

Section 2 Amendment of Act on Support for Persons with Developmental Disabilities

1. Circumstances of this Amendment

Developmental disabilities are considered to be disabilities that are highly frequent, however, before the establishment of the Act on Support for Persons with Developmental Disabilities, there were some issues as follows: ① there was no law regarding support for persons with developmental disabilities and the existing measures did not give proper support due to the gap in the systems related to the laws for disabled persons, ② recognizing disabilities as a disorder may not be necessarily common, however, discovery of the same and corresponding support were usually delayed, ③ it was difficult to take appropriate measures due to the fact that there are few experts in this field. Owing to these issues, persons with developmental disabilities and their guardians have been burdened mentally to a great extent; therefore establishment of support system was an urgent task. Under such circumstances, “Act on Support for Persons with Developmental Disabilities” was established by legislative member and enforced in 2005. Since then there has been a steady progress in the support for persons with developmental disabilities and increase in the efforts every year in the field of medical care, health care, welfare, education, labor, etc. For example, the Support Centers for Persons with Developmental Disabilities is established in all Prefectures and designated cities throughout the country and there is an increase in the municipalities that offer family support like parent training, etc.

Further, in line with the adoption of the agenda proposed by Qatar to the United Nations General Assembly in 2007 to “Designate April 2 as World Autism Awareness Day”, it was decided by Japan in 2008 that “8 days from April 2 shall be observed as Developmental Disability Awareness Week”; the public’s understanding of developmental disabilities has grown through awareness activities such as regional symposiums, ‘Light it up Blue’, etc. across the country.

On the other hand, 10 years have passed since the enforcement of the Act on Support for Persons with Developmental Disabilities, yet there is need for seamless support from infancy to old age, detailed support including support for family members and support to be facilitated at neighborhoods. An even more detailed support has been on demand with change in time.

To state further, new measures are underway to realize an inclusive society in Japan, with legislations such as establishment of the Act to Partially Amend the Basic Act for Persons with Disabilities (2011, Act No.90) and Act for Eliminating Discrimination against Persons with Disabilities (2013, Act No.65).

In view of these circumstances, the current amendment is aimed at taking the

necessary steps towards further enhancement of support to persons with developmental disabilities. Therefore, the “Act to Partially Amend the Act on Support for Persons with Developmental Disabilities” (2016, Act No.64) (hereinafter referred to as “The Act”) was established in May 2016 and enforced from August 1 of the same year.

Materials (Fig. 2-9~2-10): Ministry of Health, Labor and Welfare

■ Fig. 2-9

A complete picture of the Act on Support for Persons with Developmental Disabilities

I Main circumstances hitherto

1980	Establishment of medical care oriented facility for autistic children and welfare-oriented facility for autistic children as types of facilities for intellectually disabled children
1993	Establishment of special treatment project for disabled persons with strong behaviour (Implementing entity: Prefectures, etc.)
2002	Commencement of the work of managing support centres for persons with autism and developmental disabilities (Promotion of development of bases for regional support that was intended for persons with pervasive developmental disorders)
Dec 2004	Establishment of Act on Support for Persons with Developmental Disabilities by supra-partisan law maker -> enforced in April 2005
Dec 2010	Clarification in Services and Supports for Persons with Disabilities Act, Child Welfare Act about the inclusion of developmental disabilities in persons with disabilities
May 2016	Establishment of "Act for Partial Amendment of Act on Support for Persons with Developmental Disabilities" by supra-partisan law maker

II Main Objectives

- To define disability corresponding to persons with developmental disabilities and promote understanding of developmental disabilities
- To facilitate support throughout development and living
- To ensure close collaboration among departments responsible for supporting persons with developmental disabilities, develop a cooperative system of related organizations, etc.

