

Outline of the Act Partially Amending the Child Welfare Act and Other Legislation

Aim of the Amendments

Things such as the increase in the number of child abuse consultations have made it more apparent than ever that households are having difficulties raising their children, and in light of this and other circumstances, these amendments are meant to strengthen the systems that offer comprehensive support to households with children.

Overview of the Amendments

1. Strengthening the systems that offer comprehensive support to households with children and expanding their operations [Child Welfare Act, Maternal and Child Health Act]

- ① Under the proposed amendments, municipalities must endeavor to establish Child and Family Centers* that provide comprehensive consultations and other support for all expectant and nursing mothers, households with children, and children; and must endeavor to make arrangements for consultation mechanisms at familiar places that provide support for people raising children (such as nursery centers). Child and Family Centers are to prepare plans for supporting children, expectant and nursing mothers who are in need of support, and others (called Support Plans).
*This represents a re-envisioning of the Integrated Child and Family Support Bases and Comprehensive Support Centers for a Child-Rearing Generation.
- ② The proposed amendments provide for the establishment of new programs that offer in-home housework support, support in creating spaces for children to be themselves, and support for building relationships between parents and their children; municipalities will recommend people to use these and other family support services and implement other measures as necessary.
- ③ The proposed amendments make it explicit that Child Development Support Centers play a central role in supporting children with disabilities in the community, and unify the types of child-development support (welfare support and medical support) so that support can be offered to children regardless of their disability type.

2. Improving how children are treated and the quality of support they are given at temporary care homes and child guidance centers, and improving the quality of support for expectant and nursing mothers who are facing difficulties [Child Welfare Act]

- ① The proposed amendments help improve the environment at temporary care homes by providing for facilities standards and operational standards to be formulated. As a way to strengthen support by child guidance centers, the amendments provide for the implementation of parent-child reunification programs with collaboration from the private sector, and position foster care support centers as child welfare facilities.
- ② The proposed amendments provide for the creation of a program to offer temporary housing and meals to expectant and nursing mothers facing difficulties, provide them with information on caring for their children in the future, and offer them other such support.

3. Strengthening the support for self-reliance offered to former foster care recipients and to residents of facilities for children with disabilities [Child Welfare Act]

- ① The proposed amendments make what has been a uniform age limit for using the self-reliant living assistance offered to children more flexible. They also provide for the creation of a program that establishes a base of support for people such as former foster care recipients through day-programs and in-home visits.
- ② The amendments clarify which entities (prefectures and ordinance-designated cities) are responsible for doing the coordinating when the residents of facilities for children with disabilities transition to life in the community and elsewhere, and make it possible for them to remain in those facilities until they reach the age of 22.

4. Establishment of a mechanism for hearing children's opinions [Child Welfare Act]

Under the proposed amendments, child guidance centers and other facilities are to establish measures for hearing children's opinions at times such as when placing them in residential facilities or in temporary care, so that the Centers implement measures while taking into account children's opinions and inclinations, while continuing to consider their best interests. Prefectures are to make the necessary environmental arrangements towards allowing children to express their opinions and inclinations and towards child advocacy.

5. Introducing court investigations for decisions to place a child into temporary care [Child Welfare Act]

The proposed amendments establish procedures through which, among other things, child guidance centers are to request a writ of temporary care before placing a child into temporary care or within seven days afterward, except when there is consent from a parent or guardian and in other such cases.

6. Increasing the expertise of child and family welfare workers [Child Welfare Act]

The proposed amendments add knowledge and skills in matters requiring specialized response such as protecting children who have been abused as a new requirement for appointment as a child welfare officer* A certification for child and family welfare professionals will be introduced based on the relevant provisions.

* Under the proposed amendment, the government is to review the best form for a system that enables people who have acquired this certification to work to their full potential and the best form for the credentials—including national qualifications—approximately two years after the Act comes into effect, and to implement the necessary measures based on the results of its review, while taking account of things such as the extent to which people have acquired the certification, and while making environmental arrangements in terms of clarifying the job duties, necessary expert knowledge and skills, and educational programming and in terms of ensuring that there are training systems and employment opportunities for people who have acquired the certification.

7. Creating an environment that protects children from indecent acts (strengthening efforts in advance of the introduction of a mechanism for seeking proof of things such as a person's sex offense history [a Japanese version of DBS]) [Child Welfare Act]

The proposed Act establishes stricter controls for managing the credentials of childcare workers who have committed indecent acts against children; enables information about things like business suspension orders that have been issued against babysitters and similar persons to be disclosed to the public and shared with others; and makes other necessary amendments.

