

6. If the delivery of the aid grant becomes unnecessary in the process of payment because of moving-out, death or other reasons, strike out this case and readjust the concerned documents.
7. In case such continuous protections as education aid, housing aid and so forth are given with living aid as duplicate aid, those aids shall be paid at the same time clarifying the classification. It is unnecessary to prepare the receipt for the delivery separately by type.
8. Clerical workers post the due date in the Detailed Statement of Protection Expenses (form 5).
9. When the grant of protection is determined in the middle of the month, procedure for the payment of the aid grant for the month should be immediately taken.
10. The living aid grant for those in the institution shall be delivered to the recipient or the head of the institution or the person entrusted the accommodation and the receipt should be collected respectively.
11. When the transferring expenses is necessary for carrying out living aid such as the accommodation of the recipients in an institution, the minimum actual expenses can be paid.
12. In case of losing clothings and personal property on account of disaster and other causes or in case of their being useless, delivery procedures should be taken stating the actual conditions concretely on all such occasions.

Paragraph 2. Enforcement of Education Aid

1. Concerning the living aid grant, the necessary amount for respective terms shall be paid in monthly instalment within the limit of education aid grant standard amount.
2. School lunch expenses and the minimum transportation expenses for school attendance can be paid.
3. The education aid grant shall, in principle, be delivered to the head of the family but if such is not favorable, it can be delivered to the principal of the school to which the recipient is attending. In this case receipt should be collected too.
4. When the education aid grant is paid with the living aid grant in duplicate its details should be made clear.

Paragraph 3. Enforcement of Housing Aid

1. The housing aid grant for the rented house (rented room) shall be delivered within the limit of housing aid grant standard amount table. In case the house rent (or the room rent) exceeds the standard amount, increased delivery shall be made setting up a special standard amount upon approval of the governor for the 100 percent excess and upon approval of the Welfare Minister for the excess over 100 percent.



2. In case the repair work is necessary for the maintenance of the minimum living aid expenses of less than 3,000 yen shall be delivered upon approval of the governor and aid expenses of more than 3,000 yen upon approval of the Welfare Minister.

Paragraph 4. Enforcement of Medical Aid

1. Preferential application of the social insurance and so forth.

A detailed investigation on the affiliating condition with the social insurance (Health Insurance Law, National Health Insurance Law, Seamen's Insurance Law, National Public Service Mutual Aid Association Law, Local Public Service Mutual Aid Association Law, Workmen's Accident Compensation Insurance Law) should be made. Necessary contact with the concerned quarters should be taken for its preferential application. People who come under the Mental Hygienic Law, Leprosy Prevention Law and Tuberculosis Prevention Law should be treated in preference to this Law.

2. Handling of the Single Medical Aid

- (1) In case the medical aid is requested by the recipient or by his legally responsible relatives, the case worker shall deliver an initial medical card (form 18) and make the recipient take a medical examination in the designated medical agencies after hearing his circumstances.
- (2) On the other hand the case worker will make a home visit to carry out the detailed investigation on domestic budget according to the application.

Determination on the necessity of assistance shall be made through the following way.

- (A) Determined minimum cost of living for the Case — Determined Income — Amount to be appropriated for Medical Treatment Expenses  $\leftarrow$  Rough Estimate for the necessary medical treatment expenses ..... the difference shall be granted.
- (B) Determined minimum cost of living for the case — determined income — amount to be appropriated for medical treatment expenses  $\rightarrow$  Rough estimate for the necessary medical treatment expenses ..... Rejection

A letter of notice shall be sent to the client upon approval of the mayor of the city, town or village as in the case of living aid.

3. Handling of duplicate aid

Determination of granting the protection shall be immediately given to the client applied for the medical aid using the duplicate aid application (form (2)) so far as no change of living conditions are recognized.



If any change of living conditions should occur, pertinent measures should be taken after carrying out the necessary investigation.

4. After determination is given, a medical card of the form 16 and 17 shall be delivered to get them medical treatment. In this case if the medical treatment benefit by the social insurance is given or if the concerned recipient can bear a part of charges, that amount shall be put down in the medical card.

5. Selection of the medical agency should be made according to the recipient's free will, however, if it is necessary to designate on account of the patient's condition, a special designation of the agency shall be made. However, under an urgent circumstances, above procedure shall be excepted from the rule.

#### 6. Medical treatment after hospitalization

The principle of the medical treatment is the out-treatment, but only in the following cases, hospitalization shall be permitted.

