適切に運営する能力を有するものでなければならない。

Article 27-2 (1) The head of a maternal and child living support facility must be a person who falls under any of the following items and child living support facility and has received training to acquire necessary knowledge concerning the operation of the maternal and child living support facility conducted by a person designated by the Minister of Health, Labour and Welfare, has high moral character and insight, and has the ability to appropriately operate the maternal and child living support facility.

一 医師であつて、精神保健又は小児保健に関して学識経験を有する者

(i) a physician who has relevant knowledge and experience concerning mental health or pediatric health;

二 社会福祉士の資格を有する者



(ii) a person who is qualified as a certified social worker;

三 母子生活支援施設の職員として三年以上勤務した者

(iii) a person who has worked for three years or longer as an employee of a maternal and child living support facility.

四 都道府県知事（指定都市にあつては指定都市の市長とし、中核市にあつては中核市の市長とする。）が前各号に掲げる者と同等以上の能力を有すると認める者であつて、次に掲げる期間の合計が三年以上であるもの又は厚生労働大臣が指定する講習会の課程を修了したもの

(iv) a person who is deemed by the prefectural governor (in the case of a designated city, the governor is to be the mayor of the designated city, and in the core city, the mayor of the core city) to have ability equivalent to or greater than that of persons listed in the preceding items for whom the total of the following periods is three years or more, or a person who has completed the course of a training course designated by the Minister of Health, Labour and Welfare.

イ 児童福祉司となる資格を有する者にあつては、児童福祉事業（国、都道府県又は市町村の内部組織における児童福祉に関する事務を含む。）に従事した期間

(a) for a person who is qualified to become a child welfare officer, the period during which the person engaged in the child welfare services (including affairs concerning child welfare within the national, prefectural, or municipal organization.);

ロ 社会福祉主事となる資格を有する者にあつては、社会福祉事業に従事した期間

(b) in the case of a person who is qualified to be a social welfare officer, the period during which the person engaged in social welfare services;

ハ 社会福祉施設の職員として勤務した期間（イ又はロに掲げる期間に該当する期間を除く。）

(c) the period during which the person served as an employee of the social welfare facility (excluding the period falling under (a) or (b));

2 母子生活支援施設の長は、二年に一回以上、その資質の向上のための厚生労働大臣が指定する者が行う研修を受けなければならない。ただし、やむを得ない理由があるときは、この限りでない。

(2) The head of a maternal and child living support facility must receive training for improvement of their qualities at least once every two years from a person designated by the Minister of Health, Labour and Welfare; provided, however, that this does not apply when there are unavoidable reasons.

（母子支援員の資格）

(Qualification of Maternal and Child Support Personnel)

第二十八条 母子支援員は、次の各号のいずれかに該当する者でなければならない。

Article 28 A maternal and child support staff must be a person who falls under any of the following items:

一 都道府県知事の指定する児童福祉施設の職員を養成する学校その他の養成施設を卒業した者（学校教育法の規定による専門職大学の前期課程を修了した者を含む。第三十八条第二項第一号及び第四十三条第一項第一号において同じ。）

(i) a person who has graduated from a school for training the personnel of the child welfare facilities or other training school designated by the prefectural governor (including those who have completed the first semester of a professional university under the provisions of the school education Act; the same applies in Article 38, paragraph (2), item (i) and Article 43, paragraph (1), item (i)).

二 保育士（特区法第十二条の五第五項に規定する事業実施区域内にある母子生活支援施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。第三十条第二項において同じ。）の資格を有する者

(ii) a person qualified as a nursery teacher (in the case of a maternal and child living support facility located in the project implementation area prescribed in Article 12, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area; the same applies in Article 30, paragraph (2));

三 社会福祉士の資格を有する者

(iii) a person who is qualified as a certified social worker;

四 精神保健福祉士の資格を有する者

(iv) a person qualified as a certified mental health worker;

五 学校教育法の規定による高等学校若しくは中等教育学校を卒業した者、同法第九十条第二項の規定により大学への入学を認められた者若しくは通常の課程による十二年の学校教育を修了した者（通常の課程以外の課程によりこれに相当する学校教育を修了した者を含む。）又は文部科学大臣がこれと同等以上の資格を有すると認定した者であつて、二年以上児童福祉事業に従事したもの

(v) a person who has graduated from a high school or secondary education school under the provisions of the School Education Act, a person who has been admitted to a university pursuant to the provisions of Article 90, paragraph (2) of the same Act, a person who has completed 12 years of school education under the ordinary course (including those who have completed an equivalent school education through a course other than the ordinary course.), or persons recognized by the minister of education, culture, sports, science and technology as having equivalent or higher qualifications, and who has been engaged in child welfare services for two years or more;

（生活支援）

(Living Support)

第二十九条 母子生活支援施設における生活支援は、母子を共に入所させる施設の特性を生かしつつ、親子関係の再構築等及び退所後の生活の安定が図られるよう、個々の

母子の家庭生活及び稼働の状況に応じ、就労、家庭生活及び児童の養育に関する相談、助言及び指導並びに関係機関との連絡調整を行う等の支援により、その自立の促進を目的とし、かつ、その私生活を尊重して行わなければならない。

Article 29 In a maternal and child living support facility, living support must be provided for the purpose of promoting self-reliance and with respect to their private lives, by providing consultation, advice and guidance concerning employment, family life and child rearing, as well as liaison and coordination with relevant organs, etc., in accordance with the status of each maternal and child's family life and employment, so as to achieve the rebuilding, etc. of parent-child relations and the stabilization of their lives after leaving the facility, while making use of the characteristics of a facility in which a mother and child are admitted together.

(自立支援計画の策定)

(Formulation of Self-Reliance Support Plan)

第二十九条の二 母子生活支援施設の長は、前条の目的を達成するため、入所中の個々の母子について、母子やその家庭の状況等を勘案して、その自立を支援するための計画を策定しなければならない。

Article 29-2 The head of a maternal and child living support facility must formulate a plan to support the self-reliance of each mother and child living in the facility, in order to achieve the purpose set forth in the preceding Article, by taking into consideration the mother and child and their family circumstances, etc., and for each mother and child staying in the facility.

(業務の質の評価等)

(Evaluation of the Quality of Services)

第二十九条の三 母子生活支援施設は、自らその行う法第三十八条に規定する業務の質の評価を行うとともに、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図らなければならない。

Article 29-3 A maternal and child living support facility must evaluate the quality of its services prescribed in Article 38 of the Act and periodically undergo evaluation by an outside person and publicize the results thereof to always seek improvement.

(保育所に準ずる設備)

(Facilities Equivalent to Nursery Schools)

第三十条 第二十六条第四号の規定により、母子生活支援施設に、保育所に準ずる設備を設けるときは、保育所に関する規定（第三十三条第二項を除く。）を準用する。

Article 30 (1) When an institution equivalent to a nursery center is established in a maternal and child living support facility pursuant to the provisions of Article 26, item (iv), the provisions concerning nursery centers (excluding

Article 33, paragraph (2)) apply mutatis mutandis.

- 2 保育所に準ずる設備の保育士の数は、乳幼児おおむね三十人につき一人以上とする。  
ただし、一人を下ることはできない。

(2) The number of nursery teachers for facilities equivalent to nursery centers must be one or more nursery teacher for approximately 30 infants; provided, however, that there cannot be less than one person.

(関係機関との連携)

(Cooperation with Relevant Organizations)

第三十一条 母子生活支援施設の長は、福祉事務所、母子・父子自立支援員、児童の通学する学校、児童相談所、母子・父子福祉団体及び公共職業安定所並びに必要な応じ児童家庭支援センター、婦人相談所等関係機関と密接に連携して、母子の保護及び生活支援に当たらなければならない。

Article 31 The head of a maternal and child living support facility must closely cooperate with welfare offices, maternal and child self-reliance support workers, schools for children to attend, child guidance centers, maternal and child welfare organizations, public employment security offices and, when necessary, relevant organizations such as child and family support centers and women's consultation centers, in undertaking the protection of mothers and children and living support.

## 第五章 保育所

### Chapter V Nursery School

(設備の基準)

(Standards of Facilities)

第三十二条 保育所の設備の基準は、次のとおりとする。

Article 32 The standards for facilities of a nursery center are as follows;

- 一 乳児又は満二歳に満たない幼児を入所させる保育所には、乳児室又はほふく室、医務室、調理室及び便所を設けること。

(i) a nursery center admitting infants or toddlers under two years of age must be provided with an infant room, or crawling room, medical room, kitchen and lavatory;

- 二 乳児室の面積は、乳児又は前号の幼児一人につき一・六五平方メートル以上であること。

(ii) the area of an infant room must be 1.65 square meters or more per infant or per toddler prescribed in the preceding item.

- 三 ほふく室の面積は、乳児又は第一号の幼児一人につき三・三平方メートル以上であること。

(iii) the area of a crawling room must be 3.3 square meters or more per infant or per toddler under item (i).

四 乳児室又はほふく室には、保育に必要な用具を備えること。

(iv) to provide an infant room or a crawling room with necessary equipment for daycare.

五 満二歳以上の幼児を入所させる保育所には、保育室又は遊戯室、屋外遊戯場（保育所の付近にある屋外遊戯場に代わるべき場所を含む。次号において同じ。）、調理室及び便所を設けること。

(v) a nursery center accommodating toddlers of two years of age or older must be provided with a nursery room, playroom, playroom, outdoor playground (including a place that replaces the outdoor playground located in the vicinity of the nursery center; the same applies in the following item), kitchen and lavatory.

六 保育室又は遊戯室の面積は、前号の幼児一人につき一・九八平方メートル以上、屋外遊戯場の面積は、前号の幼児一人につき三・三平方メートル以上であること。

(vi) the area of a nursery room or a play room must be 1.98 square meters or more per toddler as set forth in the preceding item, and the area of the outdoor playground must be 3.3 square meters or more per toddler as set forth in the preceding item.

七 保育室又は遊戯室には、保育に必要な用具を備えること。

(vii) to equip a nursery room and a play room with necessary equipment for nursery care.

八 乳児室、ほふく室、保育室又は遊戯室（以下「保育室等」という。）を二階に設ける建物は、次のイ、ロ及びへの要件に、保育室等を三階以上に設ける建物は、次に掲げる要件に該当するものであること。

(viii) buildings with infant rooms, crawling rooms, nursery rooms or play rooms (hereinafter referred to as "nursery rooms, etc.") on the second floor must satisfy the following requirements (a), (b) and (c), and buildings with nursery rooms, etc. on the third floor or more must satisfy the following requirements;

イ 耐火建築物（建築基準法（昭和二十五年法律第二百一号）第二条第九号の二に規定する耐火建築物をいう。以下この号において同じ。）又は準耐火建築物（同条第九号の三に規定する準耐火建築物をいい、同号ロに該当するものを除く。）（保育室等を三階以上に設ける建物にあつては、耐火建築物）であること。

(a) that the building is a refractory building (refers to fire-proof buildings as prescribed in Article 2, item (ix) -2 of the Building Standards Act (Act No. 201 of 1950); the same applies hereinafter in this item.) or a semi-refractory building (quasi-fire-resistant buildings prescribed in item (ix)-3 of the same Article, excluding those falling under (b) of the same item.) (fireproof building for a building with a nursery room, etc. on the third floor or higher);

ロ 保育室等が設けられている次の表の上欄に掲げる階に応じ、同表の中欄に掲げる区分ごとに、それぞれ同表の下欄に掲げる施設又は設備が一以上設けられていること。

階 Floor	区分 Category	施設又は設備 Facilities or equipment
二階 Second floor	常用 Regular use	1 屋内階段 (1) Indoor stairs 2 屋外階段 (2) Outdoor stairs
	避難用 For evacuation	1 建築基準法施行令（昭和二十五年政令第三百三十八号）第二百二十三条第一項各号又は同条第三項各号に規定する構造の屋内階段（ただし、同条第一項の場合においては、当該階段の構造は、建築物の一階から二階までの部分に限り、屋内と階段室とは、バルコニー又は付室を通じて連絡することとし、かつ、同条第三項第三号、第四号及び第十号を満たすものとする。） (1) Indoor stairs of the structure prescribed in the items of Article 123, paragraph (1) or the items of paragraph (3) of the same Article of the Order for Enforcement of the Building Standards Act (Cabinet Order No. 338 of 1950) (provided, however, that in the case referred to in paragraph (1) of the same Article, the structure of the relevant stairs is to be limited to the portion from the first floor to the second floor of the building, and the interior and the stairway are to be communicated through a balcony or adjoining rooms, and are to satisfy paragraph (3), items (iii), (iv), and (x) of the same Article.) 2 待避上有効なバルコニー (2) Balcony effective for evacuation 3 建築基準法第二条第七号の二に規定する準耐火構造の屋外傾斜路又はこれに準ずる設備 (3) Semi-fireproof exterior slope or equivalent equipment prescribed in Article 2, item (vii) - 2 of the Building Standards Act 4 屋外階段 (4) Outdoor stairs
三階 Third floor	常用 Regular use	1 建築基準法施行令第二百二十三条第一項各号又は同条第三項各号に規定する構造の屋内階段 (1) Indoor stairs with structures prescribed in the items of Article 123, paragraph (1) or the items of paragraph (3) of the order for enforcement of the building standards Act 2 屋外階段 (2) Outdoor stairs

	避難用 For evacuation	<p>1 建築基準法施行令第百二十三条第一項各号又は同条第三項各号に規定する構造の屋内階段（ただし、同条第一項の場合においては、当該階段の構造は、建築物の一階から三階までの部分に限り、屋内と階段室とは、バルコニー又は付室を通じて連絡することとし、かつ、同条第三項第三号、第四号及び第十号を満たすものとする。）</p> <p>(1) Indoor stairs of the structure prescribed in each item of Article 123, paragraph (1) or each item of paragraph (3) of the same Article of the order for enforcement of the Building Standards Act (provided, however, that in the case referred to in paragraph (1) of the same Article, the structure of the relevant stairs is to be limited to the part from the first floor to the third floor of the building, and the interior and the stairway are to be connected through a balcony or an attached room, and are to satisfy paragraph (3), items (iii), (iv), and (x) of the same Article).</p> <p>2 建築基準法第二条第七号に規定する耐火構造の屋外傾斜路又はこれに準ずる設備</p> <p>(2) Fireproof exterior slope or equivalent equipment prescribed in Article 2, item (vii) of the Building Standards Act</p> <p>3 屋外階段</p> <p>(3) Outdoor stairs</p>
四階以上 Fourth floor or higher	常用 Regular use	<p>1 建築基準法施行令第百二十三条第一項各号又は同条第三項各号に規定する構造の屋内階段</p> <p>(1) Indoor stairs of structure prescribed in items of Article 123, paragraph (1) of the Cabinet Order for Enforcement of the Building Standards Law or items of paragraph (3) of the same Article</p> <p>2 建築基準法施行令第百二十三条第二項各号に規定する構造の屋外階段</p> <p>(2) Outdoor stairs with the structures prescribed in the items of Article 123, paragraph (2) of the Order for Enforcement of the Building Standards Act</p>

避難用 For evacuation	<p>1 建築基準法施行令第百二十三条第一項各号又は同条第三項各号に規定する構造の屋内階段（ただし、同条第一項の場合においては、当該階段の構造は、建築物の一階から保育室等が設けられている階までの部分に限り、屋内と階段室とは、バルコニー又は付室（階段室が同条第三項第二号に規定する構造を有する場合を除き、同号に規定する構造を有するものに限る。）を通じて連絡することとし、かつ、同条第三項第三号、第四号及び第十号を満たすものとする。）</p> <p>(1) Indoor stairs with the structure prescribed in the items of Article 123, paragraph (1) or the items of paragraph (3) of the same Article of the Order for Enforcement of the Building Standards Act (provided, however, that in the case set forth in paragraph (1) of the same Article, the structure of the relevant stairs is to be limited to the part from the first floor of the building to the floor where nursery rooms, etc. are provided, indoor and stairwells are to be connected through a balcony or an attached room (limited to those with the structure prescribed in paragraph (3), item (ii) of the same Article, except where the stairwells have the structure prescribed in the same item), and are to satisfy paragraph (3), items (iii), (iv), and (x) of the same Article);</p>
	<p>2 建築基準法第二条第七号に規定する耐火構造の屋外傾斜路</p> <p>(2) Fire-resistant exterior ramps prescribed in Article 2, item (vii) of the Building Standards Act</p>
	<p>3 建築基準法施行令第百二十三条第二項各号に規定する構造の屋外階段</p> <p>(3) Outdoor stairs with the structures prescribed in the items of Article 123, paragraph (4) of the Order for Enforcement of the Building Standards Act</p>

ハ ロに掲げる施設及び設備が避難上有効な位置に設けられ、かつ、保育室等の各部分からその一に至る歩行距離が三十メートル以下となるように設けられていること。

(c) the facilities and equipment listed in (b) must be provided at places where they are effective for evacuation and in a manner that the walking distance from each part of the nursery rooms, etc. to one of them is 30meters or less.

