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
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Partial Amendment No. 8348, Mar. 10, 2022
Partial Amendment No. 8501, Oct. 17, 2022
Partial Amendment No. 8737, May. 22, 2023

CHAPTER I GENERAL PROVISIONS

Article 1 (Purpose)

CHAPTER I GENERAL PROVISIONSThe purpose of this Ordinance is to contribute to enhancing infant and child and family welfare by improving the quality of protection and education of infants and children in the Seoul Metropolitan Government 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; Ordinance No. 5295, May 22, 2012; Ordinance No. 5869, May 14, 2015>

Article 1-2 (Definitions)

Terms used in this Ordinance shall be defined as follows: <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009; Ordinance No. 5295, May 22, 2012>

1. The term "infant" menas a pre-school child of less than six years old;
2. The term "infant care" means social welfare services for supporting childcare centers 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 infant development;
3. The term "childcare center" means a facility that provides infant care services to infants entrusted by their custodians;
4. The term "custodian" means a person in parental authority, a guardian, or any other person who has de facto custody of an infant;
5. The term "nursery staff" means a person who takes charge of the care and health management of infants or counselling services for custodians in a childcare center or other duties for managing operation of a childcare center, such as the head of a childcare center, a nursery teacher, or other staff in a childcare center;
6. The term "after-school care" means care services provided mainly to elementary school children who need after-school protection, such as children of dual-income couples.

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 II INFANT CARE POLICY COMMITTEE

Article 3 (Establishment)

CHAPTER II 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; Ordinance No. 6016, Oct. 8, 2015>

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. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295, May 22, 2012; Ordinance No. 5524, Aug. 5, 2013>

1. Infant care specialists;
2. Heads of childcare centers and representatives of nursery teachers;
3. Representatives of custodians or persons who represent public interests;
4. Related public officials;
5. Persons recommended by the Seoul Metropolitan Council; <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008>
6. and 7. Deleted. <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 Seoul 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 Seoul Metropolitan Government: <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295, May 22, 2012; Ordinance No. 5673, Mar. 20, 2014>

1. Matters regarding the establishment of an infant care plan and an annual implementation plan;
2. Matters regarding the establishment of childcare centers and the entrustment of operation of such centers;
3. Matters regarding nursery fees that users of a childcare center shall pay;
4. Matters regarding the establishment of a general childcare center and the entrustment of operation of the center;
5. Matters regarding the designation of educational and training facilities;
6. Matters regarding the entrustment of continuing educational programs;
7. Matters regarding the establishment and operation of after-school childcare centers;
8. Other matters brought before the Committee by the chairperson for deliberation in connection with infant care services.

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; Ordinance No. 5869, May 14, 2015>

(2) The term of office for a related public official who serves as a Committee member shall coincide with 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 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. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 5869, May 14, 2015>

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 in extraordinary circumstances. <Amended by Ordinance No. 3891, Jul. 16, 2001>

(4) The secretary shall perform clerical work of the Committee in compliance with the Committee chairperson's orders and shall prepare and retain meeting minutes. <Newly Inserted by Ordinance No. 3891, Jul. 16, 2001>

Article 8 (Meetings)

(1) Committee 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 yearly; 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; Ordinance No. 5869, May 14, 2015>
(3) When the Committee chairperson intends to convene a meeting, he/she shall give written notice to each Committee member of the date, time, and venue for the meeting and the agenda items tabled for deliberation, by not later than seven days before the opening date of the meeting: Provided, That the foregoing shall not apply to emergent or unavoidable cases. <Amended by Ordinance No. 3891, Jul. 16, 2001; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5869, May 14, 2015>
(4) A meeting of the Committee shall be duly formed with the attendance of a majority of incumbent members and shall adopt a resolution by the concurrent votes 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 blood-relative 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 III GENERAL CHILDCARE SUPPORT CENTER, ETC.