- (A) When the hospitalized operation is necessary on account of the patient's condition
- (B) When frequent medical treatments by a doctor are necessary for the cure of sickness
- (C) When expedient medical treatments by the constant observation of the sickness condition are necessary
- (D) When medical treatments by the frequent use of the facilities of the hospital are necessary
- (E) In case it is certain that the client in need of medical care who is the sole bread-winner of the family can be quickly recovered by hospitalization and thus the stabilization of his family life can be restored promptly.

Accordingly, mere reasons such as worse sickness condition, body disability, inconvenience for attending hospital, narrow house, short of hands can not be the reasons for hospitalization.

#### 7. Attendance Nursing

The minimum actual expenses can be approved to be paid for those requiring it, taking into full consideration the following matters.

- (A) When there is no attendant from the patient's family, relatives or friends in spite of the necessity of the constant attendance nursing on account of the serious condition of the in-patient and also when the nurses of the concerned hospital or clinic are unable to attend to.



- (B) When there is no attendant from the patient's family relatives or friends in spite of the necessity of the constant aid or attendance nursing on account of the condition of the out-patient, or when a entitled nurse is especially required on account of the patient's condition.
- (C) In case a special medical treatment is needed, an entitled nurse and in case the service is mainly for meals, excretion and personal care, an experienced attendant should be selected.

In the hospital a nurse should take charge of the several patients.

8. Review of the Medical Expenses and Payment

- (A) When the medical treatment fee is requested from the medical agency in charge, the form 19 with the necessary matters entered in it shall be sent over to the reviewing board (Saitama Prefectural Social Insurance Medical Treatment Fee Fund Office 25, 4-chome Takasago-cho, Urawa City) classifying the medical protection condition table (form 15) by city, town or village with necessary statement put down in it.
- (B) Payment of the determined fee shall be made after review, and the statement of the completion of the request shall be entered in the Medical Protection Condition Table (form 15).
- (C) Upon receipt of the request for initial consultation fee by the initial medical card, payment shall be made after examining its details.

9. Make the client pay his burden on the charge and the part of charges to be borne by the Social Insurance should be paid by the concerned social insurance.

10. When traffic facilities or vehicles are used for hospitalization or for attendance to the hospital, the minimum necessary expenses can be paid additionally.

11. When a decision is made on the monetary benefit for medicine and medical treatment materials, the minimum expenses necessary for the purchasing of them can be paid.

12. When the medical treatment is given by the agencies except the designated medical agencies (including the designated medical agencies of other To, Do, Fu and prefecture) necessary amount should be paid according to a bill presented by those agencies.

13. Benefit in kind is the principle for the delivery of false teeth, corsets and so forth and, after previous deliberate consideration based on the application, diagnosis, income calculation table, minimum living



cost calculation table and estimate for manufacturing expenses, the minimum necessary material purchased shall be delivered.

14. Operations made by massagist or jyudo orthopedics operators shall be handled as follows:

- (A) Massages only can not be approved but when it is given for curing nervous paralysis in the adhered part due to surgical operation, it can be approved only when the client submitted a certificate by the physician in charge.
- (B) In the case of fracture or dislocation in principle, operations by them can not be given without approval of the doctor.

However, in case of emergency, an agreement after the operation can be approved.

15. Patients not coming under the application of the DSL who have long been granted medical aid in a national hospital or sanatorium can be delivered within 450 yen per month from the living aid expenses as personal articles expenses and nutrition supply expenses.

Paragraph 5. Enforcement of Maternity Aid

1. Necessary procedures should be taken upon confirmation of pregnancy by a pregnancy certificate or a maternal and child handbook presented by the applicant.

2. Delivery of maternity aid should be made in cash benefit a month before an expected date of maternity within the limit of the maternity aid standard amount.

Make the recipient utilize the designated midwife.

Payment of lying-in fee for the midwife should be made by the recipient in principle.

3. Concerning materials necessary for parturition, actual expenses necessary for its purchasing shall be delivered according to the following standard.

- o Absorbent cotton ..... 500 gram
- o Gauze ..... 5 meters
- o Flannel ..... 1 yard
- o Bleached cotton ..... 10 shaku

4. When the medical treatment is required on account of sickness occurred by abnormal parturition or delivery, medical aid should be granted to it.

5. Guidance to receive the health instruction should be given to an expectant mother according to the Child Welfare Law.



Paragraph 6. Enforcement of Occupation Aid

1. Occupation aid can be granted not only to the recipient but to those who are supposed to be unable to maintain their minimum living standard. However, this aid is granted only when the prospect of establishing the self-supporting life is certain by the increase in income.
2. When fund, appliances or materials necessary for occupation are delivered or lent, minimum necessary amount or quantity should be delivered within the standard amount after studying the occupation program.
3. Skill mastering expenses necessary for occupation should be delivered within the respective standard amount in proportion to the period.

