

# CHILD CARE ACT

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Act No. 7785, Dec. 29, 2005

Act No. 8563, Jul. 27, 2007

Act No. 8655, Oct. 17, 2007

Act No. 8654, Oct. 17, 2007

Act No. 8851, Jan. 17, 2008

Act No. 8852, Feb. 29, 2008

Act No. 9165, Dec. 19, 2008

Act No. 9511, Mar. 20, 2009

Act No. 9792, Oct. 9, 2009

Act No. 9932, Jan. 18, 2010

Act No. 10012, Feb. 4, 2010

Act No. 10339, jun. 4, 2010

Act No. 10789, jun. 7, 2011

Act No. 10854, Jul. 14, 2011

Act No. 10983, Aug. 4, 2011

Act No. 11003, Aug. 4, 2011

Act No. 11002, Aug. 4, 2011

Act No. 11144, Dec. 31, 2011

Act No. 11382, Mar. 21, 2012

Act No. 11627, Jan. 23, 2013

Act No. 11690, Mar. 23, 2013

Act No. 11858, jun. 4, 2013

Act No. 11998, Aug. 6, 2013

Act No. 12068, Aug. 13, 2013

Act No. 12251, Jan. 14, 2014

Act No. 12619, May 20, 2014

Act No. 12697, May 28, 2014

Act No. 13321, May 18, 2015

Act No. 13323, May 18, 2015  
Act No. 13498, Aug. 28, 2015  
Act No. 13656, Dec. 29, 2015  
Act No. 14001, Feb. 3, 2016  
Act No. 14597, Mar. 14, 2017  
Act No. 15270, Dec. 19, 2017  
Act No. 15892, Dec. 11, 2018  
Act No. 16078, Dec. 24, 2018  
Act No. 16251, Jan. 15, 2019  
Act No. 16248, Jan. 15, 2019  
Act No. 16404, Apr. 30, 2019  
Act No. 17091, Mar. 24, 2020  
Act No. 17209, Apr. 7, 2020

## CHAPTER I GENERAL PROVISIONS

### **Article 1 (Purpose)**

The purpose of this Act is to contribute to promoting the welfare of infants and young children and their families by fostering them to become healthy members of the society by nurturing their minds and bodies, and their sound education, and by facilitating their guardians' economic and social activities. <Amended on Aug. 4, 2011>

### **Article 2 (Definitions)**

The terms used in this Act are defined as follows: <Amended on Dec. 19, 2008; Jun. 7, 2011>

1. The term "infants and young children" means pre-schoolers under the age of six;
2. The term "child care" means social welfare services supporting child care centers and home nurseries that protect and foster infants and young children in a healthy and safe manner and providing infants and young children with education tailored to their growth patterns;
3. The term "child care center" means institutions caring for infants and young children entrusted by guardians;
4. The term "guardian" means a person in parental authority, a tutor and any other person actually caring for an infant or a young child;
5. The term "child care teachers and staff" means principals, child care teachers, and other employees of child care centers, in charge of the nursery and health care of infants and young children in the child care centers, consultations with guardians, and other affairs concerning the management and operation

of the child care centers.

### **Article 3 (Concept of Child Care)**

- (1) Child care services shall be rendered with priority consideration given to the interests of infants and young children.
- (2) Child care services shall be rendered so that infants and young children can grow up healthily in a safe and comfortable environment.
- (3) Infants and young children shall be cared for without discrimination due to their or their guardians' gender, age, religion, social standing, property status, disabilities, race, place of birth, etc. *<Amended on Aug. 4, 2011>*

### **Article 4 (Responsibility)**

- (1) All people shall have responsibility to care for infants and young children in a healthy manner.
- (2) The State and local governments shall have responsibility to care for infants and young children in a healthy manner together with the guardians thereof and endeavor to secure financial resources therefor in a stable manner. *<Amended on Jan. 23, 2013>*
- (3) The Special Self-Governing Province Governor and the heads of Sis/Guns/Gus (referring to the heads of autonomous Gus; hereinafter the same shall apply) shall ensure there are appropriate child care centers in their jurisdictional areas to care for infants and young children. *<Amended on Jun. 7, 2011; Aug. 4, 2011>*
- (4) The State and local governments shall endeavor to train child care teachers and staff, and to improve their working conditions. *<Newly Inserted on May 18, 2015>*

### **Article 5 (Child Care Policy Coordination Committee)**

- (1) The Child Care Policy Coordination Committee (hereinafter referred to as the "Child Care Policy Coordination Committee") shall be established under the Prime Minister to coordinate opinions of the relevant Ministries on child care policies.
- (2) The Child Care Policy Coordination Committee shall deliberate on and coordinate the following:
  1. Matters concerning the basic direction-setting for child care policies;
  2. Matters concerning the improvement of relevant systems of child care and budgetary support;
  3. Matters concerning cooperation among the relevant Ministries for child care;
  4. Other matters placed on the agenda by the chairperson.
- (3) The Child Care Policy Coordination Committee shall be comprised of up to 12 members, including a chairperson. The Minister of the Office for Government Policy Coordination shall be the chairperson and the following persons shall be members of the Child Care Policy Coordination Committee: *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 4, 2010; Jun. 7, 2011; Mar. 23, 2013>*
  1. Vice-Ministers of Economy and Finance, Vice-Ministers of Education, Vice-Ministers of Health and Welfare, Vice-Ministers of Employment and Labor, and Vice-Ministers of Gender Equality and

Family;

2. Each person representing the child care sector, the early childhood education sector, the women's sector, the social and welfare sector, civic groups, and guardians, who are commissioned by the chairperson on the recommendation of the members referred to in subparagraph 1.

(4) Necessary matters concerning the organization, operation, etc. of the Child Care Policy Coordination Committee shall be prescribed by Presidential Decree.

#### **Article 6 (Child Care Policy Committees)**

(1) The Central Child Care Policy Committee shall be established under the Ministry of Health and Welfare, and local child care policy committees shall be established under a Special Metropolitan City, a Metropolitan City, a Do and a Special Self-Governing Province (hereinafter referred to as "City/Do") and a Si/Gun/Gu (referring to an autonomous Gu; hereinafter the same shall apply) to deliberate matters, etc. concerning policies, projects, guidance on child care, and evaluation of child care centers: Provided, That where another suitable committee exists to function as a local child care policy committee and members of the other committee meet the qualifications referred to in paragraph (2), the other committee may assume the functions of the local child care policy committee, as prescribed by municipal ordinance of a City/Do or Si/Gun/Gu. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Dec. 11, 2018>*

(2) Members of the Central Child Care Policy Committee and local child care policy committees referred to in paragraph (1) (hereinafter referred to as "Child Care Policy committees") shall be comprised of child care experts, principals of child care centers, representatives of child care teachers, representatives of guardians, persons representing the public interest, relevant public officials, etc. *<Amended on Jun. 7, 2011>*

(3) Matters necessary for the composition, functions, operation, etc. of the Child Care Policy committees shall be prescribed by Presidential Decree.

#### **Article 7 (Child Care Support Centers)**

(1) The Minister of Health and Welfare shall establish and operate the Central Child Care Support Center; and each Special Metropolitan City Mayor, Metropolitan City Mayor, Special Self-Governing City Mayor, Do Governor, or Special Self-Governing Province Governor (hereinafter referred to as "Mayor/Do Governor"), or the head of each Si/Gun/Gu shall establish and operate local child care support centers to provide part-time care services for infants and young children referred to in Article 26-2, to collect and provide information on child care, and to provide counseling services on child care. In such cases, where deemed necessary, child care support centers for infants, children with disabilities, etc., may be established and operated, separately. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 4, 2013; Dec. 24, 2018>*

(2) The Central Child Care Support Center or each local child care support center referred to in paragraph (1) (hereinafter referred to as "child care support center") shall consist of a head, child care experts engaging in providing information on child care services, counseling experts engaging in emotional and psychological counseling services for child care teachers and staff, and others. *<Amended on Jun. 4, 2013;>*

May 18, 2015>

(3) Deleted. <Aug. 4, 2011>

(4) Matters necessary for the establishment, operation, and functions of child care support centers, qualifications for and duties of the heads of child care support centers, child care experts, and counseling experts, shall be prescribed by Presidential Decree. <Amended on Aug. 4, 2011; Jun. 4, 2013; May 18, 2015>

#### **Article 8 (Establishment and Operation of Korea Childcare Promotion Institute)**

(1) To promote the improvement of quality of child care services and assist child care policies systematically, the Korea Childcare Promotion Institute (hereinafter referred to as "KCPI") shall be established.