ニ 保育所の調理室（次に掲げる要件のいずれかに該当するものを除く。ニにおいて同じ。）以外の部分と保育所の調理室の部分が建築基準法第二条第七号に規定する耐火構造の床若しくは壁又は建築基準法施行令第百十二条第一項に規定する特定防火設備で区画されていること。この場合において、換気、暖房又は冷房の



設備の風道が、当該床若しくは壁を貫通する部分又はこれに近接する部分に防火上有効にダンパーが設けられていること。

- (d) the portion of the nursery center other than the kitchen (excluding those that fall under any of the following requirements; the same applies in (d)) and the portion of the nursery center is divided by the floor or wall of a fireproof structure prescribed in Article 2, item (vii) of the Building Standards Act or by a specified fire prevention facility prescribed in Article 112, paragraph (1) of the Order for Enforcement of the Building Standards Act. In this case, dampers are provided effectively for fire prevention at a part where the air duct of the ventilation, heating or cooling equipment penetrates the relevant floor or wall or at a part adjacent thereto.

(1) スプリンクラー設備その他これに類するもので自動式のものが設けられていること。

1. a sprinkler system and other similar systems of an automatic type are provided.

(2) 調理用器具の種類に応じて有効な自動消火装置が設けられ、かつ、当該調理室の外部への延焼を防止するために必要な措置が講じられていること。

2. an effective automatic fire extinguishing device is provided for each type of cooking utensil, and necessary measures are taken to prevent the fire from spreading outside the relevant kitchen.

ホ 保育所の壁及び天井の室内に面する部分の仕上げを不燃材料でしていること。

- (e) the walls and ceilings of the nursery center facing the room is finished with non-combustible material.

ヘ 保育室等その他乳幼児が出入し、又は通行する場所に、乳幼児の転落事故を防止する設備が設けられていること。

- (f) a nursery room, etc. or any other place into which infants enter, leave or pass is furnished with equipment to prevent infants from falling.

ト 非常警報器具又は非常警報設備及び消防機関へ火災を通報する設備が設けられていること。

- (g) an emergency warning device or emergency warning equipment and a fire defense mechanism is provided.

チ 保育所のカーテン、敷物、建具等で可燃性のものについて防災処理が施されていること。

- (h) flameproof treatment is applied to flammable items such as curtains, rugs, and fittings of the nursery school.

(保育所の設備の基準の特例)

(Special Provisions on Standards for Facilities of Childcare Centers)

第三十二条の二 次の各号に掲げる要件を満たす保育所は、第十一条第一項の規定にかかわらず、当該保育所の満三歳以上の幼児に対する食事の提供について、当該保育所外で調理し搬入する方法により行うことができる。この場合において、当該保育所は、

当該食事の提供について当該方法によることとしてもなお当該保育所において行うことが必要な調理のための加熱、保存等の調理機能を有する設備を備えるものとする。

Article 32-2 A nursery center which satisfies the requirements listed in the following items, notwithstanding the provisions of Article 11, paragraph (1), may provide meals to toddlers three years of age or older at the relevant nursery center by cooking and carrying in meals outside the relevant nursery center. In this case, the relevant nursery center is provided with facilities having cooking functions such as heating and preservation for cooking, which are necessary to be provided at the relevant nursery center even if the relevant meal is provided by the relevant method.

一 幼児に対する食事の提供の責任が当該保育所にあり、その管理者が、衛生面、栄養面等業務上必要な注意を果たし得るような体制及び調理業務の受託者との契約内容が確保されていること。

(i) the nursery center is responsible for providing meals to toddlers, and a system to enable the manager of the nursery center to exercise due care in such aspects as hygiene and nutrition as necessary for their duties and the contents of the contract with the trustee of cooking duties are secured.

二 当該保育所又は他の施設、保健所、市町村等の栄養士により、献立等について栄養の観点からの指導が受けられる体制にある等、栄養士による必要な配慮が行われること。

(ii) necessary consideration is given by a dietitian, such as by establishing a system under which the menu, etc. can be instructed from the viewpoint of nutrition by a dietitian at the relevant nursery center or other facility, health center, municipality, etc.

三 調理業務の受託者を、当該保育所における給食の趣旨を十分に認識し、衛生面、栄養面等、調理業務を適切に遂行できる能力を有する者としてすること。

(iii) the person entrusted with cooking services is a person who is fully aware of the purpose of the school lunch provided at the relevant nursery center and is capable of properly performing cooking services in terms of hygiene, nutrition, etc.

四 幼児の年齢及び発達の段階並びに健康状態に応じた食事の提供や、アレルギー、アトピー等への配慮、必要な栄養素量の給与等、幼児の食事の内容、回数及び時機に適切に応じることができること。

(iv) being able to appropriately respond to the contents, frequency, and timing of meals for toddlers, including the provision of meals in accordance with the toddler's age, developmental stage, and health status, consideration for allergies, atopy, etc., and the provision of necessary nutrients.

五 食を通じた乳幼児の健全育成を図る観点から、乳幼児の発育及び発達の過程に応じて食に関し配慮すべき事項を定めた食育に関する計画に基づき食事を提供するよう努めること。

(v) from the viewpoint of promoting the sound growth of infants through meals,

efforts are made to provide meals based on a shokuiku (food and nutrition education) plan that specifies the particulars to be considered concerning meals according to the growth and development process of infants.

(職員)

(Staff)

第三十三条 保育所には、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある保育所にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。次項において同じ。）、「嘱託医及び調理員を置かなければならない。ただし、調理業務の全部を委託する施設にあつては、調理員を置かないことができる。

Article 33 (1) A nursery center must have a nursery teacher (in the case of a nursery center located in the project implementation area prescribed in Article 12, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area; the same applies in the following paragraph.), a commissioned doctor and a cook; provided, however, that a facility to which all cooking work is entrusted may have no cook.

2 保育士の数は、乳児おおむね三人につき一人以上、満一歳以上満三歳に満たない幼児おおむね六人につき一人以上、満三歳以上満四歳に満たない幼児おおむね二十人につき一人以上、満四歳以上の幼児おおむね三十人につき一人以上とする。ただし、保育所一につき二人を下ることはできない。

(2) The number of nursery teachers is approximately one or more for every three infants, one or more per six toddlers over one year of age and under three years of age, one or more for every 20 toddlers over three years of age and under four years of age and one or more for every 30 toddlers over four years of age; provided, however, that there may be no less than two persons per nursery school.

(保育時間)

(Childcare Hours)

第三十四条 保育所における保育時間は、一日につき八時間を原則とし、その地方における乳幼児の保護者の労働時間その他家庭の状況等を考慮して、保育所の長がこれを定める。

Article 34 Childcare hours in a nursery center is eight hours per day in principle, and is determined by the head of the nursery center in consideration of working hours of the custodians of infants in the region and other family conditions, etc.

(保育の内容)

(Content of Childcare)

第三十五条 保育所における保育は、養護及び教育を一体的に行うことをその特性とし、

その内容については、厚生労働大臣が定める指針に従う。

**Article 35** Childcare in a nursery center must characteristically involve integrated nursing and education, and the contents of such care is to follow the guidelines provided by the Minister of Health, Labour and Welfare.

(保護者との連絡)

(Contact with Custodians)

第三十六条 保育所の長は、常に入所している乳幼児の保護者と密接な連絡をとり、保育の内容等につき、その保護者の理解及び協力を得るよう努めなければならない。

**Article 36** The head of a nursery center must maintain close contact with the custodians of the infants in the facility at all times, and endeavor to obtain the understanding and cooperation of their guardians with regard to the content, etc. of daycare.

(業務の質の評価等)

(Evaluation of Quality of Service)

第三十六条の二 保育所は、自らその行う法第三十九条に規定する業務の質の評価を行い、常にその改善を図らなければならない。

**Article 36-2 (1)** A nursery center must evaluate the quality of its own operations prescribed in Article 39 of the Act and constantly strive to improve them.

2 保育所は、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図るよう努めなければならない。

**(2)** A nursery center must periodically undergo an evaluation by an outside person, publicize the results thereof and constantly endeavor to improve them.

第三十六条の三 削除

**Article 36-3** Deleted

## 第六章 児童厚生施設

### Chapter VI Child Welfare Institution

(設備の基準)

(Standards for Facilities)

第三十七条 児童厚生施設の設備の基準は、次のとおりとする。

**Article 37** The standards for facilities of a child welfare institution must be as follows:

一 児童遊園等屋外の児童厚生施設には、広場、遊具及び便所を設けること。

(i) to provide an open space, playground equipment and a lavatory in an outdoor children's recreational facility such as a child amusement park, etc.

二 児童館等屋内の児童厚生施設には、集会室、遊戯室、図書室及び便所を設けること。

- (ii) to provide an assembly room, a play room, a library and a lavatory in an indoor children's recreation facility such as a children's hall.

(職員)

(Staff)

第三十八条 児童厚生施設には、児童の遊びを指導する者を置かなければならない。

Article 38 (1) A children's recreational facility must have a person to guide children's play.

2 児童の遊びを指導する者は、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) A person who instructs children to play must be a person falling under any of the following items:

一 都道府県知事の指定する児童福祉施設の職員を養成する学校その他の養成施設を卒業した者

(i) a person who has graduated from a school for training the personnel of a child welfare institution designated by the prefectural governor or any other training facility;

二 保育士（特区法第十二条の五第五項に規定する事業実施区域内にある児童厚生施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士）の資格を有する者

(ii) a person qualified as a nursery teacher (with regard to a children's welfare institution located in the project implementation area prescribed in Article 12, paragraph (5), item (v) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area);

三 社会福祉士の資格を有する者

(iii) a person qualified as a certified social worker

四 学校教育法の規定による高等学校若しくは中等教育学校を卒業した者、同法第九十条第二項の規定により大学への入学を認められた者若しくは通常の課程による十二年の学校教育を修了した者（通常の課程以外の課程によりこれに相当する学校教育を修了した者を含む。）又は文部科学大臣がこれと同等以上の資格を有すると認定した者であつて、二年以上児童福祉事業に従事したもの

(iv) a person who has graduated from a high school or a secondary education school pursuant to the provisions of the School Education Act, a person who has been admitted to a university pursuant to the provisions of Article 90, paragraph (2) of the same Act or a person who has completed 12 years of school education under ordinary courses (including those who have completed an equivalent school education through a course other than the ordinary course) or a person recognized by the Minister of Education, Culture, Sports, Science and Technology as having equivalent or superior qualifications, and has been engaged in child welfare services for two years or more.

五 教育職員免許法（昭和二十四年法律第百四十七号）に規定する幼稚園、小学校、

- 中学校、義務教育学校、高等学校又は中等教育学校の教諭の免許状を有する者
- (v) a person who holds a teacher's license for a kindergarten, elementary school, junior high school, compulsory education school, senior high school or secondary education school provided for in the Education Personnel License Act (Act No. 147 of 1949).
- 六 次のいずれかに該当する者であつて、児童厚生施設の設置者（地方公共団体以外の者が設置する児童厚生施設にあつては、都道府県知事）が適当と認めたもの
- (vi) a person falling under any of the following, whom the establisher of a children's recreational facility (a prefectural governor in the case of a child welfare institution established by a person other than a local government) finds appropriate.
- イ 学校教育法の規定による大学において、社会福祉学、心理学、教育学、社会学、芸術学若しくは体育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（当該学科又は当該課程を修めて同法の規定による専門職大学の前期課程を修了した者を含む。）
- (a) a person who has graduated from a university under the provisions of the School Education Act after completing a department specialized in social welfare science, psychology, pedagogy, sociology, arts or physical education or any other course similar thereto (including a person who has completed the course in the first semester of a professional university under the provisions of the relevant Act).
- ロ 学校教育法の規定による大学において、社会福祉学、心理学、教育学、社会学、芸術学若しくは体育学を専修する学科又はこれらに相当する課程において優秀な成績で単位を修得したことにより、同法第百二条第二項の規定により大学院への入学が認められた者
- (b) a person who has been admitted to a graduate school pursuant to the provisions of Article 102, paragraph (2) of the School Education Act as a result of having acquired credits, with excellent results, from a department specialized in social welfare studies, psychology, pedagogy, sociology, arts or physical education or from an equivalent program in a university pursuant to the same Act.
- ハ 学校教育法の規定による大学院において、社会福祉学、心理学、教育学、社会学、芸術学若しくは体育学を専攻する研究科又はこれらに相当する課程を修めて卒業した者
- (c) a person who has graduated from a graduate school under the provisions of the School Education Act after completing a graduate school majoring in social welfare studies, psychology, pedagogy, sociology, arts or physical education or any other course similar thereto.
- ニ 外国の大学において、社会福祉学、心理学、教育学、社会学、芸術学若しくは体育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
- (d) a person who has graduated from a university in a foreign country after

completing a department specialized in social welfare studies, psychology, pedagogy, sociology, arts or physical education or any other course similar thereto.

(遊びの指導を行うに当たって遵守すべき事項)

(Particulars to Be Observed in Giving Guidance on Play)

第三十九条 児童厚生施設における遊びの指導は、児童の自主性、社会性及び創造性を高め、もって地域における健全育成活動の助長を図るようこれを行うものとする。

Article 39 The guidance on play in child welfare institutions is given in order to enhance children's autonomy, sociality and creativity, and thereby promote sound upbringing activities in the region.

(保護者との連絡)

(Contact with Custodians)

第四十条 児童厚生施設の長は、必要に応じ児童の健康及び行動につき、その保護者に連絡しなければならない。

Article 40 The head of a children's recreational facility must contact their custodians, as necessary, with regard to the health and activities of children.

## 第七章 児童養護施設

### Chapter VII Children's Home

(設備の基準)

(Standards for Facilities)

第四十一条 児童養護施設の設備の基準は、次のとおりとする。

Article 41 The standards for facilities of a foster home are as follows:

一 児童の居室、相談室、調理室、浴室及び便所を設けること。

(i) to provide children's rooms, consultation rooms, kitchen, bathrooms and lavatories.

二 児童の居室の一室の定員は、これを四人以下とし、その面積は、一人につき四・九五平方メートル以上とすること。ただし、乳幼児のみの居室の一室の定員は、これを六人以下とし、その面積は、一人につき三・三平方メートル以上とする。

(ii) the capacity of a child's room must be four or less and its area must be 4.95 square meters or more per person; provided, however, that the capacity of a room exclusively for infants must be six or less, and the area of 3.3 square meters per person.