When this occupation aid is delivered to the head of the institution, a receipt should be collected on all such occasions.

Paragraph 7. Funeral Aid

1. Presentation of a death certificate or autopsy certificate, and funeral expenses estimation paper are requested with an application. Determination on the grant of aid shall be made upon confirmation of death.
2. When no legally responsible relative who takes charge of the funeral service for the dead exists, funeral aid shall be granted to those who do conduct funeral service as an actual expenses compensation fee.
3. Dead welfarers should be handled according to the Sick and Dead Welfarer Law.

Chapter VIII Protection Business Under Continuation

(Case Work)

Paragraph 1. Life Guidance (Social Cure)

1. Social Cure

- (1) Originally, protection business is "the work to give outside assistance to the client in his personal independent attempt to replace his unfavorable social relations with favorable social relations".

And this aid is to offer the client outside various services in order to make him develop his own resources first and further to make himself adjust to his environment by utilizing miscellaneous social resources existing in it.

The keypoint of this business is;

- (1) That the case worker does not make the client's life back to the normal state, that is, not to give him medical treatment, but to make the client try to do so for himself and



- (2) that the case worker assists the client to develop and utilize the various powers and measures necessary for rehabilitation - social resources.

These two points have heretofore been quite ambiguous in the social works of Japan. Therefore, it has been thought in many cases that it is the case work for *Minsei-in* to give "Benefit in money" or "mental guidance" individually. It should be kept in mind, that one of the main points of new handling methods of the new Daily Life Security Law lies in this point.

- (2) Heretofore, great importance has been given to the life guidance for the client and such methods as order, prohibition, admonition, preaching, oath, suggestion consultation, advice, "guidance" and "confession" has been carried on quite naturally as an effective and pertinent way.

However, it is considered that these measures for the client are the old type method of social work and are rather deterrent and detrimental to the case work.

There may be some one who can easily understand that the function of order or prohibition is improper to case worker but who can not think consultation, advice and guidance would be deterrent to case work.

Needless to say, to receive the client's consultation and give him advices are important duties of case workers and such measures would naturally result in "guidance".

Consultation, advice and guidance taken up in this case mean the way of giving instructions mechanically and reflexively after hearing the client's complaints and circumstances briefly. As the problems of human life are extremely complicated, however, simple that problem may be and are always accompanied with sentimental complications, so it is clearly detrimental to take such measure.

Liberty and personality of the client should be esteemed to the last. Authoritative and oppressive way of treatment is the old and wrong way and should be absolutely shirked.

- (3) Method of Social Cure

Cure that is to make the clients' life back to the normal condition and make him establish an independent life is after all, to give him an "assistance" to "make him develop and utilize resources for himself". So the way of realizing this cure lies in the following two points.

1. How to make him utilize and develop his personal resources.
2. How to make him utilize social resources existing in his living environment.



These points being of extreme importance, "Technics of case work and social consultation" written by Messers "Sumerode" and "Strode" should be read carefully. If we read this thesis carefully we can fully understand the method of social cure, but we want to state here some supplementary matters.

- (4) Japanese word "Shigen" is the Japanese translation of "resource" and anyone who hears it for the first time can not fully understand its meaning. However, in this case, this means all things which can be utilized to return to normal life, so it is wide in its extent and various in its kind.

⊙ Individual resource

- o Physical resource            Health, physical strength, physique, correct motion, etc.
- o Mental resource            Intelligence, knowledge ability, sympathy, cooperation, power of practice, etc.
- o Material resource        Property, wage, salary, etc.

⊙ Individual social resource    Family, relatives, friends, neighbouring relations and nationality and race.

⊙ Social resource            Social work institutions, educational institution, cultural institutions, religious institutions, recreational institutions, laws and acts, government and public offices, medical agencies, transportation agencies, various experts, etc.

- (5) Individual resource, that is, various resources which the client possesses is in many cases unable to display its power because of its being entangled with emotion or its being latent.

It happens after that obstructions which have been covering the resources shall be removed by an excellent interview and as a result resources of the client himself is developed resulting in the positive practical actions.

Assisting the client mentally in his developing mental resources has come in the field of the new social work.

Of course, such treatment can not be easily carried out without case workers' special study and training and dangers are expected when attempted by everybody. An excellent interview and hearty interview with rapport are the first step of "cure" and make the client overcome anxiety, make him have an interest, courage and hope, and exercise his power of practice.



- (6) It is the case workers' duty to give an outside assistance to the recipient to make his life back to the normal state as soon as possible utilizing an influential social resources of DSL which he is enjoying.

