Child Protection in Japan: Expectations and Reality

筒井 孝子（国立保健医療科学院 統括研究官）
アレクシ コタンサン（国立保健医療科学院 協力研究員）
大野茂昭（国立障害者リハビリテーションセンター研究所 流動研究員）
東野 定律（静岡県立大学経営情報学部 講師）
山縣 文治（関西大学人間健康学部人間健康学科 教授）

抄録: 本稿では、日本の社会的養護体制の現状について、述べている。とりわけ、戦後から続く児童保護的な側面、そして入所施設による伝統的なケア提供が抱えている課題を克服するために、近年、政府が行っている社会的養護体制の改革について触れている。

近年始まっている今後の社会的養護体制の改革下においては、近年増加する被経験を有する児童のケアニーズに対応するために必要な新たなケア提供システムを構築が求められているが、この実現のためには実証的なデータに基づく研究を積み重ねていく必要性が示唆された。

キーワード: 日本の社会的養護, 里親制度, 虐待

1. Introduction

Since the measures for orphans taken after Second World War, the system of child protection in Japan have reflected the evolution of a social context: facilities for children used to play the role of a substitute to family and the role of caregiver for war orphans and children without home or whose family faces a great poverty. However, actually, 60% of the placements are made because the birth parents maltreated, neglected or were unable to provide a good education to the child. In other words, the purpose of these facilities has shifted from a simple protection to a complex provision of health care for maltreated children.

This paper aims to compare, within the context mentioned above, the situation with foreign countries regarding the actual state and issues of the child protection system and also to discuss the future evolution of this system. Moreover, taking into consideration the increase of maltreated children in these facilities and the reform of the child protection system started by the Japanese government, we will discuss the way this care should be provided.
2. Actual state of the child protection system in Japan

1) Definition of child protection in Japan

Since the measures taken for orphans after the Second World War, the system of child protection has changed along with the evolution of society. However, the word actually used for child protection (which is literally "social protection" or, in Japanese, "shakaiteki yōgo") is quite new, and was first seen in a public document only in 2003, but without a real definition or conceptual basis.

Nevertheless, in April 2003, the Ministry of Health, Labor and Welfare created, as a subgroup of the Social Security Council, an "Expert Committee on Child Protection" (Shakaiteki yōgo senmoniinkai) who published a paper in October of the same year. According to this paper, child protection occurs when family is no longer able to provide an appropriate education to the child, especially for reasons of maltreatment towards this child, and consist in entrusting the society to provide it, making the child education a public responsibility (MHLW, 2003).

This paper does not clarify the actual field of child protection but gives a number of institutions involved, such as child guidance centers (jidō sōdanjo), municipalities and prefectures, police stations, foster parents, homes for the promotion self-reliance (jiritsu shien hōmu), private organizations, schools and local networks of committee measures for children who need child protective service. After positioning child protection as the protection, care and education provided by the state or local public institutions who are at the base of the social welfare system (shakai fukushi seido), expert considered two categories: child protection in a narrow sense which includes the protection by foster care families and by facilities and child protection in a broader sense which includes schools, nursery, after school care programs, educational institutions and various types of guidance centers (Takenaka, 2007).

The narrowed sense of child protection includes 5 types of care facilities for children (yōgo shisetsu): infant’s homes (nyūji-in), children’s institutions (jido yōgo shisetsu), short-term therapeutic institutions for emotionally disturbed children (josho shōgai-ji tanki chiryō shisetsu), maternal and child living support facilities (boshi seikatsu shien shisetsu) and children self-reliance support facilities (jidō jiritsu shien shisetsu).

The number of children placements is as followed: 3,124 children in infant’s homes (7.2% of all the children placements), 30,695 in children’s institutions (78.7%), 1,180 children in short-term therapeutic institutions for emotionally disturbed children (2.7%), 6,135 children in maternal and child living support facilities (14.2%), 1,808 children in children self-reliance support facilities (4.2%) and 230 children in self-reliance support homes (MHLW, 2011 a) (0.5%). It appears that children’s institutions, where 78.7% (excluding children placed in foster care families) of the residential placements are made, represent the core of the Japanese child protection system. Recently, even though their number is still limited, the system started to include also small-scale institutions such as "small-scale group care" and "small-scale children’s institutions”.