三 入所している児童の年齢等に応じ、男子と女子の居室を別にすること。

(iii) separate boy's and girl's rooms according to the age, etc. of children in the facility.

四 便所は、男子用と女子用とを別にすること。ただし、少数の児童を対象として設けるときは、この限りでない。

(iv) separate boy's and girl's lavatories; provided, however, that this does not apply when the disposition is made with a small number of children as the subject.

五 児童三十人以上を入所させる児童養護施設には、医務室及び静養室を設けること。

(v) a foster home admitting 30 children or more must be furnished with a medical room and recuperation room.

六 入所している児童の年齢、適性等に応じ職業指導に必要な設備（以下「職業指導に必要な設備」という。）を設けること。

(vi) provide necessary vocational guidance facilities (hereinafter referred to as "equipment necessary for vocational guidance") for the children in the facility according to their age, aptitude, etc.

(職員)

(Staff)

第四十二条 児童養護施設には、児童指導員、嘱託医、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある児童養護施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。第六項及び第四十六条において同じ。）、個別対応職員、家庭支援専門相談員、栄養士及び調理員並びに乳児が入所している施設にあつては看護師を置かなければならない。ただし、児童四十人以下を入所させる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

Article 42 (1) A foster home must have child guidance counselors, commissioned physicians, nursery teachers (or nursery teachers or nursery teachers limited to national strategic special zones pertaining to the project implementation area prescribed in Article 12-5, paragraph (5) of the Special Zone Act in a foster home located within the relevant project implementation area; the same applies in paragraph (6) and Article 46), individual support staff, family support specialist counselors, dietitians and cooks, and a nurse in a facility where infants are admitted; provided, however, that a dietitian may not be appointed for an institution accommodating 40 or fewer children, and a cook may not be appointed for an institution entrusting the whole of cooking services.

2 家庭支援専門相談員は、社会福祉士若しくは精神保健福祉士の資格を有する者、児童養護施設において児童の指導に五年以上従事した者又は法第十三条第三項各号のいずれかに該当する者でなければならない。

(2) A family support professional counselor must be a person qualified as a certified social worker or mental health worker, a person engaged in guidance of children in a foster home for five years or more, or a person falling under any of the items of Article 13, paragraph (3) of the Act.

3 心理療法を行う必要があると認められる児童十人以上に心理療法を行う場合には、心理療法担当職員を置かなければならない。



(3) When psychotherapy is to be administered to 10 or more children who are found to be in need of psychotherapy, an official in charge of psychotherapy must be assigned.

4 心理療法担当職員は、学校教育法の規定による大学（短期大学を除く。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者であつて、個人及び集団心理療法の技術を有するもの又はこれと同等以上の能力を有すると認められる者でなければならない。

(4) A person in charge of psychotherapy must be a person who has graduated from a university (excluding junior colleges) under the provisions of the School Education Act after completing a department specialized in psychology or any other course similar thereto, and who is found to possess skills related to individual and group psychotherapy or abilities equivalent or superior thereto.

5 実習設備を設けて職業指導を行う場合には、職業指導員を置かなければならない。

(5) Vocational guidance must be provided with vocational guidance instructors when the vocational training facilities are installed.

6 児童指導員及び保育士の総数は、通じて、満二歳に満たない幼児おおむね一・六人につき一人以上、満二歳以上満三歳に満たない幼児おおむね二人につき一人以上、満三歳以上の幼児おおむね四人につき一人以上、少年おおむね五・五人につき一人以上とする。ただし、児童四十五人以下を入所させる施設にあつては、更に一人以上を加えるものとする。

(6) The total number of child guidance instructors and nursery teachers must be approximately one or more for every 1.6 toddlers under two years of age, approximately one or more for every two toddlers two years of age or more and under three years of age, approximately one or more for every four toddlers three years of age or more, and approximately one or more for every 5.5 children; provided, however, that in the case of an institution accommodating 45 children or less, one or more is additionally admitted.

7 看護師の数は、乳児おおむね一・六人につき一人以上とする。ただし、一人を下ることはできない。

(7) The number of nurses should be at least one for approximately 1.6 infants; provided, however, that there cannot be less than one person.

(児童養護施設の長の資格等)

(Qualification of the Head of a Foster Home)

第四十二条の二 児童養護施設の長は、次の各号のいずれかに該当し、かつ、厚生労働大臣が指定する者が行う児童養護施設の運営に関し必要な知識を習得させるための研修を受けた者であつて、人格が高潔で識見が高く、児童養護施設を適切に運営する能力を有するものでなければならない。

Article 42-2 (1) The head of a foster home must be a person who falls under any of the following items and has received training to acquire necessary knowledge concerning the operation of the foster home conducted by a person

designated by the Minister of Health, Labour and Welfare, and be of honorable character and well-informed character and have the ability to appropriately operate the foster home.

一 医師であつて、精神保健又は小児保健に関して学識経験を有する者

(i) a physician with knowledge and experience concerning mental health or pediatric health;

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 児童養護施設の職員として三年以上勤務した者

(iii) a person who has worked for three years or longer as an employee of a foster home;

四 都道府県知事が前各号に掲げる者と同等以上の能力を有すると認める者であつて、次に掲げる期間の合計が三年以上であるもの又は厚生労働大臣が指定する講習会の課程を修了したもの

(iv) a person who is deemed by the prefectural governor to have ability equivalent to or greater than that of persons listed in the preceding items for whom the total of the following periods is three years or more, or a person who has completed the course of a training course designated by the Minister of Health, Labour and Welfare.

イ 児童福祉司となる資格を有する者にあつては、児童福祉事業（国、都道府県又は市町村の内部組織における児童福祉に関する事務を含む。）に従事した期間

(a) in the case of a person qualified as a child welfare officer, the period during which the person engaged in child welfare services (including affairs concerning child welfare within the national, prefectural, or municipal organization.);

ロ 社会福祉主事となる資格を有する者にあつては、社会福祉事業に従事した期間

(b) for a person who is qualified to be a social welfare officer, the period during which the person has engaged in social welfare services.

ハ 社会福祉施設の職員として勤務した期間（イ又はロに掲げる期間に該当する期間を除く。）

(c) the period of service as an employee of a social welfare facility (excluding the period that falls under the period set forth in (a) or (b)).

2 児童養護施設の長は、二年に一回以上、その資質の向上のための厚生労働大臣が指定する者が行う研修を受けなければならない。ただし、やむを得ない理由があるときは、この限りでない。

(2) The head of a foster home must receive training for improvement of competency conducted by a person designated by the Minister of Health, Labour and Welfare at least once every two years; provided, however, that this does not apply when there are unavoidable reasons.

（児童指導員の資格）

(Qualification as a Child Guidance Center)

第四十三条 児童指導員は、次の各号のいずれかに該当する者でなければならない。

Article 43 (1) A child guidance advisor must be a person who falls under any of the following items:

一 都道府県知事の指定する児童福祉施設の職員を養成する学校その他の養成施設を卒業した者

(i) a person who has graduated from a school for training the personnel of a child welfare institution designated by the prefectural governor or any other training facility.

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 精神保健福祉士の資格を有する者

(iii) a person qualified as a certified mental health worker;

四 学校教育法の規定による大学（短期大学を除く。次号において同じ。）において、社会福祉学、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

(iv) a person who has graduated from a university under the provisions of the School Education Act (excluding junior colleges; the same applies in the following item) by completing a department specialized in social welfare science, psychology, pedagogy or sociology or any other course similar thereto.

五 学校教育法の規定による大学において、社会福祉学、心理学、教育学又は社会学に関する科目の単位を優秀な成績で修得したことにより、同法第百二条第二項の規定により大学院への入学を認められた者

(v) a person who has been admitted to a graduate school pursuant to the provisions of Article 102, paragraph (2) of the School Education Act, as a result of having acquired, with excellent results, the credits of subjects concerning social welfare science, psychology, pedagogy or sociology at a university prescribed by the same Act.

六 学校教育法の規定による大学院において、社会福祉学、心理学、教育学若しくは社会学を専攻する研究科又はこれらに相当する課程を修めて卒業した者

(vi) a person who has graduated from a graduate school under the provisions of the School Education Act after completing a graduate school majoring in social welfare studies, psychology, pedagogy or sociology or any other course similar thereto.

七 外国の大学において、社会福祉学、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

(vii) a person who has graduated from a university in a foreign country by completing a department specialized in social welfare studies, psychology, pedagogy or sociology or any other course similar thereto.

八 学校教育法の規定による高等学校若しくは中等教育学校を卒業した者、同法第九十条第二項の規定により大学への入学を認められた者若しくは通常の課程による十

二年の学校教育を修了した者（通常の課程以外の課程によりこれに相当する学校教育を修了した者を含む。）又は文部科学大臣がこれと同等以上の資格を有すると認定した者であつて、二年以上児童福祉事業に従事したもの

(viii) a person who has graduated from a high school or a secondary education school pursuant to the provisions of the School Education Act, a person who has been admitted to a university pursuant to the provisions of Article 90, paragraph (2) of the same Act or a person who has completed 12 years of school education under regular courses (including those who have completed an equivalent school education through a course other than the regular course) or a person recognized by the Minister of Education, Culture, Sports, Science and Technology as having equivalent or superior qualifications, and has engaged in child welfare services for two years or more.

九 教育職員免許法に規定する幼稚園、小学校、中学校、義務教育学校、高等学校又は中等教育学校の教諭の免許状を有する者であつて、都道府県知事が適当と認めたもの

(ix) a person who holds a teacher's license for a kindergarten, elementary school, junior high school, compulsory education school, senior high school or secondary education school provided for in the Educational Personnel License Act, and whom the prefectural governor finds appropriate.

十 三年以上児童福祉事業に従事した者であつて、都道府県知事が適当と認めたもの

(x) a person who has engaged in child welfare services for three years or more and whom the prefectural governor finds appropriate.

2 前項第一号の指定は、児童福祉法施行規則（昭和二十三年厚生省令第十一号）別表に定める教育内容に適合する学校又は施設について行うものとする。

(2) The designation set forth in item (i) of the preceding paragraph must be made for a school or institution conforming to the educational content specified in the appended table of the Order for Enforcement of the Child Welfare Act (Order of the Minister of Health, Labour and Welfare No. 11 of 1948).

（養護）

(Nursing Care)

第四十四条 児童養護施設における養護は、児童に対して安定した生活環境を整えるとともに、生活指導、学習指導、職業指導及び家庭環境の調整を行いつつ児童を養育することにより、児童の心身の健やかな成長とその自立を支援することを目的として行わなければならない。

Article 44 Nursing care in a foster home must be provided for the purpose of supporting the sound growth of the child both physically and mentally and the child's self-reliance by providing a stable living environment for the child and by fostering the child while providing them with life guidance, educational guidance, vocational guidance, and coordination with them in the family environment, as well as by providing them with vocational guidance.

(生活指導、学習指導、職業指導及び家庭環境の調整)

(Life Guidance, Educational Guidance, Vocational Guidance and Adjustment of Family Environment)

第四十五条 児童養護施設における生活指導は、児童の自主性を尊重しつつ、基本的生活習慣を確立するとともに豊かな人間性及び社会性を養い、かつ、将来自立した生活を営むために必要な知識及び経験を得ることができるように行わなければならない。

Article 45 (1) Guidance on livelihood in a foster home must be provided while respecting the autonomy of the child so as to establish basic lifestyle habits and cultivates rich humanity and society, and to enable the child to acquire the knowledge and experience necessary for leading an independent life in the future.

2 児童養護施設における学習指導は、児童がその適性、能力等に応じた学習を行うことができるよう、適切な相談、助言、情報の提供等の支援により行わなければならない。

(2) Educational guidance in a foster home must be provided through appropriate consultation, advice, provision of information and other support so that the child can learn in accordance with the aptitude, ability, etc.

3 児童養護施設における職業指導は、勤労の基礎的な能力及び態度を育てるとともに、児童がその適性、能力等に応じた職業選択を行うことができるよう、適切な相談、助言、情報の提供等及び必要に応じ行う実習、講習等の支援により行わなければならない。

(3) Vocational guidance in a foster home must be provided through appropriate consultation, advice, provision of information, etc., and support such as practical training and training conducted as necessary so that the child may choose an occupation suited to the aptitude, ability, etc., as well as fostering basic abilities, attitude toward work.

4 児童養護施設における家庭環境の調整は、児童の家庭の状況に応じ、親子関係の再構築等が図られるように行わなければならない。

(4) Coordination of the family environment in a foster home must be implemented so as to facilitate the rebuilding, etc. of a parent-child relationship according to the child's family situation.

(自立支援計画の策定)

(Formulation of Self-Reliance Support Plan)

第四十五条の二 児童養護施設の長は、第四十四条の目的を達成するため、入所中の個々の児童について、児童やその家庭の状況等を勘案して、その自立を支援するための計画を策定しなければならない。

Article 45-2 In order to achieve the purpose set forth in Article 44, the head of a foster home must formulate a plan for supporting self-reliance of each child admitted in the facility, by taking into consideration the child and the family

circumstances, etc.

(業務の質の評価等)

(Evaluation of the Quality of Services)

第四十五条の三 児童養護施設は、自らその行う法第四十一条に規定する業務の質の評価を行うとともに、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図らなければならない。

Article 45-3 A foster home must conduct self-evaluation of the quality of the services provided in Article 41 of the Act and, at the same time, undergo periodic evaluation by an external party, publicize the results thereof, and constantly endeavor to improve them.

(児童と起居を共にする職員)

(Staff Who Live With Children)

第四十六条 児童養護施設の長は、児童指導員及び保育士のうち少なくとも一人を児童と起居を共にさせなければならない。

Article 46 The head of a foster home must have at least one child guidance staff and a nursery teacher live together with the child.

(関係機関との連携)

(Cooperation With Relevant Organizations)

第四十七条 児童養護施設の長は、児童の通学する学校及び児童相談所並びに必要な応じ児童家庭支援センター、児童委員、公共職業安定所等関係機関と密接に連携して児童の指導及び家庭環境の調整に当たらなければならない。

Article 47 The head of a foster home, in close coordination with the school to which the child attends and the child guidance center, and, when necessary, with child and family support centers, commissioned child welfare volunteers, public employment security offices and other relevant organizations, must provide guidance to the child and coordinate the family environment.

## 第八章 福祉型障害児入所施設

### Chapter VIII Welfare Services Facilities for Children With Disabilities

(設備の基準)

(Standards for Facilities)

第四十八条 福祉型障害児入所施設の設備の基準は、次のとおりとする。

Article 48 The standards for facilities of a welfare services facility for children with disabilities must be as follows:

- 一 児童の居室、調理室、浴室、便所、医務室及び静養室を設けること。ただし、児童三十人未満を入所させる施設であつて主として知的障害のある児童を入所させるものにあつては医務室を、児童三十人未満を入所させる施設であつて主として盲児

又はろうあ児（以下「盲ろうあ児」という。）を入所させるものにあつては医務室及び静養室を設けないことができる。

- (i) to provide children's living rooms, kitchen, bathrooms, lavatories, medical rooms and recuperation rooms; provided, however, that a medical office may not be established in an institution which admits less than 30 children and admits mainly children with intellectual disabilities, and a medical office and a recuperation room may not be established in an institution which admits less than 30 children and admits mainly visually impaired children or deaf children (hereinafter referred to as "blind or deaf children").

二 主として知的障害のある児童を入所させる福祉型障害児入所施設には、職業指導に必要な設備を設けること。

- (ii) a facility necessary for vocational guidance must be installed in a welfare services facility for children with disabilities which admits mainly children with an intellectual disability.