Effective Date

April 1, 2024 (However, the effective date for the amendments mentioned in 5. is the date specified by Cabinet Order within 3 years after promulgation; and for some of the amendments mentioned in 7., the effective dates are the day falling 3 months after promulgation, April 1, 2023, and the date specified by Cabinet Order falling within 2 years after promulgation.)

児童福祉法等の一部を改正する法律の概要

改正の趣旨

児童虐待の相談対応件数の増加など、子育てに困難を抱える世帯がこれまで以上に顕在化してきている状況等を踏まえ、子育て世帯に対する包括的な支援のための体制強化等を行う。

改正の概要

1. 子育て世帯に対する包括的な支援のための体制強化及び事業の拡充【児童福祉法、母子保健法】

- ①市区町村は、全ての妊産婦・子育て世帯・子どもの包括的な相談支援等を行うこども家庭センター（※）の設置や、身近な子育て支援の場（保育所等）における相談機関の整備に努める。こども家庭センターは、支援を要する子どもや妊産婦等への支援計画（サポートプラン）を作成する。
※子ども家庭総合支援拠点と子育て世代包括支援センターを見直し。
- ②訪問による家事支援、児童の居場所づくりの支援、親子関係の形成の支援等を行う事業をそれぞれ新設する。これらを含む家庭支援の事業について市区町村が必要に応じ利用勧奨・措置を実施する。
- ③児童発達支援センターが地域における障害児支援の中核的役割を担うことの明確化や、障害種別にかかわらず障害児を支援できるよう児童発達支援の類型（福祉型、医療型）の一元化を行う。

2. 一時保護所及び児童相談所による児童への処遇や支援、困難を抱える妊産婦等への支援の質の向上【児童福祉法】

- ①一時保護所の設備・運営基準を策定して一時保護所の環境改善を図る。児童相談所による支援の強化として、民間との協働による親子再統合の事業の実施や、里親支援センターの児童福祉施設としての位置づけ等を行う。
- ②困難を抱える妊産婦等に一時的な住居や食事提供、その後の養育等に係る情報提供等を行う事業を創設する。

3. 社会的養育経験者・障害児入所施設の入所児童等に対する自立支援の強化【児童福祉法】

- ①児童自立生活援助の年齢による一律の利用制限を弾力化する。社会的養育経験者等を通所や訪問等により支援する拠点を設置する事業を創設する。
- ②障害児入所施設の入所児童等が地域生活等へ移行する際の調整の責任主体（都道府県・政令市）を明確化するとともに、22歳までの入所継続を可能とする。

4. 児童の意見聴取等の仕組みの整備【児童福祉法】

児童相談所等は入所措置や一時保護等の際に児童の最善の利益を考慮しつつ、児童の意見・意向を勘案して措置を行うため、児童の意見聴取等の措置を講ずることとする。都道府県は児童の意見・意向表明や権利擁護に向けた必要な環境整備を行う。

5. 一時保護開始時の判断に関する司法審査の導入【児童福祉法】

児童相談所が一時保護を開始する際に、親権者等が同意した場合等を除き、事前又は保護開始から7日以内に裁判官に一時保護状を請求する等の手続を設ける。

6. 子ども家庭福祉の実務者の専門性の向上【児童福祉法】

児童虐待を受けた児童の保護等の専門的な対応を要する事項について十分な知識・技術を有する者を新たに児童福祉司の任用要件に追加する。

※当該規定に基づいて、子ども家庭福祉の実務経験者向けの認定資格を導入する。

※認定資格の取得状況等を勘案するとともに、業務内容や必要な専門知識・技術、教育課程の明確化、養成体制や資格取得者の雇用機会の確保、といった環境を整備しつつ、その能力を発揮して働くことができる組織及び資格の在り方について、国家資格を含め、施行後2年を目途として検討し、その結果に基づいて必要な措置を講ずる。

7. 児童をわいせつ行為から守る環境整備（性犯罪歴等の証明を求める仕組み（日本版DBS）の導入に先駆けた取組強化）【児童福祉法】

児童にわいせつ行為を行った保育士の資格管理の厳格化を行うとともに、ベビーシッター等に対する事業停止命令等の情報の公表や共有を可能とするほか、所要の改正を行う。

施行期日

令和6年4月1日（ただし、5は公布後3年以内で政令で定める日、7の一部は公布後3月を経過した日、令和5年4月1日又は公布後2年以内で政令で定める日）