SEOUL METROPOLITAN GOVERNMENT ORDINANCE ON INFANT CARE

Enactment No. 3598, May. 10, 1999
Partial Amendment No. 3891, Jul. 16, 2001
Partial Amendment No. 4306, Sep. 30, 2005
Partial Amendment No. 4714, Nov. 13, 2008
Partial Amendment No. 4880, Nov. 11, 2009
Partial Amendment No. 5295, May. 22, 2012
Partial Amendment No. 5524, Aug. 05, 2013
Partial Amendment No. 5673, Mar. 20, 2014
Partial Amendment No. 5869, May. 14, 2015
Partial Amendment No. 5956, Jul. 30, 2015
Amendment of Other Laws No. 6016, Oct. 08, 2015
Partial Amendment No. 6026, Oct. 08, 2015
Partial Amendment No. 6569, Jul. 13, 2017
Partial Amendment No. 6922, Oct. 04, 2018
Amendment of Other Laws No. 7044, Mar. 28, 2019
Partial Amendment No. 7049, Mar. 28, 2019
Partial Amendment No. 8139, Sep. 30, 2021
Partial Amendment No. 8240, Dec. 30, 2021
Partial Amendment No. 8348, Mar. 10, 2022
Partial Amendment No. 8501, Oct. 17, 2022
Partial Amendment No. 8737, May. 22, 2023

CHAPTER GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER GENERAL PROVISIONSThe purpose of this Ordinance is to contribute to the enhancement of family welfare by improving the quality of protection and education of infants and children in the Seoul Metropolitan City and by helping their custodians engage in social and economic activities without difficulties pursuant to the Infant Care Act. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

Article 1-2 (Definitions)

Terms used in this Ordinance shall be defined as follows: <Amended by Ordinance No. 4714, Nov. 13, 2008>

1. "Infant" menas a pre-school child of less than six years of age; <Amended by Ordinance No. 4714, Nov. 13, 2008>
2. "Infant care" means social welfare services for supporting nursery facilities and domestic nurturing so that infants can be protected and nurtured in healthy and safe conditions and can be provided with education fit for particulars of the development of infants; <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>
3. "Nursery facility" means a facility that provides infant care services to infants entrusted by their custodians; <Amended by Ordinance No. 4714, Nov. 13, 2008>
4. "Custodian" means a person in parental authority, a guardian, or any other person who has the de facto custody of an infant; <Amended by Ordinance No. 4714, Nov. 13, 2008>
5. "Nursery worker" means a person who takes charge of the care and health management of infants or counselling services for custodians in a nursery facility or other duties for the management of operation of a nursery facility, such as the head of a nursery facility, a nursery teacher, or other worker in a nursery facility; <Amended by Ordinance No. 4714, Nov. 13, 2008>
6. "After-school care" means care services provided mainly to elementary school children who need protection after school, such as children of dual-income couples. <Amended by Ordinance No. 4714, Nov. 13, 2008>

[This Article Newly Inserted by Ordinance No. 4306, Sep. 30, 2005]

Article 2 (Responsibility)

The Mayor of the Seoul Metropolitan Government (hereinafter referred to as the "Mayor") shall be responsible for healthily nurturing infants and children jointly with their custodians. <Amended by Ordinance No. 4306, Sep. 30, 2005>

CHAPTER INFANT CARE POLICY COMMITTEE

Article 3 (Establishment)

CHAPTER INFANT CARE POLICY COMMITTEEPursuant to Article 6 of the Infant Care Act (hereinafter referred to as the "Act"), the Seoul Metropolitan Government (hereinafter referred to as the "Metropolitan Government") shall establish the Seoul Metropolitan Infant Care Policy Committee (hereinafter referred to as the "Committee"). <Amended by Ordinance No. 4306, Sep.

30, 2005; Ordinance No. 4714, Nov. 13, 2008>

Article 4 (Composition)

(1) The Committee shall be comprised of not more than 15 members, including one chairperson and one vice chairperson. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
(2) Members of the Committee shall be commissioned or appointed by the Mayor from among the following persons: <Amended by Ordinance No. 4714, Nov. 13, 2008>
1. Infant care specialists; <Amended by Ordinance No. 4306, Sep. 30, 2005>
2. Heads of nursery facilities and representatives of nursery teachers; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
3. Representatives of custodians or persons who represent public interests; <Amended by Ordinance No. 4306, Sep. 30, 2005>
4. Related public officials;
5. Members recommended by the Seoul Metropolitan Council; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
6 and 7. Deleted. <Amended by Ordinance No. 4306, Sep. 30, 2005>
(3) The chairperson and vice chairperson shall be elected by and from among Committee members. <Amended by Ordinance No. 4880, Nov. 11, 2009>
(4) The Committee shall have one secretary who shall be appointed by the Mayor from among public officials of the Metropolitan Government. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