三 主として盲児を入所させる福祉型障害児入所施設には、次の設備を設けること。

- (iii) a welfare services facility for children with disabilities which admits mainly visually impaired children must be provided with the following equipment:

イ 遊戯室、訓練室、職業指導に必要な設備及び音楽に関する設備

- (a) play rooms, training rooms, equipment necessary for vocational guidance, and equipment related to music;

ロ 浴室及び便所の手すり並びに特殊表示等身体の機能の不自由を助ける設備

- (b) handrails for bathrooms and lavatories, and equipment to aid physical disabilities such as special displays

四 主としてろうあ児を入所させる福祉型障害児入所施設には、遊戯室、訓練室、職業指導に必要な設備及び映像に関する設備を設けること。

- (iv) a welfare facility for children with disabilities which mainly admits deaf children must be provided with play rooms, training rooms, and equipment necessary for vocational guidance, as well as equipment concerning visual images.

五 主として肢体不自由のある児童を入所させる福祉型障害児入所施設には、次の設備を設けること。

- (v) a welfare services facility for children with disabilities, which admits mainly children with orthopedic disabilities, must be provided with the following equipment.

イ 訓練室及び屋外訓練場

- (a) training rooms and outdoor training areas

ロ 浴室及び便所の手すり等身体の機能の不自由を助ける設備

- (b) facilities to aid in the impairment of physical functions such as handrails, etc. for bathrooms and lavatories.

六 主として盲児を入所させる福祉型障害児入所施設又は主として肢体不自由のある

児童を入所させる福祉型障害児入所施設においては、階段の傾斜を緩やかにすること。

(vi) in a welfare services facility for children with disabilities which admits mainly visually impaired children or a welfare services facility for children with disabilities which admits mainly children with orthopedic disabilities, the slopes of the stairs must be gentle.

七 児童の居室の一室の定員は、これを四人以下とし、その面積は、一人につき四・九五平方メートル以上とすること。ただし、乳幼児のみの居室の一室の定員は、これを六人以下とし、その面積は、一人につき三・三平方メートル以上とする。

(vii) the capacity of a child's room must be four or less and its area must be 4.95 square meters or more per person; provided, however, that the capacity of a room exclusively for infants must be six or less, and the area of 3.3 square meters per person.

八 入所している児童の年齢等に応じ、男子と女子の居室を別にする。

(viii) separate boy's and girl's rooms according to the age, etc. of children in the facility.

九 便所は、男子用と女子用とを別にする。

(ix) separate boy's and girl's lavatories.

(職員)

(Staff)

第四十九条 主として知的障害のある児童（自閉症を主たる症状とする児童（以下「自閉症児」という。）を除く。次項及び第三項において同じ。）を入所させる福祉型障害児入所施設には、嘱託医、児童指導員、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある福祉型障害児入所施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。以下この条において同じ。）、栄養士、調理員及び児童発達支援管理責任者（障害児通所支援又は障害児入所支援の提供の管理を行う者として厚生労働大臣が定めるものをいう。以下同じ。）を置かなければならない。ただし、児童四十人以下を入所させる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

Article 49 (1) A welfare services facility for children with disabilities which admits mainly children with intellectual disabilities (excluding children with autism as the main symptom (hereinafter referred to as "autistic child"); the same applies in the following paragraph and paragraph (3))) must have a commissioned doctor, a child guidance advisor, a nursery teacher, (or a nursery teacher (in the case of a facility for children with disabilities (or a nursery teacher limited nursery teacher in the case where the welfare services facility for children with disabilities is located within the business implementation area prescribed in Article 12-5, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher restricted within the national strategic special zone pertaining to the relevant business implementation area;



hereinafter the same applies in this Article), a dietitian, a cook and a child development support management supervisor (meaning a person designated by the Minister of Health, Labour and Welfare as a person who manages the provision of support for outpatient support for children with disabilities or support for facilities admission for children with disabilities; the same applies hereinafter); provided, however, that a dietitian may not be appointed for an institution accommodating 40 or fewer children, and a cook may not be appointed for an institution entrusting the whole of cooking services.

2 主として知的障害のある児童を入所させる福祉型障害児入所施設の嘱託医は、精神科又は小児科の診療に相当の経験を有する者でなければならない。

(2) A commissioned doctor at a welfare services facility for children with disabilities which admits mainly children with intellectual disabilities must be a person who has considerable experience in psychiatry or pediatrics.

3 主として知的障害のある児童を入所させる福祉型障害児入所施設の児童指導員及び保育士の総数は、通じておおむね児童の数を四・三で除して得た数以上とする。ただし、児童三十人以下を入所させる施設にあつては、更に一以上を加えるものとする。

(3) The total number of child guidance counselors and nursery teachers in a welfare services facility for children with disabilities which admits mainly children with intellectual disabilities must be not less than the number obtained by dividing the total number of children by 4.3; provided, however, that in the case of an institution which admits 30 children or less, one or more additional children must be admitted.

4 主として自閉症児を入所させる福祉型障害児入所施設には、第一項に規定する職員並びに医師及び看護職員（保健師、助産師、看護師又は准看護師をいう。以下この条及び第六十三条において同じ。）を置かなければならない。ただし、児童四十人以下を入所させる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

(4) A welfare services facility for children with disabilities which mainly admits autistic children must have the officials prescribed in paragraph (1) as well as doctors and nursing staff (the term "public health nurse" means a public health nurse, midwife, nurse, or assistant nurse; the same applies hereinafter in this Article and Article 63); provided, however, that a dietitian may not be appointed for an institution accommodating 40 or fewer children, and a cook may not be appointed for an institution entrusting the whole of cooking services.

5 主として自閉症児を入所させる福祉型障害児入所施設の嘱託医については、第二項の規定を準用する。

(5) The provisions of paragraph (2) apply mutatis mutandis to a contract physician of a welfare services facility for children with disabilities designed to admit mainly autistic children.

6 主として自閉症児を入所させる福祉型障害児入所施設の児童指導員及び保育士の総

数については、第三項の規定を準用する。

(6) The provisions of paragraph (3) apply mutatis mutandis to the total number of child guidance counselors and nursery teachers of a welfare services for children with disabilities that mainly admits autistic children.

7 主として自閉症児を入所させる福祉型障害児入所施設の医師は、児童を対象とする精神科の診療に相当の経験を有する者でなければならない。

(7) The medical practitioner of a welfare services facility for children with disabilities designed to accommodate mainly autistic children must be a person who has considerable experience in psychiatric treatment of children.

8 主として自閉症児を入所させる福祉型障害児入所施設の看護職員の数は、児童おおむね二十人につき一人以上とする。

(8) The number of nursing staff of a welfare services facility for children with disabilities that mainly admits autistic children must be one or more per approximately 20 children.

9 主として盲ろうあ児を入所させる福祉型障害児入所施設については、第一項の規定を準用する。

(9) The provisions of paragraph (1) apply mutatis mutandis to a welfare services for children with disabilities that admits mainly blind or deaf children.

10 主として盲ろうあ児を入所させる福祉型障害児入所施設の嘱託医は、眼科又は耳鼻咽喉科の診療に相当の経験を有する者でなければならない。

(10) A commissioned doctor at a welfare services facility for children with disabilities designed to admit mainly blind or deaf children must have considerable experience in ophthalmology or otolaryngology.

11 主として盲ろうあ児を入所させる福祉型障害児入所施設の児童指導員及び保育士の総数は、通じて、乳幼児おおむね四人につき一人以上、少年おおむね五人につき一人以上とする。ただし、児童三十五人以下を入所させる施設にあつては、更に一人以上を加えるものとする。

(11) The total number of child guidance counselors and nursery teachers in a welfare services facility for children with disabilities where mainly blind or deaf children are admitted must be approximately one or more for every four infants and one or more for every five juveniles in total; provided, however, that in the case of an institution accommodating 35 children or less, one or more children must be additionally admitted.

12 主として肢体不自由のある児童を入所させる福祉型障害児入所施設には、第一項に規定する職員及び看護職員を置かなければならない。ただし、児童四十人以下を入所させる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

(12) A welfare services facility for children with disabilities which admits mainly children with orthopedic disabilities must have officials prescribed in paragraph (1) and nursing officials; provided, however, that a dietitian may not be appointed for an institution accommodating 40 or fewer children, and a cook

may not be appointed for an institution entrusting the whole of cooking services.

- 1 3 主として肢体不自由のある児童を入所させる福祉型障害児入所施設の児童指導員及び保育士の総数は、通じておおむね児童の数を三・五で除して得た数以上とする。

(13) The total number of child instructors and nursery teachers in a welfare services facility for children with disabilities which admits mainly children with orthopedic disabilities must be not less than the number obtained by dividing the total number of children by 3.5.

- 1 4 心理指導を行う必要があると認められる児童五人以上に心理指導を行う場合には心理指導担当職員を、職業指導を行う場合には職業指導員を置かなければならない。

(14) An official in charge of psychological guidance must be assigned when providing psychological guidance to five or more children for whom it is found necessary to provide psychological guidance, and a vocational instructor must be assigned when providing vocational guidance.

- 1 5 心理指導担当職員は、学校教育法の規定による大学（短期大学を除く。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者であつて、個人及び集団心理療法の技術を有するもの又はこれと同等以上の能力を有すると認められる者でなければならない。

(15) A person in charge of providing psychological counselling must be a person who has graduated from a university (excluding a junior college) under the provisions of the School Education Act after completing a department specialized in psychology or any other course similar thereto and who is deemed to have individual or group psychotherapy skills or abilities equivalent or superior thereto.

（生活指導及び学習指導）

(Life Guidance and Educational Guidance)

第五十条 福祉型障害児入所施設における生活指導は、児童が日常の起居の間に、当該福祉型障害児入所施設を退所した後、できる限り社会に適応するようこれを行わなければならない。

Article 50 (1) Providing life guidance in a welfare services facility for children with disabilities must be provided so that the child can adapt themselves to society as much as possible after leaving the relevant welfare services facility for children with disabilities while on a daily basis.

- 2 福祉型障害児入所施設における学習指導については、第四十五条第二項の規定を準用する。

(2) The provisions of Article 45, paragraph (2) apply mutatis mutandis to the educational guidance in a welfare services facility for children with disabilities.

（職業指導を行うに当たつて遵守すべき事項）

(Particulars to Be Observed in Providing Vocational Guidance)

第五十一条 福祉型障害児入所施設における職業指導は、児童の適性に応じ、児童が将来できる限り健全な社会生活を営むことができるようこれを行わなければならない。

Article 51 (1) Vocational guidance at a welfare services facility for children with disabilities must be provided according to the aptitude of the child so that the child can live a sound social life as much as possible in the future.

2 前項に規定するほか、福祉型障害児入所施設における職業指導については、第四十五条第三項の規定を準用する。

(2) Beyond the provisions of the preceding paragraph, the provisions of Article 45, paragraph (3) apply mutatis mutandis to vocational guidance at a welfare services facility for children disabilities.

(入所支援計画の作成)

(Preparation of an Admission Support Plan)

第五十二条 福祉型障害児入所施設の長は、児童の保護者及び児童の意向、児童の適性、児童の障害の特性その他の事情を踏まえた計画を作成し、これに基づき児童に対して障害児入所支援を提供するとともに、その効果について継続的な評価を実施することその他の措置を講ずることにより児童に対して適切かつ効果的に障害児入所支援を提供しなければならない。

Article 52 The head of a welfare services facility for children with disabilities must prepare a plan which takes into account the custodians of the child and the intentions of the child, the suitability of the child, the characteristics of the disability of the child and other circumstances, and provide children with facility admission support for children with disabilities based on the plan, and provide children with facility admission support for children with disabilities appropriately and effectively by conducting continuous evaluation of its effects and taking other measures.

(児童と起居を共にする職員)

(Staff Who Live With Children)

第五十三条 福祉型障害児入所施設（主として盲ろうあ児を入所させる福祉型障害児入所施設を除く。）については、第四十六条の規定を準用する。

Article 53 The provisions of Article 46 apply mutatis mutandis to a welfare services facility for children with disabilities (excluding welfare services facility for children with disabilities where mainly blind or deaf children are admitted.).

(保護者等との連絡)

(Communication with Custodians)

第五十四条 福祉型障害児入所施設の長は、児童の保護者に児童の性質及び能力を説明するとともに、児童の通学する学校及び必要に応じ当該児童を取り扱った児童福祉司又は児童委員と常に密接な連絡をとり、児童の生活指導、学習指導及び職業指導につ

き、その協力を求めなければならない。

**Article 54** The head of a welfare services facility for children with disabilities must explain the nature and abilities of the children to the custodians, and request cooperation of the schools to which the children attend and, where necessary, are always in close contact with child welfare officers or commissioned child welfare volunteers who handle the relevant children, in providing life guidance, educational guidance and vocational guidance for the children.

(心理学的及び精神医学的診査)

(Psychological and Psychiatric Examination)

第五十五条 主として知的障害のある児童を入所させる福祉型障害児入所施設においては、入所している児童を適切に保護するため、随時心理学的及び精神医学的診査を行わなければならない。ただし、児童の福祉に有害な実験にわたってはならない。

**Article 55** In a welfare services facility for children with disabilities which admits mainly children with intellectual disabilities, psychological and psychiatric diagnoses must be provided as needed in order to appropriately protect the admitted children; provided, however, that they must not conduct experiments harmful to the welfare of children.

(入所した児童に対する健康診断)

(Medical Examination for Admitted Children)

第五十六条 主として盲ろうあ児を入所させる福祉型障害児入所施設においては、第十二条第一項に規定する入所時の健康診断に当たり、特に盲ろうあの原因及び機能障害の状況を精密に診断し、治療可能な者については、できる限り治療しなければならない。

**Article 56 (1)** In a welfare services facility for children with disabilities which admits mainly blind or deaf children, the medical examination conducted at the time of admission prescribed in Article 12, paragraph (1), the cause of visual impairment or deafness and the status of their dysfunction must be precisely diagnosed, and those who can be treated must be treated as much as possible.

2 主として肢体不自由のある児童を入所させる福祉型障害児入所施設においては、第十二条第一項に規定する入所時の健康診断に当たり、整形外科的診断により肢体の機能障害の原因及びその状況を精密に診断し、入所を継続するか否かを考慮しなければならない。

**(2)** In a welfare services facility for children with disabilities which admits mainly children with orthopedic disabilities, in the medical examination at the time of admission prescribed in Article 12, paragraph (1), the cause of the orthopedic disability and its circumstances must be accurately diagnosed by orthopedic diagnosis, and consideration must be given to whether or not admission should be continued.

## 第八章の二 医療型障害児入所施設

### Chapter VIII-2 Medical Services Facilities for Children With Disabilities

(設備の基準)

(Standards for Facilities)

第五十七条 医療型障害児入所施設の設備の基準は、次のとおりとする。

Article 57 The standards for facilities of a medical services facility for children with disabilities must be as follows:

一 医療型障害児入所施設には、医療法に規定する病院として必要な設備のほか、訓練室及び浴室を設けること。

(i) a medical services facility for children with disabilities must have a training room and a bathroom, beyond the facilities necessary for a hospital prescribed by the Medical Care Act.

二 主として自閉症児を入所させる医療型障害児入所施設には、静養室を設けること。

(ii) a medical services facility for children with disabilities, which admits mainly autistic children, must be provided with a resting room.

三 主として肢体不自由のある児童を入所させる医療型障害児入所施設には、屋外訓練場、ギブス室、特殊手工芸等の作業を指導するに必要な設備、義肢装具を製作する設備を設けること。ただし、義肢装具を製作する設備は、他に適当な設備がある場合は、これを設けることを要しないこと。

(iii) a medical services facility for children with disabilities, which admits mainly children with orthopedic disabilities, must be provided with an outdoor training facility, a cast room, equipment necessary for giving guidance on the work of special handicrafts, etc., and equipment for producing prosthetic devices; provided, however, that the equipment for producing prosthetic limbs need not be provided when there are other appropriate equipment.