Article 10 (Establishment and Operation)

CHAPTER III GENERAL CHILDCARE SUPPORT CENTER, ETC.(1) The Mayor shall establish and operate the Seoul Metropolitan General Childcare Support Center (hereinafter referred to as the "General Childcare Support Center") 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; Ordinance No. 5673, Mar. 20, 2014>
(2) The Mayor may establish and operate role-play facilities exclusive for infants and children 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 General Childcare Support Center shall be governed by 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; Ordinance No. 5673, Mar. 20, 2014>
(2) The standards for the establishment of role-play facilities shall be governed by Article 53 of the Child Welfare Act and Article 27 of the Enforcement Rule of the Child Welfare Act. <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 6016, Oct. 8, 2015>

Article 12 (Functions)

(1) The General Childcare Support Center shall conduct the following activities in addition to the business activities under Article 13 (1) 1 through 9 of the Decree: <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295, May 22, 2012; Ordinance No. 5673, Mar. 20, 2014>
1. Establishing and advertising the infant care information network;
2. Researching demand and needs of citizens for infant care services and research on the actual state of the use of childcare centers;
3. Other activities that the Mayor considers necessary in relation to infant care.
(2) Each role-play facility shall carry out the following activities:
1. Providing infants and children with opportunities to participate in creative hands-on lessons;

2. Providing chid care services;
3. Comprehensively assisting childcare centers and other related institutions;
4. Other activities the Mayor considers necessary.

Article 13 (Organization)

(1) The Mayor may employ computer operators, dieticians, nurses, and other staff for the General Childcare Support Center in addition to the staff under Article 7 (2) of the Act, when he/she deems 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; Ordinance No. 5295, May 22, 2012; Ordinance No. 5673, Mar. 20, 2014>
(2) Pursuant to Article 26-2 of the Decree, when the Mayor deems it necessary, he/she may entrust a person with the operation of the General Childcare Support Center. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295, May 22, 2012; Ordinance No. 5673, Mar. 20, 2014>
(3) When the Mayor deems it necessary, he/she may 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 General Childcare Support 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 then report it to the Mayor. <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5673, Mar. 20, 2014; Ordinance No. 5869, May 14, 2015>
(5) The term of office for the civilian head of the Center or other facility shall be three years, which 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 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;
2. Matters concerning the implementation of major business activities;
3. Other matters on which the head of the Center or other facility requests deliberation.
(2) The steering committee shall be comprised of not more than nine members, including one chairperson and one vice chairperson.
(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; Ordinance No. 5295, May 22, 2012>
1. Related public officials;
2. Workers from child-care centers;
3. Persons who have abundant knowledge and a good reputation in connection with infant care.
(4) The term of office for each committee member shall be two years but may be renewed consecutively.
(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.
(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.
(7) Committee members who attend or participate in the steering committee shall be reimbursed for allowances, travel expenses, and other actual expenses within budget limits. <Amended by Ordinance No. 5869, May 14, 2015>

CHAPTER IV AFTER-SCHOOL CARE

Article 15 (Establishment of Childcare Centers)

CHAPTER IV AFTER-SCHOOL CAREThe Seoul Metropolitan Government shall establish after-school childcare centers preferentially in industrial areas and areas densely populated with low-income families but may establish such childcare centers by extending, renovating, or repairing existing infant childcare centers, 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; Ordinance No. 5295, May 22, 2012; Ordinance No. 5869, May 14,

2015>

Article 16 (Standards for Childcare Centers)

The standards for facilities with which each after-school Childcare Center 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; Ordinance No. 5295, May 22, 2012>

Article 17 (Education and Training)

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

CHAPTER V PREVENTION, ETC. OF CHILD ABUSE

Article 18 (Installation, etc., of Closed Circuit Televisions)

CHAPTER V PREVENTION, ETC. OF CHILD ABUSEPersons who establish and operate childcare centers shall install and manage closed circuit television cameras under the Personal Information Protection Act and other relevant statutes (hereinafter referred to as "closed circuit televisions"), to ensure the safety of infants and children by preventing child abuse; and to ensure the security of childcare centers pursuant to Article 15-4 (1) of the Act.
[Newly Inserted by Ordinance No. 6026, Oct. 8, 2015]

Article 19 (Surveying and Inspecti Closed Circuit Televisions)

At least annually, the Mayor shall survey and review the status of installation and management of closed circuit televisions installed pursuant to Article 15-5 (4) of the Act; and shall access video recordings, to eliminant any infringement therefrom upon the rights of children and childcare staff and other people observed.
[Newly Inserted by Ordinance No. 6026, Oct. 8, 2015]

Article 20 (Persons Obliged to Report Child Abuse, etc.)