(2) KCPI shall conduct the following affairs:

1. Developing measures of evaluating child care centers;
2. Providing education, training, and public relations on child care projects;
3. Developing child care programs, teaching materials, and teaching aids for infants and young children;
4. Developing training programs and teaching materials for child care teachers and staff;
5. Affairs entrusted by the Minister of Health and Welfare pursuant to this Act;
6. Other affairs related to child care policies, which the Minister of Health and Welfare deems necessary.

(3) KCPI shall be a juristic person, and shall be established by filing an establishment registration in the location of its principal office.

(4) KCPI shall be operated with subsidies, donations, and other income.

(5) The Minister of Health and Welfare may subsidize expenses incurred in operating KCPI within budgetary limits.

(6) KCPI may entrust affairs referred to in paragraph (2) 3 and 4 to relevant specialized institutions, etc.

(7) Except as provided in this Act and the Act on the Management of Public Institutions, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to KCPI.

#### **Article 9 (Fact-Finding Surveys of Child Care)**

(1) The Minister of Health and Welfare shall conduct a fact-finding survey of child care every three years to properly enforce this Act. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>

(2) Matters necessary for methods and details, etc. of fact-finding surveys of child care under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010>

#### **Article 9-2 (Education of Guardians)**

(1) The State and local governments may provide guardians of infants and young children with education on the growth and methods of bringing up infants and young children, roles of guardians, human rights of

infants and young children, etc.

(2) The Minister of Health and Welfare or the head of each local government may provide subsidies for expenses for education prescribed in paragraph (1) within budgetary limits.

(3) Matters necessary for the contents, methods of implementation, etc. of education prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## CHAPTER II ESTABLISHMENT OF CHILD CARE CENTERS

### **Article 10 (Types of Child Care Centers)**

The types of child care centers shall be as follows: <Amended on Jun. 7, 2011; Aug. 4, 2011; Feb. 3, 2016; Mar. 14, 2017>

1. National or public child care centers: Child care centers established and operated by the State or local governments;
2. Child care centers of social welfare corporations: Child care centers established and operated by social welfare corporations established under the Social Welfare Services Act (hereinafter referred to as "social welfare corporations");
3. Child care centers of corporations, organizations, etc.: Child care centers established and operated by various kinds of corporations (non-profit corporations, excluding social welfare corporations), organizations, etc., prescribed by Presidential Decree;
4. Workplace child care centers: Child care centers established and operated by business owners for their employees (including child care centers established and operated by the State or the heads of local governments for relevant public officials and non-public officials who have concluded a labor contract with the State or with the heads of local governments);
5. Home-based child care centers: Child care centers established and operated by individuals at their homes and in places corresponding thereto;
6. Cooperative child care centers: Child care centers established and operated by associations founded by guardians, or by guardians and child care teachers and staff (limited to non-profit associations);
7. Private child care centers: Child care centers not falling under any of subparagraphs 1 through 6.

### **Article 11 (Formulation and Implementation of Child Care Plans)**

(1) To facilitate the provision of child care services, the Minister of Health and Welfare shall formulate and implement child care plans, including supply and demand plans for child care centers following deliberation by the Central Child Care Policy Committee, and a Mayor/Do Governor and the head of a Si/Gun/Gu shall formulate and implement the same following deliberation by the relevant local child care policy committee. In such cases, child care plans shall include plans and objectives for the supply of national or public child care centers. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 13, 2013>

(2) If deemed necessary to formulate and/or implement child care plans referred to in paragraph (1), the Minister of Health and Welfare, Mayor/Do Governor, and head of a Si/Gun/Gu may request child care centers, child care-related corporations, organizations, etc. to submit materials, etc. The child care centers, child care-related corporations, organizations, etc. in receipt of such request shall comply therewith, without good cause. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>

(3) Matters necessary for details of child care plans referred to in paragraph (1), timing and procedures for formulation thereof, etc. shall be prescribed by Presidential Decree.

#### **Article 11-2 (Securing Child Care Centers or Sites for Child Care Centers)**

Each Mayor/Do Governor or the head of each Si/Gun/Gu shall endeavor to secure child care centers or sites for child care centers in the development, maintenance, improvement, and preparation projects to be implemented under the Urban Development Act, the Act on the Maintenance and Improvement of Urban Areas and Dwelling Conditions for Residents, the Housing Site Development Promotion Act, the Industrial Sites and Development Act, the Special Act on Public Housing, etc. <Amended on Mar. 20, 2009; Jun. 7, 2011; Aug. 4, 2011; Jan. 14, 2014; Aug. 28, 2015>

#### **Article 12 (Establishment of National or Public Child Care Centers)**

(1) The State and local governments shall establish and operate national or public child care centers. In such cases, national or public child care centers shall be preferentially established in the following areas according to child care plans under Article 11: <Amended on Jun. 7, 2011; Aug. 13, 2013; Mar. 14, 2017; Dec. 24, 2018>

1. Vulnerable areas, such as urban residential areas densely populated by low income people and agricultural and fishing communities;

2. Deleted. <Dec. 24, 2018>

3. Industrial complex areas defined in subparagraph 8 of Article 2 of the Industrial Sites and Development Act.

(2) The State and local governments shall, when establishing a national or public child care center pursuant to paragraph (1), undergo deliberation by the local child care policy committee prescribed in Article 6 (1). <Newly Inserted on Dec. 24, 2018>

(3) The State and local governments shall operate child care centers to be established in multi-family housing defined in subparagraph 3 of Article 2 of the Housing Act pursuant to Article 35 of the same Act as national or public child care centers: Provided, That the same shall not apply to cases prescribed by Presidential Decree, such as where a majority of occupants, etc. defined in subparagraph 7 of Article 2 of the Multi-Family Housing Management Act disapproves the operation of such child care centers as national or public child care centers. <Newly Inserted on Dec. 24, 2018>

(4) The size of multi-family housing to establish and operate national or public child care centers pursuant to paragraph (3) and matters necessary for establishing and operating national or public child care centers

shall be prescribed by Presidential Decree. <Newly Inserted on Dec. 24, 2018>

### **Article 13 (Establishment of Child Care Centers Other Than National or Public Child Care Centers)**

(1) A person who intends to establish and operate child care centers other than national or public child care centers shall obtain authorization from the Special Self-Governing Province Governor or the head of a Si/Gun/Gu. The same shall also apply where the person intends to modify an important authorized matter. <Amended on Jun. 7, 2011; Aug. 4, 2011>

(2) The Special Self-Governing Province Governor or the head of a Si/Gun/Gu shall, when granting authorization prescribed in paragraph (1), consider the child care demand of the relevant regions. <Newly Inserted on Jan. 15, 2019>

(3) A person who has obtained authorization to establish a child care center pursuant to paragraph (1) shall place the certificate of authorization of the child care center where it can be readily seen by visitors, etc. <Newly Inserted on Aug. 4, 2011; Jan. 15, 2019>

(4) Matters necessary for authorization under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Aug. 4, 2011; Jan. 15, 2019>

### **Article 14 (Establishment of Workplace Child Care Centers)**

(1) Each business owner, who operates a workplace in a size larger than that prescribed by Presidential Decree, shall establish workplace child care centers: Provided, That where a business owner is unable to establish a workplace child care center alone, he or she shall establish and operate a joint workplace child care center with other business owners, or conclude an entrustment contract for child care services with a local child care center (hereinafter referred to as "entrusted child care services" in this Article) to support his or her employees. <Amended on Jun. 7, 2011; May 20, 2014>

(2) Where a business owner provides entrusted child care services pursuant to the proviso of paragraph (1), the ratio of employees' children provided with child care services to those entitled for child care services in the workplace shall exceed a certain ratio prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; May 20, 2014>

(3) Matters necessary to establish child care centers, and to provide entrusted child care services, under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted on May 20, 2014>

### **Article 14-2 (Publication of List of Business Entities Failing to Perform Duty to Establish Workplace Child Care Centers)**

(1) The Minister of Health and Welfare and the head of the agency prescribed by Presidential Decree (hereafter referred to as "inspection agency"; the same shall apply in this Article) shall annually inspect whether a business entity performs his or her duty, etc. referred to in Article 14, such as establishment of workplace child care centers. In such cases, the head of the inspection agency shall notify the Minister of

Health and Welfare of the findings of such inspection.