四 主として肢体不自由のある児童を入所させる医療型障害児入所施設においては、階段の傾斜を緩やかにするほか、浴室及び便所の手すり等身体の機能の不自由を助ける設備を設けること。

(iv) in a medical services facility for children with disabilities which mainly admit children with orthopedic disabilities, beyond making the slopes of the stairs gentle, it must be provided with facilities to assist the impairment of physical functions such as handrails of bathroom and lavatory.

(職員)

(Staff)

第五十八条 主として自閉症児を入所させる医療型障害児入所施設には、医療法に規定する病院として必要な職員のほか、児童指導員、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある医療型障害児入所施設にあつては、保育士又は当該

事業実施区域に係る国家戦略特別区域限定保育士。次項及び第五項において同じ。)及び児童発達支援管理責任者を置かなければならない。

- Article 58 (1) A medical services facility for children with disabilities mainly accommodating autistic children must appoint a child guidance counselors, a nursery teacher (in the case of a medical services facility for children with disabilities located in the project implementation area prescribed in Article 12, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area; the same applies in the following paragraph and paragraph (5)) and a child development support management supervisor, beyond employees necessary for a hospital prescribed in the Medical Care Act.
- 2 主として自閉症児を入所させる医療型障害児入所施設の児童指導員及び保育士の総数は、通じておおむね児童の数を六・七で除して得た数以上とする。
- (2) The total number of child guidance counselors and nursery teachers of a medical services facility for children with disabilities that mainly admit autistic children must be not less than the number obtained by dividing the total number of children by 6.7.
- 3 主として肢体不自由のある児童を入所させる医療型障害児入所施設には、第一項に規定する職員及び理学療法士又は作業療法士を置かなければならない。
- (3) A medical services facility for children with disabilities which admit mainly children with orthopedic disabilities must have officials, physical or occupational therapists prescribed in paragraph (1).
- 4 主として肢体不自由のある児童を入所させる医療型障害児入所施設の長及び医師は、肢体の機能の不自由な者の療育に関して相当の経験を有する医師でなければならない。
- (4) The head of a medical services facility for children with disabilities which admit mainly children with orthopedic disabilities and a physician must be a physician with reasonable experience in medical treatment and education for persons with physical disabilities.
- 5 主として肢体不自由のある児童を入所させる医療型障害児入所施設の児童指導員及び保育士の総数は、通じて、乳幼児おおむね十人につき一人以上、少年おおむね二十人につき一人以上とする。
- (5) The total number of child guidance workers and nursery teachers in a medical services facility children with disabilities that primarily admits children with orthopedic disabilities must be one or more per approximately 10 infants and one or more per approximately 20 juveniles in total.
- 6 主として重症心身障害児（法第七条第二項に規定する重症心身障害児をいう。以下同じ。）を入所させる医療型障害児入所施設には、第三項に規定する職員及び心理指導を担当する職員を置かなければならない。
- (6) A medical services facility for children with disabilities that mainly admits children with severe physical and mental disabilities (meaning children with severe mental disabilities prescribed in Article 7, paragraph (2) of the Act; the

same applies hereinafter) must have officials prescribed in paragraph (3) and officials in charge of psychological guidance.

7 主として重症心身障害児を入所させる医療型障害児入所施設の長及び医師は、内科、精神科、医療法施行令（昭和二十三年政令第三百二十六号）第三条の二第一項第一号ハ及びニ（２）の規定により神経と組み合わせた名称を診療科名とする診療科、小児科、外科、整形外科又はリハビリテーション科の診療に相当の経験を有する医師でなければならない。

(7) The head of a medical services facility for children with disabilities mainly accommodating children with severe mental disabilities and a physician must be a physician with considerable experience in medical treatment at a department, pediatrics, surgery, orthopedics or rehabilitation where the name combined with nerves is used as the name of the medical department pursuant to the provisions of Article 3-2, paragraph (1), item (i), (c) and (d) 2. of the Order for Enforcement of the Medical Care Act (Cabinet Order No. 326 of 1948).

（心理学的及び精神医学的診査）

(Psychological and Psychiatric Examinations)

第五十九条 主として自閉症児を入所させる医療型障害児入所施設における心理学的及び精神医学的診査については、第五十五条の規定を準用する。

Article 59 The provisions of Article 55 apply mutatis mutandis to psychological and psychiatric diagnoses at a medical services facility for children with disabilities that primarily admits autistic children.

（入所した児童に対する健康診断）

(Medical Examination for Admitted Children)

第六十条 主として肢体不自由のある児童を入所させる医療型障害児入所施設においては、第十二条第一項に規定する入所時の健康診断に当たり、整形外科的診断により肢体の機能障害の原因及びその状況を精密に診断し、入所を継続するか否かを考慮しなければならない。

Article 60 In a medical services facility for children with disabilities which mainly admit a child with orthopedic disabilities, in the medical examination at the time of admission prescribed in Article 12, paragraph (1), causes of the dysfunction of limbs and its circumstances must be precisely diagnosed by orthopedic diagnosis, and consideration must be given to whether or not to continue admission.

（児童と起居を共にする職員等）

(Staff Who Live With Children)

第六十一条 医療型障害児入所施設（主として重症心身障害児を入所させる施設を除く。以下この項において同じ。）における児童と起居を共にする職員、生活指導、学習指導及び職業指導並びに医療型障害児入所施設の長の保護者等との連絡については、第



四十六条、第五十条、第五十一条及び第五十四条の規定を準用する。

Article 61 (1) The provisions of Articles 46, 50, 51 and 54 apply mutatis mutandis to officials who live together with children, life guidance, educational guidance and vocational guidance, and liaison with the custodians, etc. by the head of a medical services facility for children with disabilities in a medical services facility for children with disabilities (excluding facilities mainly accommodating children with severe physical and mental disabilities; hereinafter the same applies in this paragraph).

2 医療型障害児入所施設の長の計画の作成については、第五十二条の規定を準用する。

(2) The provisions of Article 52 apply mutatis mutandis to the preparation of a plan by the head of a medical services facility for children with disabilities.

### 第八章の三 福祉型児童発達支援センター

#### Chapter VIII-3 Welfare Services Child Development Support Center

(設備の基準)

(Standards for Facilities)

第六十二条 福祉型児童発達支援センターの設備の基準は、次のとおりとする。

Article 62 The standards for facilities of a welfare services child development support center must be as follows;

一 福祉型児童発達支援センター（主として重症心身障害児を通わせる福祉型児童発達支援センターを除く。以下この号において同じ。）には、指導訓練室、遊戯室、屋外遊戯場（福祉型児童発達支援センターの付近にある屋外遊戯場に代わるべき場所を含む。）、医務室、相談室、調理室、便所並びに児童発達支援の提供に必要な設備及び備品を設けること。

(i) a welfare services child development support center (excluding welfare services child development support centers where children with severe physical and mental disabilities mainly attend; the same applies hereinafter in this item) must be provided with a guidance and training room, a play room, an outdoor play field (including places to replace outdoor playgrounds in the vicinity of welfare services child development support centers), a medical office, a consultation room, a kitchen, a lavatory and facilities and equipment necessary to provide child development support.

二 福祉型児童発達支援センター（主として難聴児を通わせる福祉型児童発達支援センター及び主として重症心身障害児を通わせる福祉型児童発達支援センターを除く。次号において同じ。）の指導訓練室の一室の定員は、これをおおむね十人とし、その面積は、児童一人につき二・四七平方メートル以上とすること。

(ii) the capacity of each guidance and training room of a welfare services child development support center (excluding welfare services child development support centers mainly for children with hearing loss and welfare services child development support centers mainly for children with severe physical

and mental disabilities; the same applies in the following item) must be approximately ten children, and the area must be 2.47 square meters or more per child.

三 福祉型児童発達支援センターの遊戯室の面積は、児童一人につき一・六五平方メートル以上とすること。

(iii) the area of a playroom of a welfare services child development support center must 1.65 square meters or more per child.

四 主として知的障害のある児童を通わせる福祉型児童発達支援センターには、静養室を設けること。

(iv) a welfare services child development support center where mainly children with intellectual disabilities attend must be provided with a resting room.

五 主として難聴児を通わせる福祉型児童発達支援センターには、聴力検査室を設けること。

(v) a welfare services child development support center where mainly children with hearing loss attend, must have a hearing test room.

六 主として重症心身障害児を通わせる福祉型児童発達支援センターには、指導訓練室、調理室、便所並びに児童発達支援の提供に必要な設備及び備品を設けること。

(vi) a welfare type child development support center where children with severe physical and mental disabilities are mainly accommodated must be provided with a guidance and training room, a kitchen, a lavatory and necessary facilities and equipment for providing child development support.

(職員)

(Staff)

第六十三条 福祉型児童発達支援センター（主として難聴児を通わせる福祉型児童発達支援センター及び主として重症心身障害児を通わせる福祉型児童発達支援センターを除く。次項において同じ。）には、嘱託医、児童指導員、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある福祉型児童発達支援センターにあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。以下この条において同じ。）、栄養士、調理員及び児童発達支援管理責任者のほか、日常生活を営むのに必要な機能訓練を行う場合には、機能訓練担当職員（日常生活を営むのに必要な機能訓練を担当する職員をいう。以下同じ。）を置かなければならない。ただし、児童四十人以下を通わせる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

Article 63 (1) A welfare services child development support center (excluding welfare services child development support centers mainly for children with hearing loss and welfare services child development support centers mainly for children with severe physical and mental disabilities; the same applies in the following paragraph) must appoint a commissioned doctor, a child guidance advisor, a nursery teacher (in the case of a welfare services child development support center located in the project implementation area prescribed in Article

12-5, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area; the same applies hereinafter in this Article), a dietitian, a cook, and a child development support management officer, as well as an official in charge of functional training (The term "personnel" means personnel in charge of functional training necessary for engaging in daily life; the same applies hereinafter) in the case of conducting functional training necessary for performing daily activities; provided, however, that a dietitian may not be appointed for facilities where 40 or fewer children are to attend, and a cook may not be appointed for facilities where all cooking services are entrusted.

2 福祉型児童発達支援センターの児童指導員、保育士及び機能訓練担当職員の総数は、通じておおむね児童の数を四で除して得た数以上とする。

(2) The total number of child guidance workers, nursery teachers and officials in charge of functional training at a welfare services child development support center must be not less than the number obtained by dividing the total number of children by four.

3 主として知的障害のある児童を通わせる福祉型児童発達支援センターの嘱託医は、精神科又は小児科の診療に相当の経験を有する者でなければならない。

(3) A commissioned doctor at a welfare type child development support center who mainly has a child with an intellectual disability to commute there must have considerable experience in psychiatric or pediatric medical care.

4 主として難聴児を通わせる福祉型児童発達支援センターには、第一項に規定する職員及び言語聴覚士を置かなければならない。ただし、児童四十人以下を通わせる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

(4) Welfare type child development support centers which mainly have children with hearing loss attend must have officials prescribed in paragraph (1) and a speech therapist; provided, however, that a dietitian may not be appointed for facilities where 40 or fewer children are to attend, and a cook may not be appointed for facilities where all cooking services are entrusted.

5 主として難聴児を通わせる福祉型児童発達支援センターの嘱託医は、眼科又は耳鼻咽喉科の診療に相当の経験を有する者でなければならない。

(5) A commissioned doctor of a welfare services child development support center who mainly has deaf children attend must have considerable experience in medical care in ophthalmology or otolaryngology.

6 主として難聴児を通わせる福祉型児童発達支援センターの児童指導員、保育士、言語聴覚士及び機能訓練担当職員の総数は、通じておおむね児童の数を四で除して得た数以上とする。ただし、言語聴覚士の数は、四人以上でなければならない。

(6) The total number of child guidance workers, nursery teachers, speech-language-hearing therapists and officials in charge of functional training at a

welfare services child development support center which mainly sends hearing-impaired children must be approximately equal to or more than the number obtained by dividing the number of children by four; provided, however, that the number of speech-language-hearing therapists must be four or more.

- 7 主として重症心身障害児を通わせる福祉型児童発達支援センターには、第一項に規定する職員及び看護職員を置かなければならない。ただし、児童四十人以下を通わせる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

(7) Welfare type child development support centers which mainly have children with severe physical and mental disabilities attend must have officials prescribed in paragraph (1) and nursing officials; provided, however, that a dietitian may not be appointed for facilities where 40 or fewer children are to attend, and a cook may not be appointed for facilities where all cooking services are entrusted.

- 8 主として重症心身障害児を通わせる福祉型児童発達支援センターの嘱託医は、内科、精神科、医療法施行令第三条の二第一項第一号ハ及びニ（２）の規定により神経と組み合わせた名称を診療科名とする診療科、小児科、外科、整形外科又はリハビリテーション科の診療に相当の経験を有する者でなければならない。

(8) A commissioned doctor at a welfare type child development support center who mainly has children with severe physical and mental disabilities attend must have considerable experience in the medical care, pediatrics, surgery, orthopedics or rehabilitation services provided in the department of internal medicine, psychiatry, or a name combined with nerves pursuant to the provisions of Article 3-2, paragraph (1), item (i), (c) and (d) 2. of the Order for Enforcement of the Medical Care Act.

- 9 主として重症心身障害児を通わせる福祉型児童発達支援センターの児童指導員、保育士、看護職員及び機能訓練担当職員の数は、通じておおむね児童の数を四で除して得た数以上とする。ただし、機能訓練担当職員の数は、一人以上でなければならない。

(9) The number of child guidance workers, nursery teachers, nursing staff and officials in charge of functional training at a welfare services child development support center which mainly has children with severe physical and mental disabilities attend, must be approximately equal to or more than the number obtained by dividing the number of children by four; provided, however, that the number of personnel in charge of functional training must be one or more.

（生活指導及び計画の作成）

(Life Guidance and Preparation of Plans)

第六十四条 福祉型児童発達支援センターにおける生活指導及び福祉型児童発達支援センターの長の計画の作成については、第五十条第一項及び第五十二条の規定を準用する。

Article 64 The provisions of Article 50, paragraph (1) and Article 52 apply mutatis mutandis to life guidance in a welfare services child development support center and preparation of a plan by the head of a welfare services child development support center.

(保護者等との連絡)

(Communication with Custodians)

第六十五条 福祉型児童発達支援センターの長は、児童の保護者に児童の性質及び能力を説明するとともに、必要に応じ当該児童を取り扱った児童福祉司又は児童委員と常に密接な連絡をとり、児童の生活指導につき、その協力を求めなければならない。

Article 65 The head of a welfare services child development support center must explain the nature and capabilities of the child to the custodians and seek cooperation from a child welfare officer or a commissioned child welfare volunteer who handles the relevant child, with regard to life guidance for the child, in close liaison as necessary.

(入所した児童に対する健康診断)

(Medical Examination for Admitted Children)

第六十六条 主として難聴児を通わせる福祉型児童発達支援センターにおいては、第十二条第一項に規定する入所時の健康診断に当たり、特に難聴の原因及び機能障害の状況を精密に診断し、治療可能な者については、できる限り治療しなければならない。

Article 66 Welfare services child development support centers which mainly have children with hearing loss attend, upon conducting a medical examination at the time of admission as prescribed in Article 12, paragraph (1), must accurately diagnose the cause of the hearing loss in particular and the status of their dysfunction, and provide as much treatment as possible to persons who can be treated.