(1) The Mayor may notify childcare staff including heads of childcare centers that he/she is obliged to report child abuse, pursuant to Article 26 (2) of the Child Welfare Act.
(2) The Mayor may educate childcare staff including heads of childcare centers on the duty to child abuse.
[Newly Inserted by Ordinance No. 6026, Oct. 8, 2015]

Article 21 (Improvement of Working Conditions for Childcare Staff)

The Mayor shall endeavor to improve working conditions for childcare staff, for the mental and physical protection of infants and children and quality enhancement of childcare.
[Newly Inserted by Ordinance No. 6026, Oct. 8, 2015]

Article 21-2 (Obligations of Childcare Staff)

(1) No childcare staff may inflict physical pains or mental pains such as yelling or using abusive language to infants and children under his/her care.
(2) Childcare staff shall fulfill his/her duty to pay attention while working to protect lives and safety of infants and children and to prevent danger.
[Newly Inserted by Ordinance No. 6569, Jul.13, 2017]

CHAPTER VI COSTS AND EXPENSES

Article 22 (Subsidization of Costs and Expenses)

CHAPTER VI COSTS AND EXPENSES(1) Pursuant to Article 36 of the Act and Article 24 (1) of the Decree, the Mayor may subsidize all childcare centers fully or partially, within budget 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; Ordinance No. 5295. May 22, 2012; Ordinance No. 5673, Mar. 20, 2014; Ordinance No. 5869, May 14, 2015; Ordinance No. 6026, Oct. 8, 2015>
1. Costs of the establishment, extension, renovation, and repairing of nursery facilities;
2. Personnel expenses for nursery teachers;
3. Costs of teaching materials and tools;
4. Costs of and expenses incurred in the establishment and operation of the Infant Care Information Center;
5. Expenses for the education and training of workers, including continuing education;
6. Operating expenses for extended care, after-school care, and care of infants, disabled children, children of multi-cultural families, and other disadvantaged children;
7. Subsidization of beneficiaries under the National Basic Living Security Act and children of low-income families for nursery fees and meal expenses;

8. Expenses to be incurred in placing assistant teachers or substitute teachers;
9. Expenses for installing closed circuit televisions;
10. Other costs and expenses incurred in programs the Mayor considers necessary for the invigoration of infant care services.
(2) If a private or domestic childcare center observes the ceiling prescribed by the Mayor, gives priority to children of low-income families in admission to such center, and operates it in compliance with the same standards as those for national and public childcare centers, the Mayor may subsidize it for labor costs of childcare staff, within budget limits. <Amended by Ordinance No. 5295. May 22, 2012>
(3) The Mayor may fully or partially subsidize a role-play facility for the expense incurred in establishing and operating such facility, within budget limits. <Newly Inserted by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 4880, Nov. 11, 2009>

Article 23 (Order to Return Costs, Expenses, or Subsidies)

If the founder and operator of a childcare center, 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 all or some of the expenses or subsidies already paid or granted: <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295. May 22, 2012; Ordinance No. 5869, May 14, 2015>
1. If the operation of a childcare center is suspended, discontinued, or cancelled;
2. If a subsidy has been expended for other than the original purposes of business;
3. If the person has obtained a subsidy by fraud or other wrongful means;
4. If the person violates the Act or an order issued pursuant to the Act.

Article 24 (Education)

(1) The Mayor shall endeavor to improve the quality of care services for infants and children by conducting educational programs for childcare staff. <Amended by Ordinance No. 4306, Sep. 30, 2005; Ordinance No. 5295. May 22, 2012; Ordinance No. 5956, Jul. 30, 2015>
(2) Each year, the Mayor shall educate childcare staff on human rights to protect human rights of infants and children and to prevent abuse. <Newly Inserted by Ordinance No. 5956, Jul. 30, 2015>
(3) The Mayor may conduct education to protectors of infants and children on their growth and how to raise them, their human rights, and roles of protectors. <Newly Inserted by Ordinance No. 6569, Jul.13, 2017>
(4) The Mayor may subsidize costs and expenses incurred in the education under paragraph (3), within budget limits. <Newly Inserted by Ordinance No. 6569, Jul.13, 2017>

CHAPTER VII SUPPLEMENTARY PROVISIONS

Article 25 (Evaluation of Childcare Centers)

CHAPTER VII SUPPLEMENTARY PROVISIONSPursuant to Article 43-2 of the Social Welfare Services Act and Article 27-2 of the Enforcement Rule of the aforesaid Act, the Mayor shall conduct evaluations of childcare centers and may provide special support to childcare centers designated as exemplary centers as a result of such evaluations. <Amended by Ordinance No. 4714, Nov. 13, 2008; Ordinance No. 5295, May 22, 2012; Ordinance No. 6026, Oct. 8, 2015>