As mentioned earlier, child protection also includes the familial type of care provided by
foster care families. This type of care refers to a transfer of the child education responsibility to a foster family (chosen by the prefecture) and is provided when the child has no guardians or when the guardianship is considered inappropriate. Currently, 7,808 families are registered as foster care families, but the number of families who are legally responsible for the education of a child does not exceed 2,727 families, concerning only 3,870 children (MHLW, 2010).

From an international point of view, it appears that small-scale care is not frequently provided and that the system of foster care families, concerning only 9% of the children placed in child protection service, is not significantly developed in Japan.

<table>
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<th>Table 1: Characteristics of different type of facilities for children</th>
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2) Reorganization of the child protection system

In February 2007, the Ministry of Health, Labor and Welfare, Equal Employment, Children and Family Bureau formed the "Committee for the reorganization of the Japanese child protection system" (Kongo mezashubeki shakaiteki yōgo taisei ni kansuru kosho kentsukai). The future direction that the child protection system of Japan should take and the concrete measures necessary to its realization were the main topics addressed by this committee. Besides, in June 2007, the "Revision of the Children Welfare Act regarding the prevention of children's maltreatment" specified that "measures for the expansion of foster care families and children's institutions, for the improvement in quality regarding the management of children's institutions and the prevention of maltreatment and for supporting the independence and providing education to children placed in children's institutions are under examination by the government".

The committee mentioned above published then a report entitled "Measures for the improvement of the child protection system" stating that the budget allowed in Japan for measures concerning the family represented only 0.75% of the GDP in 2003, which is very low compared to England, Germany, France or Sweden who invest around 2 or 3% of their GDP. The report also stated that the expansion of the child protection system in Japan would only start with the investment of more significant resources.

Seven recommendations for the improvement of the child protection system were also made in this report: first, the expansion of a familial type of protection such as care by foster families; second, the revision of the care provision system in order to meet the actual needs of children provided with residential care; third, the improvement of the family support system through a better collaboration of concerned institutions; fourth, reinforcing measures for self-reliance; fifth, securing, in quantity and quality, the human resources in charge with the child protection; sixth, preventing maltreatment inside facilities and securing the child advocacy; seventh, an overhaul of the provision system regarding resources for child protection.

From this seven recommendations, "the revision of the care provision system in order to meet the actual needs of children provided with residential care" needs a particular attention because it implies a need to improve the provision of specialized care in care facilities as well as the need to secure human resources in quantity and quality (MHLW, 2007).

The first recommendation, regarding the promotion of a foster family system for the expansion of a familial type of care, is also crucial, but it is necessary to recall that the core of the child protection system is currently a large-scale residential care system and that the transformation process into a individualized and small-scale care system should not be done without careful considerations. The fact that, even though a familial type of care such as provided in a foster family system is seen as mostly appropriate, the number of children placed in foster family is not increasing rapidly suggests the difficulty of this transformation process.

To support the foster family system, the government decided to grant ¥3,963,000 to each prefecture (MHLW, 2011 b) and took measures to implement a system of visit and counseling to caregivers, allowing at the same time a better understanding of the children's situation.
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The foster family system covers actually 9% of the child protection system, but through the implementation of such reforms, the Japanese government expects to increase this percentage to 15% (Cabinet Office, 2010).

These measures were made to expand the foster family system at all costs and show the strong will of the government to ensure a way to provide child protection that is not a residential type of care but a more familial one. In other words, these measures translate the admiration for a familial type of care system that is not yet implemented.

3. The type of child protection system envisioned by Japan

1) Fundamental way of thinking the revision of care facilities for children

After the revision of the Child Welfare Act in 1997, age requirements were abolished for infant’s homes, children’s institutions and short-term therapeutic facilities for emotionally disturbed children. Compared to the situation in the United States or other countries, children in Japan placed in care facilities have a long average length of stay. This average is of 26.7 months in the U.S. against 60.7 months in Japan. Besides, the percentage of children who were placed in child protective service for more than 5 years in the U.S. was of 11.3% against 49.0% in Japan. The fact that in Japan almost half of the children are placed for more than 5 years also means that a high rate of children are entering care from an early age and that they will probably have to be transferred in other facilities.

However, even though infant’s home are supposed to deliver care to children mainly under 3 years of age (an average of 0.6 years of age), according to a 2009 survey, 6 years old children were still placed in these institutions. This is a result of the revision mentioned above which promote the consistency of care and education in one place familiar to the child (principle of permanency) and is an attempt to reduce as much as possible the number of transfers from an institution to another. This reform was implemented to ensure a certain continuity of care from the children’s point of view.