III Overview

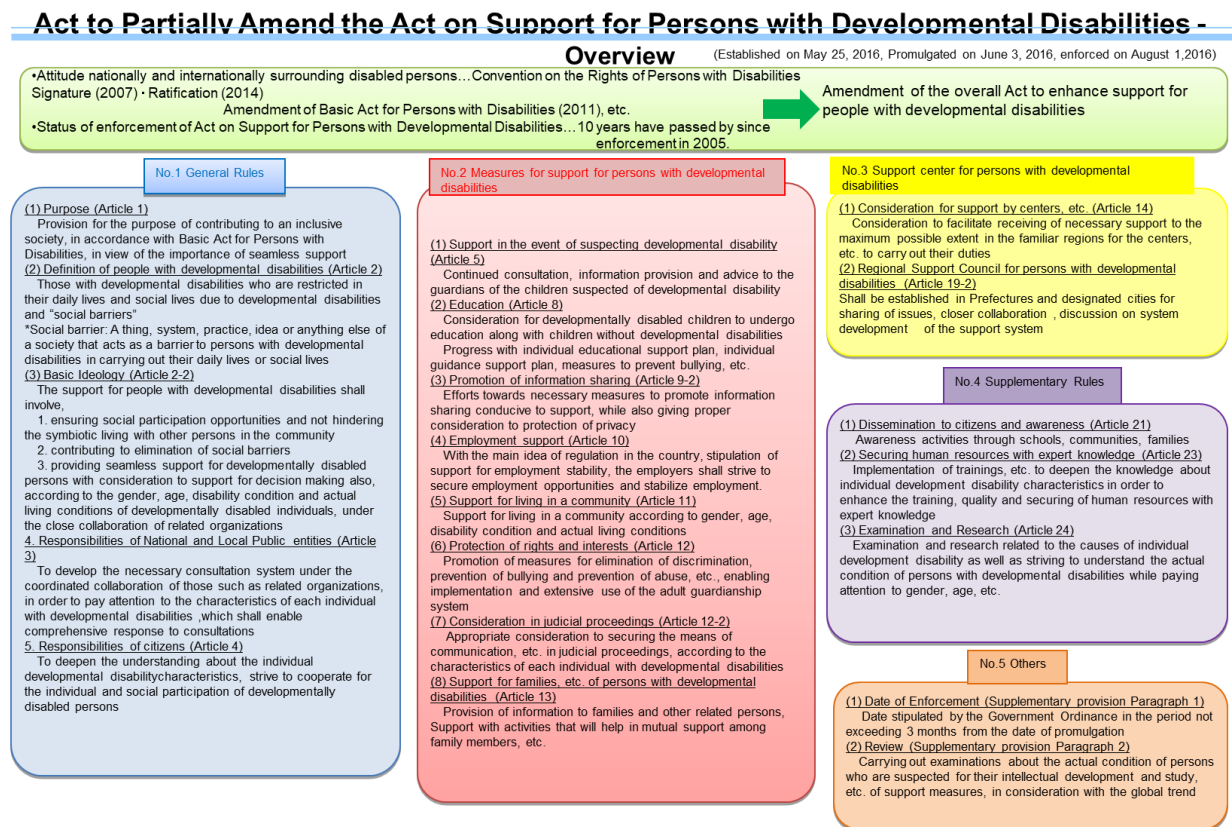
Definition: Developmental disability = It is a disorder of the cerebral function such as Attention Deficit/Hyperactivity Disorder, Autism, Asperger's syndrome and other pervasive developmental disorders, learning disability, etc. and a disability that is normally discovered at a young age.

Before preschool (Infancy)	During school (schooling period, etc.)	After school (adolescent period)
<ul style="list-style-type: none"> ○ Early detection by infant health check-up, etc. ○ Early developmental support 	<ul style="list-style-type: none"> ○ Detection in health check ups at school ○ Appropriate educational support and development of support system ○ Utilization of child health development projects after school ○ Specialized developmental support 	<ul style="list-style-type: none"> ○ Ensuring appropriate employment opportunities according to the characteristics of the developmentally disabled persons ○ Support for living in a community ○ Protecting the rights of persons with developmental disabilities

[Prefectures] Support centre for persons with developmental disabilities (consultation support, information provision, training, etc.), securing specialized medical institutions, etc.

[Country] Securing human resources with expert knowledge (training, etc.), survey and research, etc.

■ Fig. 2-10



2. Amendment Overview

To further enhance support for persons with developmental disabilities, this amendment aims at clearly specifying the ideology about the implementation of the inclusive society that has developed over the past 10 years since the enforcement of the act, in addition to reviewing regulations pertaining to individual support. Therefore, this time's legal amendment ① stipulates that it is based on the basic ideology of Basic Act for Persons with Disabilities, ② stipulates that persons with developmental disabilities should be able to engage in daily life and social life worthy of dignity, as individuals enjoying the basic human rights, and at the same time, ③ stipulates respect for disability-based differences as one of diversity and not a target for negative evaluation, and to contribute to the realization of a society where all citizens coexist and mutually respect people's individuality and personality instead of discriminating due to presence or absence of disability. The details of the major amendments are given below.