(2) The Minister of Health and Welfare may publish a list of business entities who have failed to perform their duty to establish workplace child care centers, etc., and business entities who have refused to undergo the inspection (hereafter referred to as "business entities failing to perform duty"; the same shall apply in this Article) after completing the inspection referred to in paragraph (1): Provided, That the same shall not apply where any ground specified in Presidential Decree occurs. <Amended on May 20, 2014>

(3) There shall be established a Deliberative Committee on Publication of the List of Workplace Child Care Centers (hereafter referred to as the "Committee" in this Article) in the Ministry of Health and Welfare to deliberate on the publication of the list of business entities failing to perform duty referred to in paragraph (2). In such cases, the Committee shall be comprised of at least five members, including a chairperson, each appointed or commissioned by the Minister of Health and Welfare, from among the following persons: <Amended on May 20, 2014>

1. A Grade III public official in charge of child care policies in the Ministry of Health and Welfare, or a public official in general service belonging to the Senior Executive Service;
2. Legal experts, such as attorneys-at-law;
3. Persons representing employees;
4. Persons representing business owners;
5. Persons representing public interest;
6. Other persons prescribed by Presidential Decree, such as child care experts.

(4) The Minister of Health and Welfare shall notify business owners of the list to be published following deliberation by the Committee, and give them with an opportunity to make explanatory statements, as prescribed by Presidential Decree.

(5) A publication referred to in paragraph (2) shall be made by means of posting the list on the websites of the Ministry of Health and Welfare and the Ministry of Employment and Labor for one year, and publishing it in at least two daily newspapers. <Amended on May 20, 2014>

(6) Details and methods of inspections on whether business entities perform duty to establish workplace child care centers or other duty, matters necessary to publish the list of business entities failing to perform duty, matters necessary to establish and operate the Committee, etc., referred to in paragraphs (1) through (3), shall be prescribed by Presidential Decree.

#### **Article 15 (Standards for Establishment of Child Care Centers)**

Each person, who intends to establish and operate child care centers, shall meet the establishment standards prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That matters related to the installation of playgrounds, accident prevention facilities, and closed-circuit televisions shall be governed by Articles 15-2 through 15-4, respectively. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Dec. 31, 2011; May 18, 2015>

### **Article 15-2 (Installation of Playgrounds)**

(1) Each person, who has established or operates a child care center, shall install playgrounds, and the installation standards shall be prescribed by Ordinance of the Ministry of Health and Welfare: Provided, That the same shall not apply to any of the following child care centers:

1. Child care centers with a capacity of less than 50 children;
2. Child care centers having playgrounds meeting standards prescribed by Ordinance of the Ministry of Health and Welfare within a distance of 100 meters.

(2) Notwithstanding paragraph (1), when it is impracticable for a child care center authorized before January 29, 2005 to install playgrounds due to its locational circumstance, such as downtown areas, islands or remote areas, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu may exempt the installation of playgrounds, or grant revised authorization by mitigating the installation standards for playgrounds, through deliberation by the relevant local child care policy committee referred to in Article 6 (1) unless any obstacle to child care arises.

### **Article 15-3 (Accident Prevention Facilities)**

(1) Each person, who has established or operates a child care center, shall install accident prevention facilities specific for each floor level, and the installation standards shall be prescribed by Ordinance of the Ministry of Health and Welfare.

(2) Notwithstanding paragraph (1), when the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, deems that child care centers already authorized before July 3, 2009 (hereafter referred to as "authorized child care center"; the same shall apply in this Article) have no obstruction to accident prevention, he or she may apply the former standards effective as at the time of authorization. In such cases, the Governor of a Special Self-Governing Province, or the head of a Si/Gun/Gu, shall establish and operate a deliberative committee on standards for accident prevention facilities to determine whether authorized child care centers have any obstruction to accident prevention, and shall undergo deliberation by the relevant committee.

(3) Each deliberative committee on standards for accident prevention facilities referred to in paragraph (2) shall be comprised of at least five members appointed or commissioned by the Governor of a Self-Governing Province or the head of a Si/Gun/Gu, from among the following persons. In such cases, at least one half of members shall fall under subparagraphs 1 through 4, and the chairperson shall be elected from among the members by mutual vote:

1. Firefighting officers;
2. Professional firefighting engineers;
3. Firefighting equipment managers;
4. Persons with professional knowledge about firefighting and disaster prevention referred to in Article 4-2 of the Installation, Maintenance, and Safety Control of Firefighting Systems Act;

5. Public officials in charge of child care-related affairs;
  6. Professors in the child care-related field, working for a school referred to in Article 2 of the Higher Education Act.
- (4) The provisions pertaining to local child care policy committees referred to in Article 6 shall apply mutatis mutandis to matters necessary for the term of office of members, operation, meetings, etc.

#### **Article 15-4 (Installation of Closed-Circuit Televisions)**

(1) Each person, who has established or operates a child care center, shall install or manage closed-circuit televisions under the Personal Information Protection Act and relevant statutes or regulations (hereinafter referred to as "closed circuit television") to secure the safety of infants and young children, such as prevention of child abuse, and to provide security to the child care center: Provided, That the same shall not apply to either of the following cases:

1. Where a person, who has established or operates a child care center, files a report with the head of a Si/Gun/Gu after obtaining consent from all the guardians;
  2. Where a person, who has established or operates a child care center, has installed network cameras under the Personal Information Protection Act and relevant statutes or regulations after obtaining consent from all the guardians and child care teachers and staff.
- (2) Each person in charge of installing or managing closed-circuit televisions pursuant to paragraph (1) shall observe the following so as not to infringe on the rights of data subjects, such as infants, young children, and child care teachers and staff:

1. He or she shall collect video information to the minimum extent possible by lawful and reasonable means to secure the safety of infants and young children, such as preventing child abuse, and to provide security to a child care center, and shall ensure that such information is not used for any purpose other than the intended purpose;
2. He or she shall manage video information safely, taking into account the possibility of infringing on the rights of data subjects, such as infants, young children, and child care teachers and staff, and the degree of harm involved;
3. He or she shall handle video information in a manner that minimizes invasion of privacy of data subjects, such as infants, young children, and child care teachers and staff.

(3) Each person, who has established or operates a child care center, shall keep video information recorded in a closed-circuit television for at least 60 days.

(4) Matters necessary for the standards for installation and management of closed-circuit televisions, the method, procedures and requirements for obtaining consent or filing a report under paragraph (1), and the standards, period, etc., for storage of video information under paragraph (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

### **Article 15-5 (Prohibition of Inspection of Video Information)**

(1) No person in charge of installing or managing closed-circuit televisions shall make the video information under Article 15-4 (1) available for inspection, except in any of the following cases:

1. Where a guardian requests inspection thereof in accordance with the timing, procedures, method, etc., for inspection prescribed by Ordinance of the Ministry of Health and Welfare, for the purpose of checking the safety of his or her child or a child under his or her guardianship;
2. Where a public institution defined in subparagraph 6 (a) of Article 2 of the Personal Information Protection Act requests inspection thereof to conduct affairs related to the safety of infants and young children prescribed in relevant statutes or regulations, including Article 42 of this Act, and Article 66 of the Child Welfare Act;
3. Where inspection thereof is necessary to investigate crimes, to institute or maintain public prosecution, or to conduct trial affairs of a court;
4. Other cases where an institution, which conducts safety affairs related to child care and is prescribed by Ordinance of the Ministry of Health and Welfare, requests inspection thereof in accordance with the timing, procedures, method, etc., for inspection prescribed by Ordinance of the Ministry of Health and Welfare to perform its duties.

(2) No person, who establishes or operates a child care center, shall commit any of the following:

1. Arbitrarily manipulating a closed-circuit television for any purpose other than its installation purpose specified in Article 15-4 (1), or making it focus on a place other than the originally intended place;
2. Using its sound recording function, or storing video information in a device or apparatus other than the storage device prescribed by Ordinance of the Ministry of Health and Welfare.

(3) Each person, who has established or operates a child care center, shall take technical, managerial, and physical measures necessary to secure safety, such as formulating internal management plans and keeping access records, to prevent the video information referred to in Article 15-4 (1) from being lost, stolen, leaked, modulated, or damaged, as prescribed by Presidential Decree.