There may be persons who can improve his living and rehabilitate himself by being given seven types of assistance of DSL, but such persons are very few. In almost all cases, the commencement of aid of DSL is the prelude to the handling of case work, so the case worker will give advices to him on resources available for him and give assistance in his developing and utilizing that resources.

Resources which must be developed and utilized are "personal resources" and further his mental resources. Everyone has an ability of having "courage and hope" - personal resource - even if he is under whatever difficult circumstances, but many have made their resources a latent resource discouraged by their hard life.

Paragraph 2. Change of Protection

1. Purpose of change

Change of protection should be carried out for the purpose of carrying out necessary and pertinent protection by changing type, limit and method of protection according to the change of living conditions.

2. Procedure for change

In case the state which necessitates the change of protection should occur (increase or decrease of the component number of the family, increase or decrease in income and change of age), necessary measures should be taken immediately irrespective of application.

- (A) Carry out investigation and readjust the income calculation table and minimum living cost calculation table
- (B) Prepare "change of protection paper" (form 7) and request an approval as in the case of commencement of protection adding the concerned papers to it.
- (C) Enter the change of protection in the face sheet (form 8) and the change of aid amount in the detailed statement of protection paper immediately after approval, and arrange the other concerned documents.
- (D) Send a notice of change (form 11) to the recipient.
- (E) Preventing abused relief and expecting exhaustive relief are essential to the enforcement of proper protection. Accordingly, procedures for the changed protection should be naturally taken



according to its necessity. In such special case as the standard amount can not be enough for complete protection, a procedure for establishing a special standard amount should be immediately taken. No such makeshift measure as to give a show of truth by managing income must be absolutely avoided.

Paragraph 3. Suspension and Closing of Protection

1. Suspension of protection means the temporary supervision of application of protection in the case when (1) temporary removal of cause of protection or when (2) it is necessary for the convenience of guidance, and as the result is a temporary measure requiring decision on the closing of protection or on the resumption of protection. Closing of protection is a measure to be taken when protection is unnecessary because of removal of cause of protection or because of improvement of living conditions.

Suspension of protection or closing of protection shall be carried out generally in the following cases:

- (A) When the client is disobedient to the disposition guidance or instructions, conducted by the mayor of city, town or village in compliance with laws and acts.
- (B) When the client refuses a medical examination or an investigation on protection without due reasons.
- (C) When residential place or present address has been changed (move out to other city, town or village)
- (D) When a temporary remarkable increase of income exceeds the minimum living cost.
- (E) When causes for protection cases to exist

Suspension and closing of protection shall effect much directly upon livings, therefore, these cases should be handled deliberately not handling them mechanically with mere conjecture or temporary feeling.

2. In case the measure of suspension or closing of protection is taken, an approval is required for the suspension and closing paper (form 7) with concerned papers attached to it, as in the case of commencement of protection.

The case shall be concluded and kept, entering the necessary matters in the concerned papers while sending the closing and suspension note (form 12).

Chapter IX Transaction of Complaint

Paragraph 1. Meaning and Requisite of Complaint Statement



## 1. Meaning

As a statement of complaint is a client's measure of requesting protection of which he is desirous on the right of receiving protection against all measures of protection taken by the mayor of city, town or village, the transaction of this statement should be carefully conducted, and obstruction of the client's will or restriction on the exercise of the client's rights should be refrained with great care.

## 2. Requisite of complaint statement

- (A) Those who can state complaints are restricted to the recipients provided for in Art. 64 of DLSL and are restricted to those who applied for commencement or change of protection so any statement made except them is invalid.
- (B) The scope of stating complaint shall be necessity of protection, type, limit and determination of method, change, suspension and closing of protection, and should be confined to the matters of disposition made by the mayor of city, town or village. Any statement of complaint against matters not concerning dispositions of protection at all, shall be invalid.
- (C) The term of complaint statement shall be within 30 days from the day of receiving a note of decision on the disposition of protection made by the mayor of the city, town or village, except such cases as can be recognized inevitable.

### Paragraph 2. Business Transaction

1. Statement of complaint shall be accepted by the presentation of the written statement of complaint (form 20) and shall be transacted by the case worker according to the following order after deliberate examination of its details.

- (A) Enter necessary matters (date of acceptance, name, stated matters, etc.) in the "Complaint Statement Book".
- (B) Prepare an advice letter and the concerned documents.

Concerned documents mean (1) ground of disposition of the mayor of city, town or village which are the cause of stating complaints, (2) papers certifying the facts (3) documentary evidences concerning income and expenditure and (4) copies of papers recording process of protection.