Most of the children placed in infant’s home are bonding emotionally with one of the staff member, and it has been shown that few children have attachment problems (Suzuki, 2002). However, when care needs are not met, troubles in the development of attachment bonds might occur, leading possibly to future emotional and behavioral disorders (American Psychiatric Association, 1994). It has been reported that children placed in child protective services are at high risk of facing attachment issue due to the unstable nature of the placements (Pilowsky & Kate, 1996). As an attempt to prevent this issue, Japan has decided to reduce the number of transfers from a care facility to another by abolishing the age requirements of care facilities.

However, what should have been done at the same time is to adapt the care to older children and to entirely rearrange the care provision system. This lack of preparation has led to a situation where the care of older children are not met or even to the risk that younger children may no longer be provided with appropriate care (Higashino & Tsutsui, 2011). In other words, the permanency of care in a single educational place was pursued through the abolition
of age requirements, but this reform have weakened the capacity of these facilities to answer
the care needs of children. Of course, this does not change the fact that giving the opportunity
to children to stay at the same place is extremely important.

Nevertheless, supporting the children’s ability to bond is certainly a valuable reason but
implementing a reform promoting the continuity and the permanency of care prior to the re-
search examining how to realize it within the actual care system has undeniably raised serious
issues.

The first step to resolve these issues might be to consider, as a requirement for placement
in each type of facility, not the age of children, as it used to be, but the specific condition of
each child. To achieve this goal, it is necessary to build a system that can help to decide the
appropriate type of facility for each child and also to promote the differentiation in nature of
each of these types of facility.

Secondly, as it was revealed in numerous communities, a reduction in the size of care fa-
cilities leads to a more individualized provision of care and to better bonding interactions and
should thus be promoted. However, as there might be a risk of maltreatment issues when in-
dividualized care is provided in a familial environment, the way care is provided inside these
small units, the method to assess such a care, and the care provision system itself have to be
established.

Child protection presupposes the provision of a public care. However, in Japan, there is a
strong belief that familial care needs no public intervention. A system of public parental re-
ponsibility (corporate parenting) may exist in other countries such as England, but in Japan,
the criteria to decide if the care delivered by parents is appropriated or not are not clearly es-
ablished. Nevertheless, in a foster care family system and in care facilities for children, even
if some are small enough to be considered as a familial type of facility, it is necessary to
regularly assess the care provided to each child and the way it is provided, to take into ac-
count the opinion of children, and to constantly re-evaluate the efficacy of the care provision
system so that the constantly evolving needs of the children are met in any point in time.

One of the key elements to achieve this system depends on the existence of staff members
capable of creating appropriate care plan. Besides, this care plan needs to be evaluated inter-
ally and externally, by an institution made for this evaluation purpose. In England, a spe-
cialized profession of social workers, employed by local governments, are in charge of this
assessment’s task. In Japan, it appears that the closest profession is social worker of child
guidance centers, but before making any attempt to put them in charge of this external
evaluation, a thorough examination is needed..

Besides, considering the fact that most of the children placed in care facilities have a par-
ent with the parental authority, it is more and more necessary to obtain the parent’s approval
for a given care plan. This might be easy when professional and specialized care is provided,
but within most of the actual facilities, where the process of creating, monitoring, assessing
and continuously re-examining the care plan is not well implemented, this will probably be-
come a major issue.
2) The situation of children in countries promoting a foster family system

However strong is the admiration of the government and experts about a possible foster family system, the knowledge about this system is still poor in Japan and the number of registered potential family caregivers has not increased over the past few decades (MHLW, 2011 c).

On the other hand, 90% of the children in child protective services are placed in foster care families in the United States and from 20% to 50% of the children placed for a long-term period are facing some kind of issue (Lawrence, Carlson, & Egeland, 2006). The criteria to be placed in a foster family are not strictly defined, but generally speaking, the children placed in foster care either have had maltreatment experience from their natural parents, have been neglected, abandoned, have behavioral problems or have parents who are drug users, homeless or have psychological or mental disorders.

It is not certain that Japan took measures after having fully understood the situation in countries promoting a foster family system but it doesn’t change the fact that there is currently almost no other choice than residential care in Japan, as the foster family system has never covered even 10% of the needs in child protection. There is little doubt that increasing choices by promoting a foster family system is a necessary measure, but on the other hand, it is curious that the only type of care promoted in residential care is a care by specialists and not a more familial type of care.