(心理学的及び精神医学的診査)

(Psychological and Psychiatric Examination)

第六十七条 主として知的障害のある児童を通わせる福祉型児童発達支援センターにおける心理学的及び精神医学的診査については、第五十五条の規定を準用する。

Article 67 The provisions of Article 55 apply mutatis mutandis to psychological and psychiatric examinations at a welfare services child development support center mainly for children with intellectual disabilities.

#### 第八章の四 医療型児童発達支援センター

#### Chapter VIII-4 Medical Services Child Development Support Center

(設備の基準)

(Standards for Facilities)

第六十八条 医療型児童発達支援センターの設備の基準は、次のとおりとする。

Article 68 The standards for facilities of a medical services child development support center must be as follows:

一 医療法に規定する診療所として必要な設備のほか、指導訓練室、屋外訓練場、相談室及び調理室を設けること。

(i) beyond the facilities necessary as a clinic prescribed in the Medical Care Act, a guidance training room, an outdoor training ground, a consultation room and a kitchen must be provided.

二 階段の傾斜を緩やかにするほか、浴室及び便所の手すり等身体機能の不自由を助ける設備を設けること。

(ii) to make the slopes of the stairs gentle and provide facilities such as handrails for a bathroom and a lavatory, which assist in the physical functions of the persons impairments.

(職員)

(Staff)

第六十九条 医療型児童発達支援センターには、医療法に規定する診療所として必要な職員のほか、児童指導員、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある医療型児童発達支援センターにあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士）、看護師、理学療法士又は作業療法士及び児童発達支援管理責任者を置かなければならない。

Article 69 Beyond an employee necessary for a clinic prescribed in the Medical Care Act, a medical services child development support center must appoint a child guidance center, a nursery teacher (In the case of a medical care type child development support center located in the project implementation area prescribed in Article 12, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area), a nurse, a physical therapist or occupational therapist, and a child development support management supervisor.

(入所した児童に対する健康診断)

(Medical Examination for Admitted Children)

第七十条 医療型児童発達支援センターにおいては、第十二条第一項に規定する入所時の健康診断に当たり、整形外科的診断により肢体の機能障害の原因及びその状況を精密に診断し、入所を継続するか否かを考慮しなければならない。

Article 70 In a medical services child development support center, in conducting the medical examination at the time of admission prescribed in Article 12, paragraph (1), the cause of the physical disability and its status must be precisely diagnosed by an orthopedic examination, and consideration must be given to whether or not the admission should be continued.

(生活指導等)

(Life Guidance)

第七十一条 医療型児童発達支援センターにおける生活指導並びに医療型児童発達支援センターの長の保護者等との連絡及び計画の作成については、第五十条第一項、第五十二条及び第六十五条の規定を準用する。

Article 71 The provisions of Article 50, paragraph (1), Article 52 and Article 65 apply mutatis mutandis to life guidance in a medical services child development support center and the liaison and planning by the director of a medical services child development support center with the custodians, etc.

## 第九章 児童心理治療施設

### Chapter IX Child Psychotherapy Facility

(設備の基準)

(Standards for Facilities)

第七十二条 児童心理治療施設の設備の基準は、次のとおりとする。

Article 72 The standards for facilities of a child psychological treatment facility must be as follows:

一 児童の居室、医務室、静養室、遊戯室、観察室、心理検査室、相談室、工作室、調理室、浴室及び便所を設けること。

(i) to provide children's living rooms, medical rooms, recuperation rooms, play rooms, observation rooms, psychological examination rooms, consultation rooms, work rooms, kitchen, bathrooms and lavatories;

二 児童の居室の一室の定員は、これを四人以下とし、その面積は、一人につき四・九五平方メートル以上とすること。

(ii) the capacity of a child's room must be four or less and its area must be 4.95 square meters or more per person;

三 男子と女子の居室は、これを別にすること。

(iii) separate room for boys and girls;

四 便所は、男子用と女子用とを別にすること。ただし、少数の児童を対象として設けるときは、この限りでない。

(iv) separate lavatories for boys and girls; provided, however, that this must not apply when the disposition is made with a small number of children as the subject.

(職員)

(Staff)

第七十三条 児童心理治療施設には、医師、心理療法担当職員、児童指導員、保育士（特区法第十二条の五第五項に規定する事業実施区域内にある児童心理治療施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士。第六項に

において同じ。）、看護師、個別対応職員、家庭支援専門相談員、栄養士及び調理員を置かなければならない。ただし、調理業務の全部を委託する施設にあつては、調理員を置かないことができる。

Article 73 (1) A child psychological treatment facility must have a physician, official in charge of psychological treatment, child guidance center, nursery teacher (In the case of a child psychological treatment facility located in the project implementation area prescribed in Article 12 paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area; the same applies in paragraph (6)), nurse, individual support staff, family support specialist counselor, dietitian, and cook; provided, however, that a facility to which all cooking work is entrusted may have no cook.

2 医師は、精神科又は小児科の診療に相当の経験を有する者でなければならない。

(2) A physician must have a considerable amount of experience in psychiatric or pediatric medical care.

3 心理療法担当職員は、学校教育法の規定による大学（短期大学を除く。以下この項において同じ。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者又は同法の規定による大学において、心理学に関する科目の単位を優秀な成績で修得したことにより、同法第百二条第二項の規定により大学院への入学を認められた者であつて、個人及び集団心理療法の技術を有し、かつ、心理療法に関する一年以上の経験を有するものでなければならない。

(3) A person in charge of psychotherapy must be a person who has graduated from a university (excluding junior colleges; hereinafter the same applies in this paragraph)) under the provisions of the School Education Act after completing a department specialized in psychology or other course similar thereto, or a person who has been admitted to a graduate school pursuant to the provisions of Article 102, paragraph (2) of the same Act as a result of having acquired subject credits related to psychology with excellent results at a university under the provisions of the same Act, and must have individual and group psychotherapy skills and at least one year of experience in psychotherapy.

4 家庭支援専門相談員は、社会福祉士若しくは精神保健福祉士の資格を有する者、児童心理治療施設において児童の指導に五年以上従事した者又は法第十三条第三項各号のいずれかに該当する者でなければならない。

(4) A family support professional counselor must be a person qualified as a certified social worker or a certified mental health worker, a person who has engaged in the guidance of children in a child psychological treatment facility for five years or more, or a person who falls under any of the items of Article 13, paragraph (3) of the Act.

5 心理療法担当職員の数は、おおむね児童十人につき一人以上とする。

(5) The number of personnel in charge of psychotherapy must be approximately



one for every 10 children.

6 児童指導員及び保育士の総数は、通じておおむね児童四・五人につき一人以上とする。

(6) The total number of child guidance teachers and nursery teachers must be approximately one for every 4.5 children.

(児童心理治療施設の長の資格等)

(Qualifications of the Heads of Child Psychological Care Institutions)

第七十四条 児童心理治療施設の長は、次の各号のいずれかに該当し、かつ、厚生労働大臣が指定する者が行う児童心理治療施設の運営に関し必要な知識を習得させるための研修を受けた者であつて、人格が高潔で識見が高く、児童心理治療施設を適切に運営する能力を有するものでなければならない。

Article 74 (1) The head of a child psychological treatment facility must fall under any of the following items, be a person who has received training to acquire necessary knowledge concerning the operation of the child psychological treatment facility conducted by a person designated by the Minister of Health, Labour and Welfare, and be of a honorable character with deep insight having the ability to appropriately operate the child psychological treatment facility:

一 医師であつて、精神保健又は小児保健に関して学識経験を有する者

(i) a physician with knowledge and experience concerning mental health or pediatric health;

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 児童心理治療施設の職員として三年以上勤務した者

(iii) a person who has worked for three years or longer as an employee of a child psychological treatment facility;

四 都道府県知事が前各号に掲げる者と同等以上の能力を有すると認める者であつて、次に掲げる期間の合計が三年以上であるもの又は厚生労働大臣が指定する講習会の課程を修了したもの

(iv) a person who is deemed by the prefectural governor to have the ability equivalent to or greater than that of persons listed in the preceding items and for whom the total of the following period is three years or more, or a person who has completed a course of training sessions designated by the Minister of Health, Labour and Welfare.

イ 児童福祉司となる資格を有する者にあつては、児童福祉事業（国、都道府県又は市町村の内部組織における児童福祉に関する事務を含む。）に従事した期間

(a) in the case of a person qualified to be a child welfare officer, period during which the person is engaged in child welfare services (including affairs concerning child welfare within the national, prefectural or municipal organization);

ロ 社会福祉主事となる資格を有する者にあつては、社会福祉事業に従事した期間  
(b) the period during which the person has engaged in social welfare services,  
if the person is qualified to become a social welfare officer.

ハ 社会福祉施設の職員として勤務した期間（イ又はロに掲げる期間に該当する期間を除く。）

(c) the period of service as an employee of a social welfare facility (excluding the period that falls under the period set forth in (a) or (b));

2 児童心理治療施設の長は、二年に一回以上、その資質の向上のための厚生労働大臣が指定する者が行う研修を受けなければならない。ただし、やむを得ない理由があるときは、この限りでない。

(2) The head of a child psychological treatment facility must receive training for improvement of their qualifications from a person designated by the Minister of Health, Labour and Welfare at least once every two years; provided, however, that this does not apply when there are unavoidable reasons.

（心理療法、生活指導及び家庭環境の調整）

(Psychotherapy, Life Guidance and Adjustment of Family Environment)

第七十五条 児童心理治療施設における心理療法及び生活指導は、児童の社会的適応能力の回復を図り、児童が、当該児童心理治療施設を退所した後、健全な社会生活を営むことができるようにすることを目的として行わなければならない。

Article 75 (1) Psychotherapy and life guidance in a child psychological treatment facility must be provided for with the purpose of restoring the child's ability to socially adjust and enable the child to live a sound social life after leaving the relevant child psychological treatment facility.

2 児童心理治療施設における家庭環境の調整は、児童の保護者に児童の状態及び能力を説明するとともに、児童の家庭の状況に応じ、親子関係の再構築等が図られるように行わなければならない。

(2) Coordination of the family environment in child psychological treatment facilities must be performed so as to explain the condition and ability of the child to custodians of the child and to facilitate reconstruction, etc. of the parent-child relationship according to the child's family situation.

（自立支援計画の策定）

(Formulation of Self-Reliance Support Plan)

第七十六条 児童心理治療施設の長は、前条第一項の目的を達成するため、入所中の個々の児童について、児童やその家庭の状況等を勘案して、その自立を支援するための計画を策定しなければならない。

Article 76 In order to achieve the purpose set forth in paragraph (1) of the preceding Article, the head of a child psychological treatment facility must formulate a plan for supporting the self-reliance of individual children admitted in the facility, while taking into consideration the circumstances of

the children and their families, etc.

(業務の質の評価等)

(Evaluation of the Quality of Services)

第七十六条の二 児童心理治療施設は、自らその行う法第四十三条の五に規定する業務の質の評価を行うとともに、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図らなければならない。

Article 76-2 A child psychological treatment facility must conduct self-evaluation of the quality of services provided in Article 43-5 of the Act and periodically undergo evaluation by an outside person and publicize the results thereof to constantly seek improvement.

(児童と起居を共にする職員)

(Staff Who Live With Children)

第七十七条 児童心理治療施設については、第四十六条の規定を準用する。

Article 77 The provisions of Article 46 apply mutatis mutandis to child psychological treatment institutions.

(関係機関との連携)

(Cooperation With Relevant Organizations)

第七十八条 児童心理治療施設の長は、児童の通学する学校及び児童相談所並びに必要なに応じ児童家庭支援センター、児童委員、保健所、市町村保健センター等関係機関と密接に連携して児童の指導及び家庭環境の調整に当たらなければならない。

Article 78 The head of a child psychological treatment facility must be engaged in guidance for children and coordination of the family environment in close cooperation with the school to which the child attends and the child guidance center as well as relevant organs such as a child and family support center, commissioned child welfare volunteers, health centers, and municipal health centers as necessary.

## 第十章 児童自立支援施設

### Chapter X Children's Self-Reliance Support Facility

(設備の基準)

(Standards for Facilities)

第七十九条 児童自立支援施設の学科指導に関する設備については、小学校、中学校又は特別支援学校の設備の設置基準に関する学校教育法の規定を準用する。ただし、学科指導を行わない場合にあってはこの限りでない。

Article 79 (1) The provisions of the School Education Act concerning the standards for establishing facilities for elementary schools, junior high schools or special support schools apply mutatis mutandis to the facilities for

theoretical guidance of children's self-reliance support facilities; provided, however, that this must not apply to the case where no theory guidance is provided.

- 2 前項に規定する設備以外の設備については、第四十一条（第二号ただし書を除く。）の規定を準用する。ただし、男子と女子の居室は、これを別にしなければならない。

(2) The provisions of Article 41 (excluding the proviso to item (ii)) apply mutatis mutandis to equipment other than those prescribed in the preceding paragraph; provided, however, that the rooms for boys and girls must be kept separately.

（職員）

(Staff)

第八十条 児童自立支援施設には、児童自立支援専門員（児童自立支援施設において児童の自立支援を行う者をいう。以下同じ。）、児童生活支援員（児童自立支援施設において児童の生活支援を行う者をいう。以下同じ。）、嘱託医及び精神科の診療に相当の経験を有する医師又は嘱託医、個別対応職員、家庭支援専門相談員、栄養士並びに調理員を置かなければならない。ただし、児童四十人以下を入所させる施設にあつては栄養士を、調理業務の全部を委託する施設にあつては調理員を置かないことができる。

Article 80 (1) A children's self-reliance support facility must employ child self-reliance support specialists (meaning a person who provides support for the self-reliance of children in a children's self-reliance support facility; the same applies hereinafter), child life support specialists (meaning a person who provides living support for children in a children's self-reliance support facility; the same applies hereinafter), commissioned physicians and physicians or commissioned physicians with considerable experience in psychiatric diagnosis and treatment, individual support staff, family support specialist counselors, dietitians and cooks; provided, however, that a dietitian may not be appointed for an institution accommodating 40 or fewer children, and a cook may not be appointed for an institution entrusting the whole cooking services.

- 2 家庭支援専門相談員は、社会福祉士若しくは精神保健福祉士の資格を有する者、児童自立支援施設において児童の指導に五年以上従事した者又は法第十三条第三項各号のいずれかに該当する者でなければならない。

(2) A family support professional counselor must be a person qualified as a certified social worker or a certified mental health worker, a person who has been engaged in the guidance of children in a children's self-reliance support facility for five years or more, or a person who falls under any of the items of Article 13, paragraph (3) of the Act.

- 3 心理療法を行う必要があると認められる児童十人以上に心理療法を行う場合には、心理療法担当職員を置かなければならない。

(3) When psychotherapy is to be administered to 10 or more children who are found to be in need of psychotherapy, an official in charge of psychotherapy must be assigned.

4 心理療法担当職員は、学校教育法の規定による大学（短期大学を除く。以下この項において同じ。）において、心理学を専修する学科若しくはこれに相当する課程を修めて卒業した者又は同法の規定による大学において、心理学に関する科目の単位を優秀な成績で修得したことにより、同法第百二条第二項の規定により大学院への入学を認められた者であつて、個人及び集団心理療法の技術を有し、かつ、心理療法に関する一年以上の経験を有するものでなければならない。

(4) A person in charge of psychotherapy must be a person who has graduated from a university (excluding junior colleges; hereinafter the same applies in this paragraph) under the provisions of the School Education Act after completing a department specialized in psychology or other course similar thereto, or a person who has been admitted to a graduate school pursuant to the provisions of Article 102, paragraph (2) of the same Act as a result of having acquired subject credits related to psychology with excellent results at a university under the provisions of the same Act, and must have individual and group psychotherapy skills and at least one year of experience in psychotherapy.