(4) To ensure that the rights of data subjects, such as infants, young children, and child care teachers and staff, are not infringed due to the installation or management of closed-circuit televisions at child care centers or the inspection of the relevant video information, the State and local governments shall examine and check the actual status of installation, management, and inspection at least once a year, as prescribed by Ordinance of the Ministry of Health and Welfare.

(5) Except as provided in this Act, the Personal Information Protection Act (except for Article 25) shall apply to the installation and management of closed-circuit televisions, and to the inspection of the relevant video information.

### **Article 16 (Grounds for Disqualification)**

None of the following persons shall establish and operate any child care center: <Amended on Jun. 7, 2011; Aug. 13, 2013; May 28, 2014; May 18, 2015; Dec. 11, 2018>

1. A minor, a person under adult guardianship, or a person under limited guardianship;
2. A mentally ill person defined in subparagraph 1 of Article 3 of the Act on the Improvement of Mental Health and the Support for Welfare Services for Mental Patients;
3. A person addicted to narcotics, etc. defined in subparagraph 1 of Article 2 of the Narcotics Control Act;
4. A person declared bankrupt, but not yet reinstated;
5. A person for whom five years (or 20 years if he or she has committed a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act) have not elapsed since his or her imprisonment without labor or a heavier punishment declared by a court was completely executed (including where such execution is deemed completed) or exempted;
6. A person who is under suspension of the execution of his or her imprisonment without labor or a heavier punishment declared by a court: Provided, That a person to whom a suspended sentence of imprisonment without prison labor or a heavier punishment has been declared by a court for committing a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act shall remain disqualified until 20 years elapse after such suspended sentence is final and conclusive;
7. A person for whom five years have not elapsed since he or she was ordered to close a child care center under Article 45;
8. A person for whom two years have not elapsed since his or her punishment by a fine of at least three million won was final and conclusive under Article 54, or a person for whom 10 years have not elapsed since his or her punishment by a fine was final and conclusive for committing a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act;
9. A person who fails to perform an order to undergo education under Article 23-3.

## CHAPTER III CHILD CARE TEACHERS AND STAFF

### **Article 17 (Placement of Child Care Teachers and Staff)**

- (1) Child care teachers and staff shall be placed in child care centers. *<Amended on Jun. 7, 2011>*
- (2) A child care center operated by dividing child care hours pursuant to Article 24-2 (1) may place child care teachers by child care hour prescribed in the subparagraphs of the same paragraph. *<Newly Inserted on Apr. 30, 2019>*
- (3) Child care centers shall place assistant teachers, etc. to reduce the work burden of child care teachers. *<Newly Inserted on May 18, 2015; Apr. 30, 2019>*
- (4) Where a child care teacher is unable to perform his or her duties due to vacation, continuing education, etc., a substitute teacher shall be placed to perform duties on his or her behalf. *<Newly Inserted on May 18, 2015; Apr. 30, 2019>*
- (5) Matters necessary for the standards for placing child care teachers and staff, and other personnel shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended on Feb. 29, 2008; Jan. 18,*

2010; Jun. 7, 2011; May 18, 2015; Apr. 30, 2019>

### **Article 18 (Duties of Child Care Teachers and Staff)**

(1) Principals of child care centers shall have overall control of the child care centers, guide and supervise child care teachers and other staff members, and care for infants and young children. <Amended on Jun. 7, 2011>

(2) Child care teachers shall care for infants and young children and shall perform the duties of the principals of the child care centers on behalf of the principals when they are unable to exercise their duties due to unavoidable reasons. <Amended on Jun. 7, 2011>

### **Article 18-2 (Responsibilities of Child Care Teachers and Staff)**

(1) In caring for infants and young children, no child care teachers and staff shall inflict physical or mental pain, including screaming, abusive language, etc., on infants and young children. <Amended on Mar. 14, 2017>

(2) Child care teachers and staff member shall do best to pay attention to the protection of lives and safety of infants and young children and prevention of danger in the conduct of duties. <Newly Inserted on Mar. 14, 2017>

### **Article 19 (Appointment and Dismissal of Child Care Teachers and Staff)**

(1) The Governor of a Special Self-Governing Province and the head of a Si/Gun/Gu shall manage the matters concerning appointment, dismissal and career, etc. of child care teachers and staff to ensure the rights and interests of child care teachers and staff, and to improve their working conditions. <Amended on Jun. 7, 2011; Aug. 4, 2011>

(2) Principals of child care centers shall report matters concerning the appointment and dismissal of child care teachers and staff to the Governor of a Special Self-Governing Province and the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011>

### **Article 20 (Grounds for Disqualification)**

None of the following persons shall be employed by any child care center: <Amended on Jun. 7, 2011; Aug. 13, 2013>

1. A person falling under any subparagraph of Article 16;
2. A person whose qualification has been suspended pursuant to Article 46 or 47;
3. A person for whom the period for reissuing qualifications under Article 48 (2) has not elapsed since his or her qualifications were revoked pursuant to Article 48 (2).

## **Article 21 (Qualifications for Principals or Child Care Teachers of Child Care Centers)**

(1) Principals of child care centers shall be persons qualified as prescribed by Presidential Decree, who have acquired a certificate of qualification approved and issued by the Minister of Health and Welfare.

*<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

(2) Child care teachers shall be any of the following persons who have acquired a certificate of qualification approved and issued by the Minister of Health and Welfare: *<Amended on Jan. 17, 2008; Feb.*

*29, 2008; Jan. 18, 2010; Aug. 4, 2011>*

1. A person who has acquired an academic degree higher than a two-year bachelor, and completed a course related to child care with credits prescribed by Ordinance of the Ministry of Health and Welfare from a school as defined in Article 2 of the Higher Education Act;

1-2. A person recognized as having an academic background at least equivalent to a graduate from a school as defined in Article 2 of the Higher Education Act pursuant to statutes or regulations, and who has acquired an academic degree higher than a two-year bachelor and completed a course related to child care with credits prescribed by Ordinance of the Ministry of Health and Welfare;

2. A graduate from a high school or any other school at least equivalent to high school and has completed due curricula in educational and training facilities designated by the Mayor/Do Governor.

(3) Child care teachers falling under paragraph (2) shall be graded I, II, or III, and the standards for qualification by grade shall be prescribed by Presidential Decree.

(4) Matters necessary for the designation and cancellation of designation of educational and training facilities, curricula, etc. referred to in paragraph (2) 2 shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Newly Inserted on Aug. 4, 2011>*

## **Article 22 (Issuance of Certificates of Qualification as Principals or Child Care Teachers of Child Care Centers)**

(1) The Minister of Health and Welfare shall examine the qualifications as principals and child care teachers of child care centers pursuant to Article 21 (1) and (2) and issue certificates of qualifications.

*<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

(2) The Minister of Health and Welfare may collect fees, as prescribed by Ordinance of the Ministry of Health and Welfare, from persons who intend to have a certificate of qualification as a principal or child care teacher of a child care center issued or re-issued (hereinafter referred to as "issuance, etc. of certificates of qualification for child care") pursuant to paragraph (1). *<Newly Inserted on Jun. 7, 2011>*

(3) Deleted. *<Aug. 4, 2011>*

(4) Deleted *<Aug. 4, 2011>*

(5) A public or civil institution or organization entrusted with affairs concerning the issuance, etc. of certificates of qualification for child care pursuant to Article 51-2 (1) 2 may appropriate fees it collects under paragraph (2) directly for costs incurred in the issuance, etc. of certificates of qualification for child care, after obtaining approval from the Minister of Health and Welfare. *<Newly Inserted on Jun. 7, 2011; Aug.*

4, 2011>

(6) Matters necessary for the issuance, etc. of certificates of qualification for child care shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>

#### **Article 22-2 (Prohibition on Lending Name)**

(1) No principal or child care teacher of any child care center shall permit any third person to perform any of the duties of such principal or child care teacher of the relevant child care center by using his or her name or under the title of such child care center. <Amended on Jun. 7, 2011; Apr. 7, 2020>

(2) No person issued a certificate under Article 22 (1) shall lend his or her license certificate to another person; and no one shall borrow such certificate. <Newly Inserted on Apr. 7, 2020>

(3) No person shall engage in brokering any act prohibited under paragraph (2). <Newly Inserted on Apr. 7, 2020>

#### **Article 23 (Continuing Education for Principals of Child Care Centers)**

(1) The Minister of Health and Welfare shall provide continuing education to improve the quality of principals of child care centers. In such cases, continuing education shall be conducted in the form of off-the-job training. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Dec. 31, 2011; May 18, 2015>

(2) Continuing education referred to in paragraph (1) shall be divided into preliminary on-the-job education and on-the-job education. <Amended on Dec. 31, 2011>

(3) Deleted. <Aug. 4, 2011>

(4) Continuing education referred to in paragraph (1) shall include the following: <Newly Inserted on May 18, 2015; Dec. 29, 2015>

1. Prevention of sexual violence and child abuse;
2. Precaution against, and prevention of, missing and kidnapping;
3. Prevention of infectious diseases and drug misuse and abuse, and management of health and hygiene;
4. Safety measures against disasters;
5. Traffic safety;
6. Improving human nature of principals of child care centers (including education on protecting human rights of infants and young children);
7. Other matters prescribed by Ordinance of the Ministry of Health and Welfare.