Article 5 (Functions)

The Committee shall deliberate on the following matters regarding infant care programs of the Metropolitan Government:
1. Matters regarding the establishment of an infant care plan and an annual implementation plan; <Amended by Ordinance No. 4306, Sep. 30, 2005>
2. Matters regarding the establishment of nursery facilities and the entrustment of operation of such facilities; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
3. Matters regarding nursery fees that users of a nursery facility shall pay; <Amended by Ordinance No. 4306, Sep. 30, 2005>
4. Matters regarding the establishment of an infant care information center and the entrustment of operation of the information center; <Amended by Ordinance No. 4306, Sep. 30, 2005>
5. Matters regarding the designation of educational and training facilities; <Amended by Ordinance No. 4306, Sep. 30, 2005>
6. Matters regarding the entrustment of continuing educational programs; <Amended by Ordinance No. 4306, Sep. 30, 2005>
7. Matters regarding the establishment and operation of after-school nursery facilities; <Amended by Ordinance No. 4306, Sep. 30, 2005>
8. Other matters brought before the Committee by the chairperson for deliberation in connection with infant care services. <Newly Inserted by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>

Article 6 (Term of Office for Committee Members)

(1) The term of office for each Committee member shall be two years and may be renewed consecutively only once: Provided, That the term of office for a Committee member filling a vacancy shall be the remaining term of his/her predecessor. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
(2) The term of office for a related public official who serves as a Committee member shall be the term of service in his/her position. <Newly Inserted by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4880, Nov. 11, 2009>

Article 6-2 (Dismissal)

The Mayor may dismiss a commissioned Committee member from office, if the commissioned Committee member is sentenced to imprisonment without prison labor or any heavier punishment or is found incompetent to perform his/her duties as a Committee member because he/she becomes unable to perform his/her duties due to long-term mental or physical debility or long-term absence from office.
[This Article Newly Inserted by Ordinance No. 3891, Jul. 16, 2001]

Article 7 (Duties of Committee Chairperson, etc.)

(1) The Committee chairperson shall represent the Committee and have overall control over administrative affairs of the Committee. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4714, Nov. 13, 2008>
(2) The Committee chairperson shall convene and preside over meetings. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4880, Nov. 11, 2009>
(3) The vice chairperson shall assist the Committee chairperson and shall act on behalf of the Committee chairperson if he/she is unable to perform his/her duties due to extraordinary circumstances. <Amended by Ordinance No. 3891, Jul. 16, 2001>
(4) The secretary shall carry out clerical work of the Committee in compliance with the Committee chairperson's orders and shall prepare and manage minutes of meetings. <Newly Inserted by Ordinance No. 3891, Jul. 16, 2001>

Article 8 (Meetings)

(1) The Committee's meetings shall be classified into annual meetings and special meetings. <Amended by Ordinance No. 3891, Jul. 16, 2001>

(2) An annual meeting shall be held once a year, while a special meeting shall be convened by the Committee chairperson whenever he/she considers it necessary or upon request by the Mayor or one-third or more of incumbent Committee members to convene a meeting. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4714, Nov. 13, 2008>

(3) When the Committee chairperson intends to convene a meeting, he/she shall notify each Committee member, in writing, of the date, time, and place of the meeting and the agenda items brought for deliberation not later than seven days before the opening date of the meeting: Provided, That the foregoing shall not apply to cases where an emergency measure is required or there is a cause or event beyond control. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4714, Nov. 13, 2008>

(4) A meeting of the Committee shall be duly formed with the attendance of the majority of incumbent members and shall adopt a resolution by a concurrent vote of a majority of Committee members present at the meeting.

(5) Deleted. <by Ordinance No. 4880, Nov. 11, 2009>

Article 8-2 (Exclusion, Challenge, and Abstention of Committee Members)

(1) A Committee member shall be excluded from deliberation in any of the following cases:

1. If a Committee member or his/her spouse or ex-spouse is a party to a case or a joint right holder or a joint obligor with a party to a case;
2. If a Committee member is a relative by blood of a party to a case;
3. If a Committee member or a legal entity to which a Committee member belongs was or is involved in a case as the agent of a party to the case;
4. If it is found that a Committee member has a direct interest in connection with a party to a case.

(2) A party to a case may file a challenge against a Committee member, if there is a ground to believe that it is difficult to expect the impartiality in deliberation from the Committee member.