5 実習設備を設けて職業指導を行う場合には、職業指導員を置かなければならない。

(5) Vocational guidance must be provided by providing vocational guidance with the equipment for practical training.

6 児童自立支援専門員及び児童生活支援員の総数は、通じておおむね児童四・五人につき一人以上とする。

(6) The total number of children's self-reliance support specialists and child life support specialists must be approximately one or more for every 4.5 children.

(児童自立支援施設の長の資格等)

(Qualification of the Head of a Children's Self-Reliance Support Facility)

第八十一条 児童自立支援施設の長は、次の各号のいずれかに該当し、かつ、厚生労働省組織規則（平成十三年厚生労働省令第一号）第六百二十二条に規定する人材育成センターが行う児童自立支援施設の運営に関し必要な知識を習得させるための研修又はこれに相当する研修を受けた者であつて、人格が高潔で識見が高く、児童自立支援施設を適切に運営する能力を有するものでなければならない。

Article 81 (1) The head of a children's self-reliance support facility must fall under any of the following items and undergo training to acquire necessary knowledge concerning the operation of child self-reliance support facilities conducted by human resources development centers prescribed in Article 622 of the Regulations on Organization of the Ministry of Health, Labour and Welfare (Order of the Ministry of Health, Labour and Welfare No. 1 of 2001) or training equivalent thereto, and be of honorable character and deep insight, and be

capable of appropriately operating the child self-reliance support facility.

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 with knowledge and experience concerning mental health;

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 児童自立支援専門員の職にあつた者等児童自立支援事業に五年以上（人材育成センターが行う児童自立支援専門員として必要な知識及び技能を習得させるための講習の課程（以下「講習課程」という。）を修了した者にあつては、三年以上）従事した者

(iii) a person who used to be a child self-reliance support specialist, etc.: A person who has engaged in child self-reliance support services for five years or more (in the case of a person who has completed a course of training conducted by a human resources development center for acquisition of knowledge and skills necessary for a child self-reliance support specialist (hereinafter referred to as "training course"), three years or more).

四 都道府県知事が前各号に掲げる者と同等以上の能力を有すると認める者であつて、次に掲げる期間の合計が五年以上（人材育成センターが行う講習課程を修了した者にあつては、三年以上）であるもの

(iv) a person who is deemed by the prefectural governor to have ability equivalent to or greater than that of persons listed in the preceding items and for whom the total of the following periods is five years or more (three years or more for a person who has completed the training course provided by the human resources development center):

イ 児童福祉司となる資格を有する者にあつては、児童福祉事業（国、都道府県、指定都市又は児童相談所設置市の内部組織における児童福祉に関する事務を含む。）に従事した期間

(a) In the case of a person qualified to be a child welfare officer, period during which the person is engaged in child welfare services (including affairs concerning child welfare within the internal organization of the State, prefectures, designated cities, or cities with child guidance centers.);

ロ 社会福祉主事となる資格を有する者にあつては、社会福祉事業に従事した期間

(b) The period during which the person has engaged in social welfare services, if the person is qualified to become a social welfare officer;

ハ 社会福祉施設の職員として勤務した期間（イ又はロに掲げる期間に該当する期間を除く。）

(c) The period of service as an employee of a social welfare facility (excluding the period that falls under the period set forth in (a) or (b));

2 児童自立支援施設の長は、二年に一回以上、その資質の向上のための厚生労働大臣が指定する者が行う研修を受けなければならない。ただし、やむを得ない理由があるときは、この限りでない。

(2) The head of a children's self-reliance support facility must undergo training

for improvement of their competency conducted by a person designated by the Minister of Health, Labour and Welfare at least once every two years; provided, however, that this does not apply when there are unavoidable reasons.

(児童自立支援専門員の資格)

(Qualification as a Child Self-Reliance Support Specialist)

第八十二条 児童自立支援専門員は、次の各号のいずれかに該当する者でなければならない。

Article 82 (1) A child self-reliance support specialist must fall 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 with knowledge and experience concerning mental health;

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 都道府県知事の指定する児童自立支援専門員を養成する学校その他の養成施設を卒業した者（学校教育法の規定による専門職大学の前期課程を修了した者を含む。）

(iii) a person who has graduated from a school for training child self-reliance support specialists or other training facilities designated by the prefectural governor (including those who have completed the first semester of a professional university under the provisions of the School Education Act);

四 学校教育法の規定による大学（短期大学を除く。以下この号において同じ。）において、社会福祉学、心理学、教育学若しくは社会学を専修する学科若しくはこれらに相当する課程を修めて卒業した者又は同法の規定による大学において、社会福祉学、心理学、教育学若しくは社会学に関する科目の単位を優秀な成績で修得したことにより、同法第百二条第二項の規定により大学院への入学を認められた者であつて、一年以上児童自立支援事業に従事したもの又は前条第一項第四号イからハまでに掲げる期間の合計が二年以上であるもの

(iv) a person who has graduated from a university (excluding junior colleges; the same applies hereinafter in this item) pursuant to the provisions of the School Education Act after completing a department specialized in social welfare studies, psychology, pedagogy or sociology or any other course similar thereto, or a person who has been admitted to a graduate school pursuant to the provisions of Article 102, paragraph (2) of the same Act as a result of having acquired subject credits related to social welfare studies, psychology, pedagogy or sociology with excellent results at a university pursuant to the provisions of the same Act, and has engaged in child self-reliance support services for one year or more, or a person who has spent two years or more in total in the period listed in paragraph (1), item(iv), (a) through (c) of the preceding Article.

五 学校教育法の規定による大学院において、社会福祉学、心理学、教育学若しくは

社会学を専攻する研究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、一年以上児童自立支援事業に従事したもの又は前条第一項第四号イからハまでに掲げる期間の合計が二年以上であるもの

- (v) a person who has graduated from a graduate school under the provisions of the School Education Act after completing a graduate school majoring in social welfare studies, psychology, pedagogy or sociology or any other course similar thereto and has been engaged in children's self-reliance support services for one year or more, or a person who has spent two years or more in total for the periods listed in paragraph (1), item(iv), (a) through (c) of the preceding Article.

六 外国の大学において、社会福祉学、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、一年以上児童自立支援事業に従事したもの又は前条第一項第四号イからハまでに掲げる期間の合計が二年以上であるもの

- (vi) a person who graduated from a university in a foreign country after completing a department specialized in social welfare, psychology, pedagogy or sociology or any other course similar thereto, and has been engaged in children's self-reliance support services for one year or more, or the total of the periods listed in paragraph (1), item (iv), (a) through (c) of the preceding Article is two years or more.

七 学校教育法の規定による高等学校若しくは中等教育学校を卒業した者、同法第九十条第二項の規定により大学への入学を認められた者若しくは通常の課程による十二年の学校教育を修了した者（通常の課程以外の課程によりこれに相当する学校教育を修了した者を含む。）又は文部科学大臣がこれと同等以上の資格を有すると認定した者であつて、三年以上児童自立支援事業に従事したもの又は前条第一項第四号イからハまでに掲げる期間の合計が五年以上であるもの

- (vii) a person who has graduated from a high school or a secondary education school pursuant to the provisions of the School Education Act, a person who has been admitted to a university pursuant to the provisions of Article 90, paragraph (2) of the same Act or a person who has completed 12 years of school education under ordinary courses (including those who have completed an equivalent school education through a course other than the ordinary course) or a person who has been engaged in a children's self-reliance support services for three years or longer and whom the Minister of Education, Culture, Sports, Science and Technology has recognized as having equivalent or higher qualifications, or a person who has engaged in a children's self-reliance support service for five years or more in total for the period listed in paragraph (1), item(iv), (a) through (c) of the preceding Article.

八 教育職員免許法に規定する小学校、中学校、義務教育学校、高等学校又は中等教育学校の教諭の免許状を有する者であつて、一年以上児童自立支援事業に従事した



もの又は二年以上教員としてその職務に従事したもの

(viii) a person who holds a teacher's license of an elementary school, junior high school, compulsory education school, senior high school or secondary education school provided in the Education Personnel License Act and has engaged in children's self-reliance support services for one year or longer or has engaged in the duties as a teacher for two years or longer.

2 前項第三号の指定については、第四十三条第二項の規定を準用する。

(2) The provisions of Article 43, paragraph (2) apply mutatis mutandis to the designation set forth in item (iii) of the preceding paragraph.

(児童生活支援員の資格)

(Qualification as a Child Life Support Worker)

第八十三条 児童生活支援員は、次の各号のいずれかに該当する者でなければならない。

Article 83 A child life support worker must be a person falling under any of the following items:

一 保育士（特区法第十二条の五第五項に規定する事業実施区域内にある児童自立支援施設にあつては、保育士又は当該事業実施区域に係る国家戦略特別区域限定保育士）の資格を有する者

(i) a person who is qualified as a nursery teacher (in the case of a children's self-reliance support facility located in the project implementation area prescribed in Article 12-5, paragraph (5) of the Special Zone Act, a nursery teacher or a nursery teacher limited to the national strategic special zone pertaining to the relevant project implementation area);

二 社会福祉士の資格を有する者

(ii) a person qualified as a certified social worker;

三 三年以上児童自立支援事業に従事した者

(iii) a person who has been engaged in children's self-reliance support services for three years or longer.

(生活指導、職業指導、学科指導及び家庭環境の調整)

(Life Guidance, Vocational Guidance, Academic Guidance and Adjustment of Family Environment)

第八十四条 児童自立支援施設における生活指導及び職業指導は、すべて児童がその適性及び能力に応じて、自立した社会人として健全な社会生活を営んでいくことができるよう支援することを目的として行わなければならない。

Article 84 (1) All life guidance and vocational guidance in children's self-reliance support facilities must be provided for the purpose of supporting children so that they can lead sound social lives as independent adults in accordance with their aptitudes and abilities.

2 学科指導については、学校教育法の規定による学習指導要領を準用する。ただし、学科指導を行わない場合にあつてはこの限りでない。

(2) Courses of study under the provisions of the School Education Act apply mutatis mutandis to theory guidance; provided, however, that this does not apply to the case where no theory guidance is provided.

3 生活指導、職業指導及び家庭環境の調整については、第四十五条（第二項を除く。）の規定を準用する。

(3) The provisions of Article 45 (excluding paragraph (2)) apply mutatis mutandis to life guidance and vocational guidance and adjustment of the family environment.

（自立支援計画の策定）

(Formulation of Self-reliance Support Plan)

第八十四条の二 児童自立支援施設の長は、前条第一項の目的を達成するため、入所中の個々の児童について、児童やその家庭の状況等を勘案して、その自立を支援するための計画を策定しなければならない。

Article 84-2 The head of a children's self-reliance support facility, in order to achieve the purpose set forth in paragraph (1) of the preceding Article, must formulate a plan for supporting the self-reliance of individual children admitted in the facility, while taking into consideration the circumstances of the children and their families, etc.

（業務の質の評価等）

(Evaluation of the Quality of Services)

第八十四条の三 児童自立支援施設は、自らその行う法第四十四条に規定する業務の質の評価を行うとともに、定期的に外部の者による評価を受けて、それらの結果を公表し、常にその改善を図らなければならない。

Article 84-3 A children's self-reliance support facility must conduct self-evaluation of the quality of services provided in Article 44 of the Act and periodically undergo evaluation by outside persons and publicize the results thereof to constantly seek improvement.

（児童と起居を共にする職員）

(Staff Who Live With Children)

第八十五条 児童自立支援施設の長は、児童自立支援専門員及び児童生活支援員のうち少なくとも一人を児童と起居を共にさせなければならない。

Article 85 The head of a children's self-reliance support facility must have at least one of child self-reliance support specialists and child life support specialists live together with their child.

第八十六条 削除

Article 86 Deleted

(Cooperation With Relevant Organizations)

Article 87 The head of a children's self-reliance support facility must be engaged in guidance for children and coordination of the family environment in close coordination with the school to which the child attends and the child guidance center as well as relevant organizations such as a child and family support center, commissioned child welfare volunteers and the public employment security offices as necessary.

(Psychological and Psychiatric Examinations)

Article 88 In a children's self-reliance support facility, psychological and psychiatric examinations and educational evaluations (only when academic instruction is provided) must be conducted as needed in order to support self-reliance of children admitted there.

## Chapter XI Child and Family Support Center

(Standards for Facilities)

Article 88-2 A child and family support center must have a consultation room.

(Staff)

(2) The official referred to in the preceding paragraph must fall under any of the items of Article 13, paragraph (3) of the Act.

(支援を行うに当たって遵守すべき事項)

**(Particulars to Be Observed in Providing Support)**

第八十八条の四 児童家庭支援センターにおける支援に当たっては、児童、保護者その他の意向の把握に努めるとともに、懇切を旨としなければならない。

Article 88-4 (1) In providing support at a child and family support center, efforts must be made to understand the intentions of children, the custodians and others and to make efforts to be considerate.

2 児童家庭支援センターにおいて、児童相談所、福祉事務所、児童福祉施設、民生委員、児童委員、母子・父子自立支援員、母子・父子福祉団体、公共職業安定所、婦人相談員、保健所、市町村保健センター、精神保健福祉センター、学校等との連絡調整を行うに当たっては、その他の支援を迅速かつ的確に行うことができるよう円滑にこれを行わなければならない。

(2) When a child and family support center coordinates and liaisons with child guidance centers, welfare offices, child welfare institutions, commissioned welfare volunteers, commissioned child welfare volunteers, maternal and child self-reliance support staff, maternal and child welfare organizations, public employment security offices, women's counselors, health centers, municipal health centers, mental health welfare centers, schools, etc., it must smoothly provide other support in a prompt and appropriate manner.

3 児童家庭支援センターにおいては、その附置されている施設との緊密な連携を行うとともに、その支援を円滑に行えるよう必要な措置を講じなければならない。

(3) A child and family support center must maintain close coordination with the facilities to which it is attached with and take necessary measures to facilitate its support.

**附 則**

**Supplementary Provisions**

(施行の期日)

**(Date of Enforcement)**

第八十九条 この省令は、公布の日から、施行する。

Article 89 This ministerial order comes into effect as of the date of promulgation.

(高等学校、大学の意味)

**(The Meaning of High Schools and Universities)**

第九十条 第二十八条第五号、第三十八条第二項第四号、第四十三条第八号及び第八十二条第七号にいう学校教育法の規定による高等学校は、中等学校令の規定による中等学校を含むものとする。

Article 90 (1) High schools under the provisions of the School Education Act as referred to in Article 28, item (v), Article 38, paragraph (2), item (iv), Article 43, item (viii), and Article 82, item (vii) include secondary schools under the

provisions of the Secondary School Order.

- 2 第二十一条第四項、第二十七条第三項、第三十八条第二項第六号イ、第四十二条第四項、第四十三条第四号、第七十五条第三項、第八十条第四項及び第八十二条第四号にいう大学は、大学令の規定による大学を含むものとする。

(2) The universities referred to in Article 21, paragraph (4), Article 27, paragraph (3), Article 38, paragraph (2), item (vi), (a), Article 42, paragraph (4), Article 43, item (iv), Article 75, paragraph (3), Article 80, paragraph (4) and Article 82, item (iv) must include universities under the provisions of the University Order.

(経過規定)

(Transitional Provisions)

第九十一条 この省令施行の際、現に児童福祉施設において、その長、寮母、児童厚生員、児童指導員、教護又は教母の業務を行う者は、この省令の規定にかかわらず、昭和二十七年十二月三十一日まで、なおその業務に従事することができる。

Article 91 (1) A person who, at the time of the enforcement of this ministerial order, is actually engaged in the services of the head, dormitory, child welfare officer, child guidance advisor, instructors in a child welfare institution may be engaged in the relevant services until December 31, 1952, notwithstanding the provisions of this ministerial order.