(5) Other matters necessary for the period, method, etc., of continuing education shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Aug. 4, 2011; May 18, 2015>

#### **Article 23-2 (Continuing Education for Child Care Teachers)**

(1) The Minister of Health and Welfare shall provide continuing education to improve the quality of child care teachers. In such cases, continuing education shall be conducted in the form of off-the-job training.

*<Amended on May 18, 2015>*

(2) Continuing education referred to in paragraph (1) shall be divided into on-the-job education and promotion education.

(3) Continuing education referred to in paragraph (1) shall include the following: *<Newly Inserted on May 18, 2015; Dec. 29, 2015>*

1. Prevention of sexual violence and child abuse;
2. Precaution against, and prevention of, missing and kidnapping;
3. Prevention of infectious diseases and drug misuse and abuse, and management of health and hygiene;
4. Safety measures against disasters;
5. Traffic safety;
6. Improving human nature of child care teachers (including education on protecting human rights of infants and young children);
7. Other matters prescribed by Ordinance of the Ministry of Health and Welfare.

(4) Other necessary matters concerning the period, method, etc., of continuing education shall be prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 23-3 (Order to Undergo Education)**

(1) Where a person, who has committed a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act, intends to establish and operate, or work for, a child care center because he or she is not disqualified under subparagraphs 5 through 8 of Article 16 or subparagraph 1 of Article 20 (limited to subparagraphs 5 through 8 of Article 16), the Minister of Health and Welfare shall order such person to first undergo education for the prevention of child abuse. In such cases, expenses incurred in conducting education shall be borne by the person who undergoes education. *<Amended on May 18, 2015>*

(2) Matters necessary for issuing an order to undergo education referred to in paragraph (1), such as procedures, educational institutions, method and curricula of education, shall be determined by Ordinance of the Ministry of Health and Welfare.

## **CHAPTER IV OPERATION OF CHILD CARE CENTERS**

#### **Article 24 (Standards for Operation of Child Care Centers)**

(1) An establisher/operator of a child care center shall operate it pursuant to the standards for operation of child care centers prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

(2) The State or a local government may entrust the operation of a national or public child care center established under Article 12 to a corporation, organization, or individual. In such cases, the first entrustment shall be deliberated upon pursuant to the standards for selection and management of entities to which national or public child care centers are entrusted, which are prescribed by Ordinance of the

Ministry of Health and Welfare, and shall follow the method of open tender, unless entrusted to the following persons: <Amended on Jan. 17, 2008; Jun. 7, 2011; Aug. 4, 2011; Dec. 11, 2018>

1. When a private child care center is donated to the State or a local government to be converted into a national or public child care center, the establisher/operator of the child care center before the donation;
  2. When establishing a national or public child care center, the person who has donated the relevant site or building to the State or a local government or has allowed the State or a local government to use it without compensation;
  3. When a private child care center established under the Housing Act is converted into a national or public child care center, the establisher/operator of the child care center before the conversion.
- (3) A business owner who has established a workplace child care center pursuant to Article 14 may entrust the operation thereof to a corporation, organization, or individual. <Amended on Jun. 7, 2011>
- (4) Matters necessary for the entrustment of child care centers and cancellation thereof, etc. under paragraphs (2) and (3) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011>

#### **Article 24-2 (Division of Child Care Hours)**

- (1) A child care center may be operated by dividing child care hours as follows:
1. Basic child care: A course essentially provided to all infants and young children using the child care center, in which child care services are provided for hours equal to or below the hours prescribed by Ordinance of the Ministry of Health and Welfare;
  2. Extended child care: A child care service provided to meet the needs, etc. of guardians in excess of the basic child care.
- (2) Matters concerning the standards for and details of operating child care hours prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 25 (Child Care Center Operating Committees)**

- (1) The principal of each child care center may establish and operate a child care center operating committee within the child care center, to enhance autonomy and transparency in the operation of the child care center, and to provide child care services suitable for local conditions and characteristics by strengthening ties with the local community: Provided, That a child care center which shall preferentially provide child care services to the vulnerable under Article 26, and a child care center prescribed by Presidential Decree, shall establish and operate a child care center operating committee. <Amended on Jun. 7, 2011>
- (2) A child care center operating committee shall be comprised of the principal of the relevant child care center, representatives of child care teachers, representatives of parents, and prominent persons of the local community (in cases of a workplace child care center, referring to the person in charge of the affairs of the child care center in the relevant workplace). In such cases, the representatives of parents shall account for

at least a half of the members of the committee. <Amended on Jun. 7, 2011; May 18, 2015>

(3) The principal of each child care center may fix the number of members of a child care center operating committee consisting of at least five and not more than ten members, considering the scale, etc., of the relevant child care center. <Amended on Jun. 7, 2011>

(4) Each child care center operating committee shall deliberate on the following: <Amended on Jun. 7, 2011; Aug. 4, 2011; Aug. 13, 2013; May 18, 2015>

1. Matters concerning the establishment of, or amendment to, operating rules of the relevant child care center;
2. Matters concerning budget reporting and the settlement of accounts of the relevant child care center;
3. Matters concerning the health, nutrition, and safety of infants and young children;
- 3-2. Matters concerning the prevention of child abuse;
4. Matters concerning the operation of the child care center, such as hours of caring for infants and young children and the method of operating child care courses;
5. Matters concerning the improvement of working conditions of child care teachers and staff;
6. Matters concerning the improvement of nursing environment for infants and young children;
7. Matters concerning cooperation between the child care center and local communities;
8. Matters concerning determination on the amount of expenses to be received within the limit under Article 38, where the relevant child care center receives necessary expenses other than child care fees;
9. Other matters concerning proposals and recommendations on the operation of the child care center.

(5) Meetings of a child care center operating committee shall be held at least four times a year. <Newly Inserted on May 18, 2015>

(6) Other matters necessary for the establishment and operation of child care center operating committees shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; May 18, 2015>

#### **Article 25-2 (Parental Monitoring Groups)**

(1) A Mayor/Do Governor or the head of a Si/Gun/Gu may establish and operate a monitoring group comprised of parents and child care and health care experts (hereafter in this Article, referred to as "parental monitoring group") to monitor the environment of child care centers and provide consultation for improving the environment thereof.

(2) Each parental monitoring group shall perform the following duties:

1. Monitoring the state of operation of child care centers, such as meals, hygiene, health, and safety management;
2. Consultation to improve the environment of child care centers;
3. Other matters related to child care determined by Ordinance of the Ministry of Health and Welfare.

(3) Each parental monitoring group shall be comprised of up to ten persons and commissioned by the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu.

- (4) A Mayor/Do Governor or the head of a Si/Gun/Gu may provide persons commissioned as members of a parental monitoring group with education necessary for performing their duties.
- (5) The State and each local government may provide full or partial subsidies for expenses incurred in the organization, operation, education, etc. of parental monitoring groups, within budgetary limits.
- (6) Each parental monitoring group may visit child care centers to perform its duties listed under paragraph (2), and in such cases, after first obtaining approval from the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu.
- (7) Where a parental monitoring group visits a child care center after obtaining approval required in paragraph (6), it shall produce a written approval and an identification certificate to the relevant persons, such as the principal of the child care center.
- (8) Where public officials visit a child care center to investigate its operating condition pursuant to Article 42, a parental monitoring group may visit the child care center together with such public officials. In such cases, it need not obtain approval from the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu.
- (9) Details necessary for the composition, operation, education, subsidization, duties, etc. of parental monitoring groups referred to in paragraphs (1) through (8), shall be determined by Ordinance of the Ministry of Health and Welfare.