(1) Purpose and Provision

The purpose of this act is to particularly provide seamless service to persons with developmental disabilities and elucidate about enabling persons with

developmental disabilities to engage in daily life and social life worthy of dignity as individuals enjoying the basic human rights, following the basic ideology of Basic Act for Persons with Disabilities.

It is also stipulated that all citizens should respect each other's individuality and personality instead of discriminating due to presence or absence of disability, while contributing to a mutually coexisting society.

(2) Definition of persons with developmental disabilities

Persons with developmental disabilities do not get the understanding of the society or surroundings about the difficulties that they face due to their disability characteristics. Therefore, it is often the case that they are subject to restrictions in daily life or social life due to social barriers like not being able to receive the required support or reasonable accommodation.

In view of such circumstances, "Persons with developmental disabilities" can be defined as persons with developmental disabilities who are restricted in their daily lives and social lives due to developmental disabilities and social barriers.

In addition, a "Social barrier" can be defined as a thing, system, practice, idea or anything else of a society that acts as a barrier to persons with developmental disabilities in carrying out their daily lives or social lives.

(3) Establishment of the basic ideology

The basic principle of the Basic Act for Persons with Disabilities stipulates tasks such as ensuring opportunities for persons with disabilities to participate in the activities in all sectors, not preventing them from coexisting with other persons in a community, etc. Based on these stipulations, the basic ideology of the act in subject was established.

The basic ideology stipulates that support for persons with developmental disabilities would involve ensuring social participation opportunities for all developmentally disabled persons, ensuring opportunities for choosing where and whom they want to live with, not hindering a symbiotic life with other persons in the community and contributing to elimination of social barriers.

It has also been stipulated that support for developmentally disabled persons should be seamless with consideration to support for decision making also, according to the gender, age, disability condition and actual living conditions of developmentally disabled individuals, under the close collaboration of related organizations and private organizations engaged in work related to medical care, health care, welfare, education, labor, etc.,

(4) Responsibilities of National and Local Public Entities

It was stipulated that the responsibility of national and local public entities shall be to develop the necessary consultation system under the coordinated collaboration of those such as related organizations in order to pay attention to the characteristics of each individual with developmental disabilities and respond comprehensively to various consultations from developmentally disabled persons, their families and other related persons.

In view of the difficulties faced by persons with developmental disabilities in their daily lives, etc. and the difficulties faced by the families in taking care of the developmentally disabled persons, it will be the duty of the national and local public entities to devise measures such as setting up of comprehensive consultation windows to the local public entities and building a consultation system that will facilitate bridging with specialized support organizations as required.

(5) Measures for support to persons with developmental disabilities

Measures for support to persons with developmental disabilities is stipulated as strengthening the support with regard to education, employment, community living, etc. of developmentally disabled persons, as well as protection of rights and interests, consideration in judicial proceedings and support to family members of the developmentally disabled persons.

a. Education

Consideration is given to allow developmentally disabled children to undergo education along with children without developmental disabilities, to the maximum extent possible; Individual Educational Support Plan (to create a long-term support for an individual under the collaboration of related organizations carrying out education-related work and related organizations carrying out work related to medical treatment, health care, welfare, labor, etc. and private organizations) and Individual Guidance Support Plan shall be prepared and measures shall be taken to prevent bullying, etc.

Students enrolled in advanced course at vocational schools shall also be included as children with developmental disabilities who can receive educational support.

b. Promotion of information sharing

The national and local public entities shall give proper consideration to the protection of individual information as well as take the necessary steps to

promote sharing of information that is conducive to support for persons with developmental disabilities; the support shall be facilitated by the collaboration of related organizations and private organizations who carry out work related to welfare and education and the related organizations and private organizations who do work related to health care, labor, etc.

c. Support for employment

The National and Prefectural governments should endeavor to ensure appropriate employment opportunities, support for establishing employment and other necessary support according to the characteristics of each individual with developmental disabilities.