- (C) Matters concerning statements of complaint should be entered in the concerned face-sheet.
- (D) Statement of complaint should be conveyed to the governor within ten days from the presentation of the statement.



Paragraph 3. Cancellation of Complaint Statement

1. When the case worker accepts a statement of complaint, he will hear the circumstances and explain about the matters stated. If he is convinced, or if the decided measure is found to be wrong or if the statement is recognized proper, measures such as cancellation, or rejection of application or change of various decisions shall be taken without waiting governor's (or Minister's) approval.

When the applicant expresses that he has no intention to state complaint, it should be handled as a cancellation of complaint statement. In this case, applicant's signature or seal should be put down on the statement of complaint upon his approval.

2. When a statement of complaint without the case worker's jurisprudence is accepted, it should be conveyed to the concerned mayor of city, town or village within ten days, and at the same time it should be informed to the applicant who presented the statement.

(Art. 4 of the Enforcement Act)

Paragraph 4. Measure to be Taken After Governor's Decision

1. A decision of the governor for a complaint statement shall be informed both to the appelland and to the mayor of city, town and village with "decision on complaint statement".

In this case, either of the following two decisions shall be made.

- o Decision to reject the statement because of lack of reasons for complaint.
  - 1. When measures taken by the mayor of city, town or village are proper
  - 2. When reasons for complaint is obscure
  - 3. When complaint statement is out of the authority of the mayor of city, town or village
  - 4. When complaint statement is made after legal time limit (30days) without due reasons.
  - 5. When complaint statement is made by people except legally qualified persons
  - 6. When a procedure of complaint statement is illegal and when the applicant refuses to accept an amendement order
- o Decision on the resonability of the complaint statement



1. Cancellation of disposition shall be ordered to the mayor of city, town or village.
  2. Decision on the necessary protection and change of it shall be ordered to the mayor of city, town or village placing a time limit.
2. Measures to be taken by the mayor of city, town or village
- (A) In the case of rejection of complaint statement, no disposition made by the mayor of city, town or village will not be affected. Namely, no new measure is necessary and a mere notification shall be enough.
  - (B) In case of cancellation of the disposition of rejecting the application for protection, a new decision of granting protection should be made without requesting a new application.
  - (C) In case a decision of changing the disposition is made, measures in compliance with it should be taken.
  - (D) In case a decision of cancelling the closing and suspension disposition is made, the disposition shall become non-existent, and the protection should be continued as before.
  - (E) In case no notification of decision is issued by the governor within forty days, the complaint statement can be recognized to be rejected.
  - (F) Following procedure shall be taken as business transaction
    - o Content of the governor's decision (the text and date) should be put down in the "Complaint Statement Receipt Book" and put down it in the face-sheet.
    - o Complaint statement decision letter shall be sent to the concerned person
    - o Take necessary measures according to the decision and dispose the concerned business while reporting it to the governor.

Paragraph 5. Complaint Statement to the Welfare Minister

In case any objection is raised against governor's decision or in case no decision is made by the governor within forty days, the complaint statement shall be recognized rejected and further statement of complaint can be filed to the Welfare Minister. If the Welfare Minister makes the different decision from the governor's decision, it shall be binding to the concerned party.

Therefore, in case necessary measures are taken based on the governor's decision, a new measure should be taken based on the Welfare Minister's decision.



Paragraph 6. Appeal

If further objection is raised against the Welfare Minister's judgment, an appeal can be lodged to the district court in accordance with the provisions of the Administrative Affairs Legal Procedure Special Law. Accordingly, if the decision of the court differs from the decision of the governor or the Welfare Minister, it shall be binding.

Chapter X Collection of Protection Charges and Repaying Business

Paragraph 1. Repayment from the Recipient

1. The repayment of expenses expended for protection by the recipient shall be made only in the following cases:

- (A) When protection is given to those who have ability to pay under an urgent circumstances.
- (B) When the repayment of expenses expended for protection is required to those who received protection through false applications and other unjust means.

When the repayment of assistance money and goods given in advance is required according to the change, suspension or closing of protection.

Paragraph 2. Collection from the Legally Responsible Relative

1. In collecting expenses from the legally responsible relatives, complete investigation of their supporting ability should be made, and appropriate amount should be decided after previous consultation with the legally responsible relatives.
2. In case the legally responsible relatives refuse to accept the above mentioned measure, decision should be made on the basis of decision of the family court.
3. In case the legally responsible relatives will not pay the amount established by the family court's decision, compulsory collection is possible as in the case of collection of the national tax.

Collection or repaying of protection expenses shall be executed, in all case, by delivering the payment order signed by the mayor of city, town or village.

End