#### **Article 25-3 (Child Care Center Observation by Guardians)**

- (1) Guardians may request the principal of a child care center to allow their child care center observation to check its operation realities, such as the care environment for infants and young children and the details of child care. In such cases, the principal of a child care center shall comply with such request unless there is a compelling reason not to do so.
- (2) Matters necessary for the standards, method, etc., for observation referred to in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 26 (Preferential Provision of Child Care Services for the Vulnerable)**

- (1) Principals of child care centers established by the State, local governments, social welfare corporations, and other nonprofit corporations, and child care centers prescribed by Presidential Decree shall preferentially provide child care services for infants, children with disabilities, children of multicultural families, etc. defined in subparagraph 1 of Article 2 of the Multicultural Families Support Act. (hereinafter referred to as "child care services for the vulnerable"). <Amended on Dec. 19, 2008; Jun. 7, 2011>
- (2) The Minister of Health and Welfare, a Mayor/Do Governor, and the head of a Si/Gun/Gu shall formulate and implement various policies necessary to vitalize child care services for the vulnerable. <Amended on Feb. 29, 2008; Jan. 18, 2010>

(3) Matters necessary for the type, provision, etc., of child care services for the vulnerable shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010>

#### **Article 26-2 (Part-Time Child Care Services)**

(1) If necessary, the State or a local government may support part-time child care services for infants and young children who do not benefit from child care without compensation under Article 34, or free-of-charge education under Article 24 of the Early Childhood Education Act. In such cases, types, eligibility, supporting methods of part-time child care services, and other matters necessary for the provision of part-time child care services shall be determined by Ordinance of the Ministry of Health and Welfare. <Amended on Act No. 16078, Dec. 24, 2018>

(2) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, and the head of a Si/Gun/Gu may designate any of the following facilities as an institution providing part-time child care services (hereafter in this Article, referred to as "part-time child care services provider"): <Amended on Dec. 24, 2018>

1. Child care support centers;
2. Child care centers;
3. Other facilities prescribed by Ordinance of the Ministry of Health and Welfare which can provide part-time child care services.

(3) The Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu may subsidize expenses incurred in providing part-time child care services to part-time child care services providers, within budgetary limits. <Amended on Dec. 24, 2018>

(4) Where a part-time child care service provider falls under any of the following cases, the head of a Si/Gun/Gu may cancel designation referred to in paragraph (2): <Amended on Dec. 24, 2018>

1. Where a part-time child care service provider uses a subsidy or expenses for other than the intended purpose;
2. Where a part-time child care service provider receives a subsidy or expenses by fraud or other improper means;
3. Where other grounds determined by Presidential Decree exist.

(5) Article 31-2 shall apply mutatis mutandis to the prevention of accidents at a part-time child care service provider and compensation for harm to the lives, bodies, etc. of infants and young children caused by an accident. In such cases, "child care center" shall be construed as "part-time child care service provider" and "principal of a child care center" as "head of a part-time child care service provider." <Amended on Dec. 24, 2018>

#### **Article 27 (Eligibility for Use of Child Care Centers)**

Those eligible for using child care centers shall be infants and young children who need child care: Provided, That principals of child care centers may, if necessary, extend their child care by up to 12 years

in full. <Amended on Jun. 7, 2011>

## **Article 28 (Preferential Provision of Child Care)**

(1) Principals of child care centers established by the State, local governments, social welfare corporations, and other nonprofit corporations, and of child care centers prescribed by Presidential Decree shall enable any of the following persons to preferentially use child care centers: Provided, That principals of child care centers established and operated by public organizations or nonprofit corporations entrusted with the establishment and operation of employment promotion facilities pursuant to Article 40 (2) of the Framework Act on Employment Policy may enable workers' children to preferentially use such child care centers: <Amended on Oct. 17, 2007; Feb. 29, 2008; Oct. 9, 2009; Jan. 18, 2010; Jun. 7, 2011; Aug. 13, 2013; Feb. 3, 2016; Mar. 14, 2017; Dec. 19, 2017; Dec. 11, 2018>

1. Beneficiaries designated under the National Basic Living Security Act;
  2. Children of persons eligible for protection under Article 5 of the Single-Parent Family Support Act;
  3. Children of the near-poverty class under Article 24 of the National Basic Living Security Act;
  4. Children of persons with the degree of disability prescribed by Ordinance of the Ministry of Health and Welfare among persons with disabilities defined in Article 2 of the Act on Welfare of Persons with Disabilities;
  - 4-2. Infants and young children whose sibling has the degree of disability prescribed by Ordinance of the Ministry of Health and Welfare among persons with disabilities defined in Article 2 of the Act on Welfare of Persons with Disabilities;
  5. Children of multicultural families defined in subparagraph 1 of Article 2 of the Multicultural Families Support Act;
  6. Children of soldiers or police officers killed in action in subparagraph 3, soldiers, police officers, or persons wounded in action in subparagraph 4, 6, 12, 15, or 17 prescribed by Ordinance of the Ministry of Health and Welfare, and soldiers, police officers, or persons killed in the line of duty in subparagraph 5, 14, or 16, among persons of distinguished service to the State prescribed in Article 4 (1) of the Act on the Honorable Treatment of and Support for Persons of Distinguished Service to the State;
  7. Children who have type 1 diabetes and have no problem in caring, as they are easily treated medically and able to live a daily life normally;
  8. Children of other persons prescribed by Ordinance of the Ministry of Health and Welfare, considering the level of income, demand for child care, etc.
- (2) Each business owner shall enable children of workers of his or her place of business to preferentially use its workplace child care center. <Amended on Jun. 7, 2011>
- (3) Matters concerning methods of application to, standards for, etc. of persons eligible for preferential use of child care centers prescribed in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Newly Inserted on Mar. 14, 2017>

## **Article 29 (Child Care Courses)**

(1) Child care courses shall be comprised of curricula to promote the bodily, emotional, linguistic, social, and cognitive development of infants and young children.

(2) The Minister of Health and Welfare shall develop and proliferate standard child care courses and, if necessary, modify and supplement such standard child care courses through the review of their curricula.

*<Amended on Feb. 29, 2008; Jan. 18, 2010>*

(3) Principals of child care centers shall endeavor to care for infants and young children by means of the standard child care courses pursuant to paragraph (2). *<Amended on Jun. 7, 2011>*

(4) Principals of child care centers may conduct extracurricular activity programs, other than the child care courses, for infants and young children of at least a certain age provided inside and outside of the child care centers within a certain time zone determined by Ordinance of the Ministry of Health and Welfare (hereinafter referred to as "extracurricular activity") after obtaining consent from their guardians. In such cases, the principals of such child care centers shall prepare programs as an alternative to the extracurricular activity for infants and young children not participating in the extracurricular activity.

*<Newly Inserted on Aug. 13, 2013>*

(5) Matters necessary for child care courses in paragraph (1), the age of infants and young children eligible for, and details of, the extracurricular activity under paragraph (4), and other matters, shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Aug. 13, 2013>*

## **Article 29-2 (Records of Life in Child Care Centers)**

Principals of child care centers shall prepare and manage records of the lives of infants and young children pursuant to the standards prescribed by the Minister of Health and Welfare by comprehensively observing and evaluating the conditions of development, etc. of the infants and young children so that the records may be used for living guidance of the infants and young children and for guidance linked with elementary school education. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

## **Article 30 (Evaluation of Child Care Centers)**

(1) For the safety of infants and young children and the improvement of quality of child care services, the Minister of Health and Welfare shall evaluate the environment of child care centers, operation of child care courses, expertise of child care workers, level of satisfaction of users, etc. on a regular basis.

(2) The Minister of Health and Welfare may take necessary measures, such as the management of child care services of child care centers, and financial and administrative support for child care projects, based on the results of evaluation prescribed in paragraph (1).

(3) The Minister of Health and Welfare shall publish the results of evaluation prescribed in paragraph (1), such as the evaluation grading of child care centers.