The employers should strive to stabilize the employment of persons with developmental disabilities by properly evaluating their abilities and ensuring appropriate employment opportunities as well as a proper employment management according to the characteristics of each individual with developmental disabilities.

d. Support for living in a community

There shall be furtherance of support for community living according to gender, age, disability condition and actual living conditions.

e. Protection of rights and interests

The necessary support for the protection of rights and interests shall be given by furthering measures for elimination of discrimination, prevention of bullying and prevention of abuse, etc., and proper implementation and extensive use of the adult guardianship system.

f. Consideration in judicial proceedings

When persons with developmental disabilities are subject to the proceedings of a criminal case or juvenile protection case or other similar proceedings, or become a party or concerned person to the proceedings of a civil case, domestic case or administrative case in court, the national and local public entities should give consideration to securing the means of communication according to the characteristics of each individual with developmental disabilities and give other appropriate considerations; this shall be done to enable persons with developmental disabilities to exercise their rights smoothly.

g. Support for families, etc. of persons with developmental disabilities

To enable the families and persons related to the developmentally disabled

persons to receive appropriate support, the Prefectures and Municipalities should strive to provide proper support with consultation, information provision and advice, implement activities that will help the family members of the developmentally disabled persons to support each other and provide any other support, in collaboration with related organizations such as child consultation centers, etc.

(6) Support center for persons with developmental disabilities

In carrying out the tasks of the support center for persons with developmental disabilities, the Prefectural governments and designated cities should pay attention to the actual circumstances of the region based on which they shall give appropriate consideration. This will enable developmentally disabled persons to receive the necessary support to the maximum possible extent in the familiar regions. Specifically, it is expected that multiple support centers for developmentally disabled persons shall be established based on the actual circumstances of the region; it is also expected that the support center for persons with developmental disabilities and the regional support manager for persons with developmental disabilities shall back up the support given by Municipalities, etc. to developmentally disabled persons

(7) Regional Support Council for persons with developmental disabilities

To provide a detailed support to persons with developmental disabilities and their families, it is necessary for the related organizations, etc. to provide information about the issues in the support system for developmentally disabled persons in a region and build a support system based on the local circumstances, working in close collaboration with the concerned parties, etc. Therefore, a provision was newly established to the effect that prefectures and designated cities can have regional support councils for persons with developmental disabilities that will hold consultations about the development of a support system for developmentally disabled persons according to the local circumstances. The following 3 are expected to be the main roles of the council. The first point is to understand the existing support system within the prefecture and share information regarding the issues related to the support system for developmentally disabled persons in a region. The second point is to further strengthen the collaboration of related organizations of medical care, health care, welfare, education, labor, etc. The third point is to promote the development of the system according to the actual circumstances of the region that includes resolving issues pertaining to the support system and close

collaboration of the concerned parties.

(8) Dissemination to citizens and awareness

To deepen the citizens' understanding about the individual developmental disability characteristics and other developmental disabilities, the national and local public entities shall carry out the necessary public relation activities and other awareness activities through schools, communities, families, occupations and various other venues.

(9) Others

To provide appropriate support according to the characteristics of each individual with developmental disabilities, promoting public awareness of citizens, securing human resources with expert knowledge including judicial and police officials and promoting search were stipulated to be necessary.

Based on the purpose of the current amendment of the law, there shall be seamless support through the life stage as well as promotion of detailed support including support for families, etc. and furtherance of establishment of a system that will facilitate support at familiar places.

3. Measures for steady enforcement of the amendment

To steadily enforce the amendment of the Act on Support for Persons with Developmental Disabilities that came into effect in August 2016, the MHLW has recorded the following expenses in the budget for FY2017 (a figure within 45.4 billion JPY for community living support work):

- Expenses towards newly establishing "Regional support council for persons with developmental disabilities" for the related organizations to discuss and examine the development of a system according to the actual circumstances of the region and providing information about the issues faced by developmentally disabled persons in a region
- Expenses towards positioning the developmentally disabled persons' Regional Support Manager, who collaborates with medical institutions, municipalities and supporting establishments, in areas such as the support center for developmentally disabled persons, to strengthen the regional support functions.
- Expenses towards nurturing medical professionals such as family physicians, etc. for diagnosing and treating developmental disabilities and providing support, considering the importance of early detection and early support for developmental disabilities

The MHLW urges prefectures and designated cities to operate in accordance with the purpose of the amended Act.