(3) A Committee member may, if there is a ground under paragraph (1) or (2), abstain from deliberation on the case at issue. <Newly Inserted by Ordinance No. 4880, Nov. 11, 2009>

Article 9 (Allowances for Committee Members)

Committee members who attend a meeting of the Committee may be reimbursed for allowances within budgetary limits: Provided, That the foregoing shall not apply to public officials who serve as Committee members but attend a meeting in direct connection with their duties. <Amended by Ordinance No. 4880, Nov. 11, 2009>

CHAPTER INFANT CARE INFORMATION CENTER, ETC.

Article 10 (Establishment and Operation)

CHAPTER INFANT CARE INFORMATION CENTER, ETC.(1) The Mayor shall establish and operate the Seoul Metropolitan Infant Care Information Center (hereinafter referred to as the "Infant Care Information Center") in order to provide information about care of infants and children and counselling services. <Newly Inserted by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4880, Nov. 11, 2009>

(2) The Mayor may establish and operate role-play facilities exclusive for infants and children in order to promote the development of infants and children and support child care services. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

Article 11 (Standards for Establishment)

(1) The standards for the establishment of the Infant Care Information Center shall conform to Article 12 of the Enforcement Decree of the Infant Care Act (hereinafter referred to as the "Decree"). <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

(2) The standards for the establishment of role-play facilities shall conform to Article 17 of the Child Welfare Act and Article 14 of the Enforcement Rule of the Child Welfare Act. <Amended by Ordinance No. 4714, Nov. 13, 2008>

Article 12 (Functions)

(1) The Infant Care Information Center shall carry out the following activities in addition to the business activities under Article 13 (1) 1 through 7 of the Decree: <Amended by Ordinance No. 4714, Nov. 13, 2008>

1. Establishment and advertising of the infant care information network; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
2. Research on demand and needs of citizens for infant care services and research on the actual state of the use of nursery facilities; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

3. Other activities that the Mayor considers necessary in relation to infant care. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
(2) Each role-play facility shall carry out the following activities: <Amended by Ordinance No. 4714, Nov. 13, 2008>
1. Providing infants and children with opportunities to participate in creative hands-on lessons; <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
2. Providing chid care services; <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
3. Comprehensive assistance to nursery facilities and other related institutions; <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
4. Other activities the Mayor considers necessary. <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>

Article 13 (Organization)

(1) The Mayor may employ computer operators, dieticians, nurses, and other workers for the Infant Care Information Center in addition to the staff under Article 7 (2) of the Act, when he/she considers it necessary for the Center's activities. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>
(2) Pursuant to Article 16 of the Decree, the Mayor may, when he/she considers it necessary, entrust a person with the operation of the Infant Care Information Center. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
(3) The Mayor may, when he/she considers it necessary, entrust a non-profit legal entity with the operation of a role-play facility. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
(4) If the operation of the Infant Care Information Center or a role-play facility (hereinafter referred to as the "Center or other facility") is entrusted to a person pursuant to paragraph (2) or (3), the head of the Center or other facility shall be appointed or dismissed by the trustee with the Mayor's approval, and other workers shall be appointed or dismissed by the head of the Center or other facility who shall report it to the Mayor subsequently. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(5) The term of office for the civilian head of the Center or other facility shall be three years but may be renewed consecutively. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(6) Other necessary matters concerning the operation of the Center or other facility shall be prescribed by Rule. <Amended by Ordinance No. 4714, Nov. 13, 2008>

Article 13-2 (Guidance and Supervision)

If necessary, the Mayor may instruct the Center or other facility to report matters concerning the operation of the Center or the facility or other necessary matters or to conduct a review or an inspection. <Amended by Ordinance No. 4714, Nov. 13, 2008>
[This Article Amended by Ordinance No. 4306, Sep. 30, 2005]

Article 14 (Steering Committee)

(1) The Center or other facility shall have a steering committee in order to have the committee deliberate on the following matters: <Amended by Ordinance No. 4714, Nov. 13, 2008>
1. Matters concerning the establishment of an operation plan; <Amended by Ordinance No. 4714, Nov. 13, 2008>
2. Matters concerning the implementation of major business activities; <Amended by Ordinance No. 4714, Nov. 13, 2008>
3. Other matters on which the head of the Center or other facility requests deliberation. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(2) The steering committee shall be comprised of not more than nine members, including one chairperson and one vice chairperson. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(3) Members of the steering committee shall be commissioned by the head of the Center or other facility from among the following persons: <Amended by Ordinance No. 4714, Nov. 13, 2008>
1. Related public officials; <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
2. Workers from nursery facilities; <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
3. Persons who have abundant knowledge and a good reputation in connection with infant care. <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>
(4) The term of office for each committee member shall be two years but may be renewed consecutively. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(5) The head of the Center or other facility shall serve as the committee chairperson, and the steering committee shall have one secretary who shall carry out clerical work of the steering committee. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(6) A meeting of the steering committee shall be duly formed upon the attendance of the majority of incumbent committee members and shall adopt a resolution by a concurrent vote of a majority of committee members present at the meeting. <Amended by Ordinance No. 4714, Nov. 13, 2008>
(7) Committee members who attend or participate in the steering committee shall be reimbursed for allowances, travel expenses, and other actual expenses within budgetary limits. <Amended by Ordinance No. 4714, Nov. 13, 2008>