(4) Where a child care center evaluated pursuant to paragraph (1) comes to have any of the following grounds, the Minister of Health and Welfare shall adjust the evaluation grade to the lowest grade:

1. Where a child care center receives an evaluation by fraud or other improper means;
2. Where an establisher/operator of a child care center is sentenced to imprisonment without labor or a heavier punishment by violating this Act and such sentence is made final and conclusive;
3. Where a child care center is subject to an order to return a subsidy pursuant to subparagraph 2 or 3 of Article 40, or to an administrative disposition prescribed in Article 45, 45-2, or 46 through 48, which is prescribed by Ordinance of the Ministry of Health and Welfare;
4. Where the representative, or child care teachers and staff of a child care center violates Article 17 of the Child Welfare Act, or commits a sexual crime against children or juveniles defined in subparagraph 2 of Article 2 of the Act on the Protection of Children and Youth against Sex Offenses.

(5) If necessary to manage the quality of child care services of child care centers evaluated pursuant to paragraph (1), the Minister of Health and Welfare may adjust the evaluation grade in paragraph (1) by undergoing verification and check.

(6) Necessary matters, such as the timing and methods of evaluation; objects and methods of verification and check and following determination and adjustment of evaluation grades; details and methods of publishing the results of evaluation, etc. under paragraphs (1), (3), and (5), shall be prescribed by Ordinance of the Ministry of Health and Welfare.

## CHAPTER V HEALTH, NUTRITION AND SAFETY

### **Article 31 (Health Care and Emergency Measures)**

(1) Principals of child care centers shall take care of the health of infants and young children, and child care teachers and staff by giving regular medical checkups, etc., and by recording the medical checkups of infants and young children in records of lives prescribed in Article 29-2: Provided, That a medical checkup may be omitted for infants and young children whose guardians have had them receive a medical checkup separately and submitted the results of the medical checkup. <Amended on Jun. 7, 2011; Mar. 14, 2017>

(2) Principals of child care centers shall, if any emergency situation affects an infant or young child due to a disease, accident, or disaster, immediately transport him or her to an emergency medical institution. <Amended on Jun. 7, 2011>

(3) Matters necessary for details of standards, matters, etc. of medical checkups, under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and, Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Mar. 14, 2017>

### **Article 31-2 (Mutual Aid Business for Safety of Child Care Centers)**

(1) Mutual aid business for safety of child care centers (hereinafter referred to as "mutual aid business") may be conducted through a cooperative organization of child care centers with permission of the Minister of Health and Welfare in order to prevent accidents in child care centers and compensate infants, young children, and child care teachers and staff for loss of their lives, bodily harm, or property damage caused by accidents in child care centers. *<Amended on Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011>*

(2) A mutual aid association for safety of child care centers (hereinafter referred to as "mutual aid association") established for mutual aid business shall be a corporation and be duly formed by completing registration for corporation at the registry of its principal place of business. *<Amended on Jun. 7, 2011>*

(3) Principals of child care centers shall become members of a mutual aid association. *<Amended on Aug. 4, 2011>*

(4) The principal of a child care center who is a member of a mutual aid association shall pay money invested to conduct mutual aid business, the following mutual aid fees, etc. to the mutual aid association: Provided, That mutual aid fees referred to in subparagraphs 2 and 3 may be paid selectively by principals of child care centers: *<Newly Inserted on Aug. 4, 2011>*

1. Mutual aid fees to compensate for harm to the lives and bodies of infants and young children;
2. Mutual aid fees to compensate for harm to the lives and bodies of child care teachers and staff, etc.;
3. Mutual aid fees to compensate for loss to the property of child care centers.

(5) An endowment of the mutual aid association shall be created with investments, etc. of members: Provided, That the Minister of Health and Welfare may partially subsidize expenses incurred in establishing and operating the head office of the mutual aid association. *<Amended on Jan. 18, 2010; Aug. 4, 2011>*

(6) Qualifications for membership, matters concerning executive officers, and matters concerning the standards for a share in investments of the mutual aid association shall be prescribed by the articles of association. *<Amended on Aug. 4, 2011>*

(7) The standards and procedures for permission for establishment, particulars to be stated in the articles of association, matters necessary for operation and supervision, etc. of the mutual aid association shall be prescribed by Presidential Decree. *<Amended on Aug. 4, 2011>*

(8) The mutual aid association shall determine the regulations on mutual aid, including matters necessary for operating the mutual aid business, such as the scope of the mutual aid business, fees for mutual aid, and a liability reserve for appropriation to the mutual aid business, and obtain permission therefor from the Minister of Health and Welfare. The same shall also apply when it intends to amend the regulations on mutual aid. *<Amended on Jan. 18, 2010; Aug. 4, 2011>*

(9) Except as provided in this Act, the provisions of the Civil Act governing incorporated foundations shall apply mutatis mutandis to the mutual aid associations. *<Amended on Aug. 4, 2011>*

(10) The Insurance Business Act shall not apply to the mutual aid business of the mutual aid association under this Act. *<Amended on Aug. 4, 2011>*

(11) Principals of child care centers who pay the mutual aid fee referred to in paragraph (4) 3 shall be deemed to have performed the duty to subscribe to insurance pursuant to Article 34-3 of the Social Welfare Services Act. *<Newly Inserted on Aug. 4, 2011; Dec. 24, 2018>*

### **Article 31-3 (Confirmation of Protective Inoculation)**

(1) The principal of a child care center shall confirm facts about the protective inoculation of infants and young children by utilizing the integrated vaccination management system prescribed in Article 33-2 of the Infectious Disease Control and Prevention Act each year on a regular basis: Provided, That in cases of providing child care services to an infant or young child for the first time, he or she shall confirm such facts within 30 days from the date he or she provides the child care services. *<Amended on Dec. 24, 2018>*

(2) The principal of a child care center may guide the guardians of infants and young children found to have failed to be vaccinated as a result of confirmation under paragraph (1) for vaccination, and when necessary, request the head of the competent public health center to render cooperation in terms of protective inoculation, etc.

(3) For the confirmation and management of vaccination of infants and young children, principals of child care centers shall record and manage matters concerning protective inoculation and details thereof in the records of life in the child care center under Article 29-2.

### **Article 32 (Medical Treatment and Preventive Measures)**

(1) If an infant or young child is infected or is feared to be infected by a disease as a result of a medical checkup under Article 31, the principal of a child care center shall take necessary measures to treat and prevent the disease in consultation with his or her guardian. *<Amended on Jun. 7, 2011>*

(2) The principal of a child care center may segregate infants, young children, dwellers, child care teachers and staff of the child care center who are found to be infected, or suspected or feared to be infected by an infectious disease as a result of medical checkup under Article 31, or as a result of other doctor's diagnoses, from the child care center, or take other necessary measures, as prescribed by Ordinance of the Ministry of Health and Welfare. *<Newly Inserted on Aug. 4, 2011>*

(3) If necessary to take the measures under paragraph (1), the principal of a child care center may request a public health center or its branch under Articles 10 and 13 of the Regional Public Health Act or a medical institution under Article 3 of the Medical Service Act to provide cooperation. *<Amended on Jun. 7, 2011; Aug. 4, 2011; May 18, 2015>*

(4) The head of a public health center or its branch, or a medical institution in receipt of a request for cooperation pursuant to paragraph (2), shall take appropriate measures. *<Amended on Aug. 4, 2011>*

(5) The principal of each child care center may have nurses (including assistant nurses) render assistance when administering medicine to infants and young children by following doctor's prescriptions and directions. In such cases, the principal shall obtain consent from the guardians thereof. *<Newly Inserted on Feb. 3, 2016>*

### **Article 33 (Management of Meal Program)**

The principal of each child care center shall hygienically provide infants and young children with nutritionally balanced and safe meals, as prescribed by Ordinance of the Ministry of Health and Welfare.

*<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

### **Article 33-2 (Safety Management of Child Care Center Vehicles)**

Where the principal of a child care center operates a vehicle to transport infants and young children to and from the child care center, he or she shall first report such vehicle to the head of the competent police station as a school bus for children pursuant to Article 52 of the Road Traffic Act.

## **CHAPTER VI EXPENSES**

### **Article 34 (Child Care without Compensation)**

(1) The State and local governments shall provide child care without compensation, on condition that the details and scope thereof be prescribed by Presidential Decree.

(2) The State and local governments may provide child care without compensation for children with disabilities and children of multicultural families defined in subparagraph 1 of Article 2 of the Multicultural Families Support Act, considering the situations in which they are and characteristics they have, as prescribed by Presidential Decree.

(3) Expenses incurred in providing child care without compensation under paragraph (1) shall be borne or covered by the State or local governments, as prescribed by Presidential Decree.