This is a curious paradox because even with the certainty that providing a more familial type of care is desirable, the number of foster family caregivers being still very low in Japan, the only realistic way to provide enough child protection in Japan is through the residential care facilities already existing. In addition, if we consider that employees in these facilities also think that they should provide a more familial type of care, as it has been made clear in a qualitative survey (Tsutsui, Yamagata, Shoji, & Matsushige, 2010), then it is obvious that the actual provision of care needs a drastic reform towards a more objective system.

As stated in the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children (United Nation General Assembly, 1986), a stable upbringing provided with affection is of most importance for children. More precisely, the article 5 of the Declaration states that "in all matters relating to the placement of a child outside the care of the child’s own parents, the best interests of the child, particularly his or her need for affection and right to security and continuing care, should be the paramount consideration". The priority for children who have lost their parents is to provide an individualized familial type of care in a formal care framework. Thus, the current debate in Japan to decide if providers of this safe and affective care are specialists or not should be a secondary issue.

In the study on employees providing residential care, a recurrent complain was made about the lack of staff members but more than specialists such as nurses or therapist, it was the increase of care worker that was requested. Thus, it seems clear that the most needed type of care in facilities is a very individualized one that is closer to an every-day care (daily work) than a highly specialized care.

In the current child protection system, there is a type of residence where only a limited number of children of a given community are taken care of in a small-scale group home and
where the education of children occurs in a familial type of environment. The number of children being very limited, it is easier to establish an emotional bond with the children, and the small size of the residence makes it a place with a familial atmosphere. These residences are sometimes described as "foster parents family-home" and considered to be in opposition with the very large-scale care facilities.

When only foster parents are taking care of the child, the caregivers does not always have the time to handle both the education and the other domestic duties, but in these small-scale group-home, as multiple children are being taken care of, caregivers can educate children by stimulating the relationship between them. This also has a positive effect for children having problems for bonding with their foster parents in a one to one relationship by allowing them to feel a familial atmosphere.

Moreover, the current children's institutions are starting to provide care at a smaller scale, which leads in practice to an increase of care providers. This is an attempt to reduce the number of children that each employee of the institution has to take care of.

This approach has already been broadly implemented in the field of geriatric care and has shown promising results to reduce the BPSD of elderly with dementia. It would not be surprising if this approach, when applied to the field of child protection, had a positive impact towards children.

4. Conclusion

As other countries, Japan has recently implemented a way to manage medical, social and nursing care services through a system of social insurance. Along with this reform, an adjustment of the benefit amount, the volume and quality of services that should be provided, as well as an assessment of the recipients were made. It was vital that the benefit amount matches the expected results, which was ensured for example through the Long-term Care Insurance System (Kaigo hoken seido) and the care need level assessment system (yōkaigo nintei). Besides, the Healthcare Insurance System (Iryō hoken seido) now requires a nursing care needs assessment (kango hitsuyōdo no hyōka) for every patient paying hospitalization fees and an evaluation to reveal if these nursing care are appropriately provided is more and more expected.

For the field of child protection, it seems unnecessary to require, as in the insurance systems, an assessment that decides the amount of money that should be spend for the care of each children in a given situation. However, for the care provided by the child protection system to be efficient and fruitful, and to ensure funding for any further reform, it is necessary to earn the understanding of the population and to be able to justify clearly why this reform should be implemented.

The Healthcare and Long-term Care Insurance systems can be considered as a model concerning the promotion of an evidence-based practice. In order to implement this practice within the field of child protection, it is necessary to decide the appropriate volume and quality of care for each child’s condition and to determine a care need level assessment system based on
evidences for children placed in child protective service.

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Takako Tsutsui
Research Managing Director, National Institute of Public Health, Japan
Alexis Cottencin
Research Associate, National Institute of Public Health, Japan
Masaaki Otaga
Research Fellow, Research institute, National Rehabilitation Center for Persons With Disabilities
Sadahiro Higashino
Lecturer, School of Management and Information, University of Shizuoka
Fumiharu Yamagata
Professor, Faculty of Health and Well-being, Kansai University

Abstract: This paper presents the current state of child protection in Japan. It reveals the issues met by Japan in its attempt to suddenly change a long-lasting tradition of providing care to children in residential settings. In recent years, Japan started many reforms to change this situation. Evidence-based researches that could be translated in a new care system able to answer the need of maltreated children are currently lacking.

Key Words: Child protection in Japan, foster family system, maltreatment,