CHAPTER AFTER-SCHOOL CARE

Article 15 (Establishment of Nursery Facilities)

CHAPTER AFTER-SCHOOL CAREThe Metropolitan Government shall establish after-school nursery facilities preferentially in industrial areas and areas densely populated with low-income families but may establish such nursery facilities by extending, renovating, or repairing existing infant nursery facilities, welfare facilities under the Social Welfare Services Act, religious facilities, educational facilities, and other similar facilities. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>

Article 16 (Standards for Nursery Facilities)

The standards for facilities with which each after-school nursery facility shall be equipped and the standards for the operation of such facilities shall conform to Articles 9 and 23 of the Enforcement Rule of the Infant Care Act. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

Article 17 (Education and Training)

The Mayor shall conduct educational programs for the enhancement of qualities of after-school nursery teachers.

CHAPTER COSTS AND EXPENSES

Article 18 (Subsidization of Costs and Expenses)

CHAPTER COSTS AND EXPENSES(1) Pursuant to Article 36 of the Act and Article 24 (1) of the Decree, the Mayor may subsidize all nursery facilities fully or partially, within budgetary limits, for the following costs and expenses: <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>

1. Costs of the establishment, extension, renovation, and repairing of nursery facilities; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
2. Personnel expenses for nursery teachers; <Amended by Ordinance No. 4306, Sep. 30, 2005>
3. Costs of teaching materials and tools; <Amended by Ordinance No. 4306, Sep. 30, 2005>
4. Costs of and expenses incurred in the establishment and operation of the Infant Care Information Center; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
5. Expenses for the education and training of workers, including continuing education; <Amended by Ordinance No. 4306, Sep. 30, 2005>
6. Operating expenses for extended care, after-school care, and care of infants, disabled children, children of multi-cultural families, and other disadvantaged children; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4880, Nov. 11, 2009>
7. Subsidization of beneficiaries under the National Basic Living Security Act and children of low-income families for nursery fees and meal expenses; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
8. Other costs and expenses incurred in programs the Mayor considers necessary for the invigoration of infant care services. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>

(2) If a private or domestic nursery facility observes the ceiling prescribed by the Mayor, gives priority to children of low-income families in admission to the facility, and operates the nursery facility in compliance with the same standards as those for national and public nursery facilities, the Mayor may subsidize such facility, within budgetary limits, for personnel expenses for nursery workers.

(3) The Mayor may subsidize a role-play facility fully or partially, within budgetary limits, for costs and expenses incurred in the establishment and operation of the facility. <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>

Article 19 (Order to Return Costs, Expenses, or Subsidies)

If the founder and operator of a nursery facility, the head of the Center or other facility, a person who conducts an entrusted educational or training program falls under any of the following subparagraphs, the Mayor may order such person to return the full amount, or a part, of costs, expenses, or subsidies already paid or granted: <Amended by Ordinance No. 4714, Nov. 13, 2008>

1. If the operation of the facility is suspended, discontinued, or cancelled; <Amended by Ordinance No. 4714, Nov. 13, 2008>
2. If a subsidy has been spent for any purpose other than the purposes of its original purposes of business; <Amended by Ordinance No. 4714, Nov. 13, 2008>
3. If the person has received a subsidy by fraud or other wrongful means; <Amended by Ordinance No. 4714, Nov. 13, 2008>
4. If the person violates the Act or an order issued pursuant to the Act. <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008>

[This Article Wholly Amended by Ordinance No. 4306, Sep. 30, 2005]

CHAPTER SUPPLEMENTARY PROVISIONS

Article 20 (Education)

CHAPTER SUPPLEMENTARY PROVISIONSThe Mayor shall endeavor to improve the quality of care services for infants and children by conducting educational programs for nursery workers. <Amended by Ordinance No. 4306, Sep. 30, 2005>

Article 21 (Evaluation of Facilities)

Pursuant to Article 43 of the Social Welfare Services Act and Article 27 of the Enforcement Rule of the aforesaid Act, the Mayor shall conduct evaluations of nursery facilities and may provide special support to nursery facilities designated as exemplary facilities as a result of such evaluations. <Amended by Ordinance No. 4714, Nov. 13, 2008>

Article 22 Deleted. <by Ordinance No. 4714, Nov. 13, 2008>