- 2 この省令施行の際、現に存する児童福祉施設であつて、土地の状況その他特別の事由により、その設備及び職員の数につき、この省令で定める規定により難いときは、当該児童福祉施設は、昭和二十四年十二月三十一日まで、これによらないことができる。ただし、国及び都道府県以外の者の設置する児童福祉施設においては、都道府県知事の認可を受けなければならない。

(2) When it is difficult to comply with the provisions of this Order with regard to the number of facilities and employees of a child welfare institution actually existing upon the coming into force of this order due to the circumstances of land or other special reasons, the relevant child welfare institution may not be utilized until December 31, 1949; provided, however, that a child welfare institution established by a person other than the national or prefectural government must obtain approval from the prefectural governor.

- 3 この省令施行の際、現に存する国及び都道府県以外の者の設置する児童福祉施設は、この省令施行の日から六月の間は、その設備及び職員の数につき、前項ただし書の認可があつたものとみなす。

(3) A child welfare institution established by a person other than the State or prefecture in existence at the time of the enforcement of this ministerial order must be deemed to have obtained the approval set forth in the proviso of the preceding paragraph with regard to its equipment and the number of its officials for six months from the day of the enforcement of this ministerial order.

第九十二条 この省令施行の際、現に存する保育所であつて、第三十二条第二号、第三号及び第六号に定める基準により難い事情があるときは、この省令施行後六月以内に、都道府県知事に事情を具申しなければならない。

Article 92 (1) When there are circumstances that make it difficult for a nursery center in existence at the time of the enforcement of this ministerial order to meet the standards specified in Article 32, items (ii), (iii) and (vi), the prefectural governor must state the circumstances within six months after the enforcement of this ministerial order.

2 前項の具申があつたときは、都道府県知事は、地方児童福祉委員会の意見を聴き、その具申に相当の理由があると認めるときは、意見を付し、これを厚生大臣に進達しなければならない。

(2) When the recommendation set forth in the preceding paragraph is made, the prefectural governor must hear the opinions of the Local Child Welfare Commission and, when they find that the recommendation has reasonable grounds, must transmit it to the Minister of Health, Labour and Welfare with their opinions attached.

3 前項の進達を受けとつたときは、厚生大臣は、中央児童福祉委員会の意見を聴き、その進達に相当の理由があると認めるときは、一定の期間を限り、第三十二条第二号、第三号及び第六号に定める基準によらないことができる。

(3) If the minister of health and welfare receives the delivery set forth in the preceding paragraph, after hearing the opinions of the Central Child Welfare Commission and finds that there are reasonable grounds for the delivery, the minister may refrain from complying with the standards prescribed in Article 32 items (ii), (iii) and (vi), limited to a certain period.

第九十三条 児童福祉法の一部を改正する法律（平成十三年法律第百三十五号）附則第五条に規定する者については、同法附則第一条第四号に掲げる規定の施行後三年間は、この省令の適用に関して、保育士とみなす。

Article 93 With regard to the application of this ministerial order, a person prescribed in Article 5 of the Supplementary Provisions of the Act to Partially Amend Child Welfare Act (Act No. 135 of 2001) must be deemed to be a nursery teacher for three years after the enforcement of the provisions listed in Article 1, item (iv) of the Supplementary Provisions of the relevant Act.

（保育所の職員配置に係る特例）

（Special Provisions on the Assignment of Staff to a Childcare Center）

第九十四条 保育の需要に応ずるに足りる保育所、認定こども園（子ども・子育て支援法（平成二十四年法律第六十五号）第二十七条第一項の確認を受けたものに限る。）又は家庭的保育事業等が不足していることに鑑み、当分の間、第三十三条第二項ただし書の規定を適用しないことができる。この場合において、同項本文の規定により必

要な保育士が一人となる時は、当該保育士に加えて、都道府県知事（指定都市にあつては当該指定都市の市長とし、中核市にあつては当該中核市の市長とする。）が保育士と同等の知識及び経験を有すると認める者を置かなければならない。

Article 94 In view of the shortage of nursery centers, certified children's nurseries (limited to those for which the confirmation set forth in Article 27, paragraph (1) of the Child and Child Care Support Act (Act No. 65 of 2012) has been obtained) or domestic nursery services, etc. sufficient to meet demand of nursery care, the provisions of the proviso of Article 33, paragraph (2) must not apply for the time being. In this case, when there is only one nursery teacher necessary pursuant to the provisions of the main clause of the same paragraph, a person who is found by the prefectural governor (in the case of a designated city, the mayor of the relevant designated city, and in the case of a core city, the mayor of the relevant core city) to have knowledge and experience equivalent to nursery teachers must be appointed beyond the relevant nursery teacher.

第九十五条 前条の事情に鑑み、当分の間、第三十三条第二項に規定する保育士の数の算定については、幼稚園教諭若しくは小学校教諭又は養護教諭の普通免許状（教育職員免許法第四条第二項に規定する普通免許状をいう。）を有する者を、保育士とみなすことができる。

Article 95 In light of the circumstances set forth in the preceding Article, for the time being, with regard to the calculation of the number of nursery teachers prescribed in Article 33, paragraph (2), a person who holds an ordinary license (meaning an ordinary license as prescribed in Article 4, paragraph (2) of the Educational Personnel License Act) of a kindergarten or elementary school teacher or a nursing teacher may be deemed to be a nursery teacher.

第九十六条 第九十四条の事情に鑑み、当分の間、一日につき八時間を超えて開所する保育所において、開所時間を通じて必要となる保育士の総数が、当該保育所に係る利用定員の総数に応じて置かなければならない保育士の数を超えるときは、第三十三条第二項に規定する保育士の数の算定については、都道府県知事（指定都市にあつては当該指定都市の市長とし、中核市にあつては当該中核市の市長とする。）が保育士と同等の知識及び経験を有すると認める者を、開所時間を通じて必要となる保育士の総数から利用定員の総数に応じて置かなければならない保育士の数を差し引いて得た数の範囲で、保育士とみなすことができる。

Article 96 In light of the circumstances set forth in Article 94, until otherwise provided for by law, when the total number of nursery teachers required through opening hours at a nursery center which opens for more than eight hours per day exceeds the number of nursery teachers which must be established in accordance with the total number of usable capacity pertaining to the relevant nursery center, persons whom the prefectural governor (in the

case of a designated city, the mayor of the relevant designated city, and in the case of a core city, the mayor of the relevant core city) finds to have knowledge and experience equivalent to nursery teachers may be deemed to be nursery teachers, to the extent of the number obtained by subtracting the number of nursery teachers required according to the total number of usable capacity from the total number of nursery teachers required through opening hours.

第九十七条 前二条の規定を適用する時は、保育士（法第十八条の十八第一項の登録を受けた者をいい、児童福祉施設最低基準の一部を改正する省令（平成十年厚生省令第五十一号）附則第二項又は前二条の規定により保育士とみなされる者を除く。）を、保育士の数（前二条の規定の適用がないとした場合の第三十三条第二項により算定されるものをいう。）の三分の二以上、置かなければならない。

Article 97 When the provisions of the preceding two Articles apply, at least 2/3 of the number (meaning the amount calculated pursuant to Article 33, paragraph (2) if the provisions of the preceding two Articles do not apply) of nursery teachers (meaning a person registered pursuant to Article 18-18, paragraph (1) of the Act and excluding a person deemed to be a nursery teacher pursuant to the provisions of paragraph (2) of the Supplementary Provisions or the preceding two Articles of the ministerial order for partial revision of minimum standards for child welfare facilities (Order of the Ministry of Health, Labour and Welfare No. 51 of 1998)) must be appointed.

附 則 〔平成二十四年二月三日厚生労働省令第十七号〕 〔抄〕

**Supplementary Provisions [Order of the Ministry of Health, Labour and Welfare No. 17 of February 3, 2012] [Extract]**

（施行期日）

（Effective Date）

第一条 この省令は、平成二十四年四月一日から施行する。

Article 1 This ministerial order comes into effect as of April 1, 2012.

（経過措置）

（Transitional Measure）

第二条 児童福祉施設最低基準等の一部を改正する省令（平成二十三年厚生労働省令第七十一号）の施行の際現に存していた障がい者制度改革推進本部等における検討を踏まえて障害保健福祉施策を見直すまでの間において障害者等の地域生活を支援するための関係法律の整備に関する法律（平成二十二年法律第七十一号。以下「整備法」という。）第五条による改正前の児童福祉法（以下「旧児童福祉法」という。）第四十二条に規定する知的障害児施設又は旧児童福祉法第四十三条の二に規定する盲ろうあ児施設（通所のみにより利用されるものを除く。）であつて、整備法附則第三十四条第一項の規定により整備法第五条による改正後の児童福祉法（以下「新児童福祉法」



という。) 第三十五条第三項又は第四項に基づき新児童福祉法第四十二条に規定する障害児入所施設として設置しているものとみなされたもの(同令の施行の後に増築され、又は改築される等建物の構造を変更したものを除く。)については、当分の間、この省令による改正後の児童福祉施設の設備及び運営に関する基準(以下「新基準」という。)第四十八条第七号の規定を適用する場合においては、同号中「四人」とあるのは「十五人」と、「四・九五平方メートル以上とすること。ただし、乳幼児のみの居室の一室の定員は、これを六人以下とし、その面積は、一人につき三・三平方メートル以上とすること」とあるのは「三・三平方メートル以上とすること」とする。

Article 2 For the time being, with regard to a facility for children with intellectually disabilities as prescribed in Article 42 of the Child Welfare Act prior to the revision by Article 5 of (hereinafter referred to as "Old Child Welfare Act") the Act on the Development of Relevant Acts to Support Community Life for Persons with Disabilities (Act No. 71 of 2010; hereinafter referred to as "maintenance law") or an institution for the blind or deaf children as prescribed in Article 43-2 of the old Child Welfare Act (excluding those used only by day-care centers) that is a facility for children with intellectually disabilities as prescribed in Article of the Child Welfare Act prior to the revision by Article 5 of the Act on the Development of Relevant Acts to Support Community Life for Persons with Disabilities, until a review of the measures for health and welfare of persons with disabilities existing at the time of the enforcement of the Ministerial Order Partially Amending Minimum Standards for Child Welfare Institutions (Order of the Ministry of Health, Labour and Welfare No. 71 of 2011) and which is deemed, pursuant to the provisions of Article 34, paragraph (1) of the Supplementary Provisions of the Development Act, to be an institution for children with disabilities as prescribed in Article 42 of the New Child Welfare Act (hereinafter referred to as "New Child Welfare Act") pursuant to Article 35, paragraph (3) or paragraph (4) of the New Child Welfare Act (excluding the cases where the structure of the building has been changed, such as extension or reconstruction, after the enforcement of the relevant Order), in the case of applying the provisions of Article 48, item (vii) of the Standards Concerning Facilities and Operation of Child Welfare Institutions revised by this Ministerial Order (hereinafter referred to as "New Standard"), the term "four persons." in the same item is replaced with "15 persons" and the term "To be of 4, 95 square meters or more; provided, however, that the capacity of a room exclusively for infants must be six persons or less, and the area must be 3.3 square meters or more per person." is replaced with (Order of the Ministry of Health, Labour and Welfare No. 71 of 2011).

第三条 この省令の施行の際現に存する旧児童福祉法第四十三条の三に規定する肢体不自由児施設(通所のみにより利用されるものを除く。)であつて、整備法附則第三十

四条第一項の規定により新児童福祉法第三十五条第三項又は第四項に基づき新児童福祉法第四十二条に規定する障害児入所施設として設置しているものとみなされたもの（この省令の施行の後に増築され、又は改築される等建物の構造を変更したものを除く。）については、当分の間、新基準第四十八条第七号から第九号までの規定は、適用しない。

Article 3 With regard to an institution for orthopedically impaired children prescribed in Article 43 -3 of the Old Child Welfare Act (excluding those used only by day-care centers) which exists in existence at the time of the enforcement of this ministerial order and is deemed, pursuant to Article 34, paragraph (1) of the Supplementary Provisions of the Development Act, to be established as a facility for children with disabilities prescribed in Article 42 of the New Child Welfare Act pursuant to Article 35, paragraph (3) or paragraph (4) (excluding a building whose structure has been changed, such as an extension or reconstruction, after the enforcement of this ministerial order) of the New Child Welfare Act, the provisions of Article 48, items (vii) through (ix) of the New Standards do not apply for the time being.

第四条 この省令の施行の際現に存する旧児童福祉法第四十三条に規定する知的障害児通園施設であって、整備法附則第三十四条第二項の規定により新児童福祉法第三十五条第三項又は第四項に基づき新児童福祉法第四十三条に規定する児童発達支援センターとして設置しているものとみなされたものに対する新基準第六十三条第二項の規定の適用については、同条第二項中「通じておおむね児童の数を四で除して得た数以上」とあるのは、「通じておおむね乳幼児の数を四で除して得た数及び少年の数を七・五で除して得た数の合計数」とする。

Article 4 (1) With regard to the application of the provisions of Article 34, paragraph (2) of the New Child Welfare Act to a daycare institution for children with intellectually disabilities prescribed in Article 43 of the Old Child Welfare Act that exists in existence at the time of the enforcement of this ministerial order and is deemed, pursuant to the provisions of Article 35, paragraph (3) of the Supplementary Provisions of the Development Act, to be established as a child development support center prescribed in Article 43 of the New Child Welfare Act pursuant to Article 63, paragraph (2) of the New Child Welfare Act, "more than the number obtained by dividing approximately the number of children by four through" in paragraph of the same Article must be deemed to be replaced with "the total of the number obtained by dividing the number of babies and toddlers by four and the number of juveniles obtained by dividing the number of juveniles by 7.5".

2 この省令の施行の際現に存する旧児童福祉法第四十三条の二に規定する盲ろうあ児施設（通所のみにより利用されるものに限る。）であって、整備法附則第三十四条第二項の規定により新児童福祉法第三十五条第三項又は第四項に基づき新児童福祉法第四十三条に規定する児童発達支援センターとして設置しているものとみなされたもの

に対する新基準第六十三条第六項の適用については、同条第六項中「言語聴覚士及び」とあるのは「聴能訓練担当職員（聴能訓練を担当する職員をいう。以下同じ。）」、言語機能訓練担当職員（言語機能の訓練を担当する職員をいう。以下同じ。）及び」と、「言語聴覚士の数は、四人」とあるのは「聴能訓練担当職員及び言語機能訓練担当職員の数は、それぞれ二人」とする。

- (2) With regard to the application of Article 63, paragraph (6) of the New Standards to an institution for blind or deaf children prescribed in Article 43 -2 of the Former Child Welfare Act (limited to those used only by day-care centers.) which exists at the time of the enforcement of this ministerial order and is deemed, pursuant to the provisions of Article 34, paragraph (2) of the Supplementary Provisions of the Maintenance Act, to be established as a child development support center prescribed in Article 43 of the new child welfare Act pursuant to paragraph (3) or (4) of Article 35 of the New Child Welfare Act, "Language hearing therapists and" and "There are four speech-language-hearing therapists." in paragraph (6) of the same Article is replaced with "audience training staff (the term "personnel" means personnel in charge of auditory training; the same applies hereinafter), language training staff (the term "personnel" means personnel in charge of training in language functions; the same applies hereinafter), and "The number of personnel in charge of audibility training and the number of personnel in charge of language function training must be two each." respectively.

附 則 〔令和二年三月三十一日厚生労働省令第七十二号〕

**Supplementary Provisions [Order of the Ministry of Health, Labour and Welfare No. 72 of March 31, 2020]**

この省令は、令和二年四月一日から施行する。

This ministerial order comes into effect as of April 1, 2020.