(4) The Minister of Health and Welfare may survey standard child care costs, etc. of child care centers, and, based on the results thereof, determine expenses to be borne by the State and local governments under paragraph (3) in consultation with the heads of relevant administrative agencies, within budgetary limits.

(5) The State and local governments may provide families with at least two children with additional subsidies.

(6) Notwithstanding the latter part of Article 12 (1), the State and local governments shall establish and operate child care centers for infants, young children, children with disabilities, and children of multicultural families who intend to receive child care without compensation under paragraphs (1) and (2).

*<Amended on Dec. 24, 2018>*

(7) The Minister of Health and Welfare shall conduct a survey necessary to determine standard child care costs prescribed in paragraph (4) every three years, and determine standard child care costs by undergoing deliberation by the Central Child Care Policy Committee prescribed in Article 6, based on the results of the survey. *<Newly Inserted on Jan. 15, 2019>*

(8) Matters necessary for the methods, details, etc. of survey prescribed in paragraph (7) shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Newly Inserted on Jan. 15, 2019>*

#### **Article 34-2 (Child Home-Care Allowances)**

(1) The State and a local government may provide child home-care allowances for infants and young children who do not use child care centers or kindergartens defined in Article 2 of the Early Childhood Education Act, taking into consideration the age of the relevant infants and young children. <Amended on Jun. 7, 2011; Dec. 24, 2018>

(2) Even if part-time child care services referred to in Article 26-2 are provided for infants and young children eligible under paragraph (1), child home-care allowances referred to in paragraph (1) may be paid for them. <Newly Inserted on Jun. 4, 2013; Dec. 24, 2018>

(3) Where an infant or young child, for whom a child home-care allowance is provided pursuant to paragraph (1), stays overseas continuously for at least 90 days, the State and the relevant local government shall suspend the provision of such allowance during the relevant period. <Newly Inserted on May 18, 2015>

(4) Where the Minister of Health and Welfare or the head of a local government suspends the provision of a child home-care allowance pursuant to paragraph (3), he or she shall notify the relevant infant's or young child's guardian of such fact, expressly specifying the reason therefor. <Newly Inserted on May 18, 2015>

(5) Matters necessary for eligibility, criteria, etc. for child home-care allowances under paragraph (1), shall be prescribed by Presidential Decree. <Amended on Jun. 4, 2013; May 18, 2015>

#### **Article 34-3 (Voucher for Care Services)**

(1) The State and a local government may supply guardians of infants and young children with voucher for care services (hereinafter referred to as "voucher") to cover expenses under Articles 34 and 34-2. <Amended on Jun. 7, 2011; Aug. 4, 2011; Jan. 23, 2013>

(2) Deleted. <Aug. 4, 2011>

(3) Matters necessary for the provision, procedure for use, etc. of voucher shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Jan. 18, 2010; Aug. 4, 2011>

#### **Article 34-4 (Applications for Subsidies and Allowances)**

(1) A guardian of an infant or young child may file an application for subsidies and allowances under Articles 34 and 34-2. <Amended on Jun. 7, 2011; Jan. 23, 2013>

(2) Deleted. <Dec. 24, 2018>

(3) Methods of, and procedures for, filing applications for subsidies and allowances under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Aug. 4, 2011>

#### **Article 34-5 (Examinations and Inquiries)**

(1) The Minister of Health and Welfare or the head of a local government may request an applicant under Article 34-4 (1) and a person for whom subsidization has been determined to provide documents necessary

for verifying his or her entitlement to subsidization of expenses, or other data concerning activities to earn income, family relationships, etc., and assign public officials under his or her control to visit the residence or other necessary places of the applicant for subsidies and allowances and the person for whom subsidization has been determined to examine documents, etc. or inquire of relevant persons. <Amended on Jan. 18, 2010; Feb. 3, 2016; Dec. 24, 2018>

(2) The Minister of Health and Welfare or the head of a local government may request the head of a related agency to provide data concerning national tax, local tax, health insurance, national pension, employment insurance, industrial accident compensation insurance, etc. necessary to conduct an examination under paragraph (1) to provide subsidies and allowances. In such cases, the head of a related agency in receipt of a request to provide data shall comply with such request unless there is a compelling reason not to do so. <Amended on Jan. 18, 2010; Dec. 24, 2018>

(3) A person who makes a visit, examines, and inquires pursuant to paragraph (1) shall carry an identification indicating his or her authority and documents indicating the period, scope, and person in charge of examination, relevant statutes or regulations, etc. and produce them to relevant persons. <Amended on Feb. 3, 2016>

(4) Where an applicant for subsidies and allowances or a person for whom subsidization has been determined refuses to provide documents or data, or refuses, obstructs, or evades an examination and inquiry under paragraph (1), the Minister of Health and Welfare or the head of a local government may dismiss the relevant application or cancel, discontinue, or change a decision to subsidize. <Amended on Jan. 18, 2010>

(5) Matters necessary for scope, timing, and details of examinations and inquiries under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Jan. 18, 2010>

(6) Administrative data matching may be used under Article 36 (1) of the Electronic Government Act to ascertain the places of domicile of resident registration, etc. of persons eligible for subsidization of child care expenses. <Amended on Feb. 4, 2010>

(7) Except as provided in this Act, matters concerning the details, procedures, methods, etc. of examination or inquiry prescribed in paragraph (1) shall be governed by the Framework Act on Administrative Investigations. <Newly Inserted on Feb. 3, 2016>

**Article 34-6 Deleted.** <Dec. 24, 2018>

**Article 34-7 (Notice of Information on Applications for Subsidies and Allowances)**

(1) The Minister of Health and Welfare or the head of a local government shall notify, in writing, the guardians of infants and young children of the information on applications for subsidies and allowances referred to in Article 34-4.

(2) Matters necessary for the method, timing, procedures for, and the details of, notice under paragraph (1) and other matters shall be prescribed by Ordinance of the Ministry of Health and Welfare.

**Article 35 Deleted.** <Jan. 23, 2013>

**Article 36 (Subsidization)**

The State and local governments shall, fully or partially, provide subsidies for expenses incurred in establishing child care centers specified in Article 10; operating expenses, such as personnel expenses for child care teachers (including substitute teachers), and expenses for extra child care; expenses incurred in implementing child care programs, such as establishment and operation of local child care support centers, welfare promotion of child care teachers and staff, provision of child care for the vulnerable; and expenses incurred in installing closed-circuit televisions referred to in Article 15-4. <Amended on Jun. 7, 2011; Aug. 4, 2011; Jun. 4, 2013; May 18, 2015>

**Article 37 (Obligation for Expenses by Business Owners)**

Any business owner who has established a child care center under Article 14 shall fully or partially bear expenses incurred in operating the child care center and child care, as prescribed by Presidential Decree. <Amended on Jun. 7, 2011>

**Article 38 (Collection of Child Care Fees)**

No establisher/operator of a child care center pursuant to Articles 12 through 14 shall collect child care fees and other necessary expenses, etc. from the persons who use the child care center within the limit prescribed by the Mayor/Do Governor having jurisdiction over the place of the child care center: Provided, That the Mayor/Do Governor may prescribe different standard, considering the type of the child care center and local conditions, when necessary. <Amended on Jun. 7, 2011>

**Article 39 (Taxation Support)**

(1) Expenses borne by a business entity to establish and operate a workplace child care center referred to in Articles 14 and 37, child care fees paid by guardians for caring for infants and young children, and other expenses necessary for child care, are entitled to tax reduction or exemption, as prescribed by the Restriction of Special Taxation Act. <Amended on Jun. 7, 2011; May 20, 2014>

(2) Expenses incurred in operating child care centers, other than workplace child care centers referred to in subparagraph 4 of Article 10, are entitled to tax reduction or exemption, as prescribed by the Restriction of Special Taxation Act. <Amended on Jun. 7, 2011; Aug. 4, 2011>

**Article 39-2 (Lending of State and Public Property)**

If necessary to establish and operate the following child care centers, the State or local governments may lend state property or have state property used without compensation, in accordance with the Act on Regulation of Special Cases of State Property and lend public property or have public property used

without compensation, notwithstanding the Public Property and Commodity Management Act:

1. A national or public child care center prescribed in Article 12;
2. A workplace child care center prescribed in Article 14, which is established and operated jointly by small and medium enterprises prescribed in Article 2 (1) of the Framework Act on Small and Medium Enterprises.

#### **Article 40 (Orders to Refund Expenses and Subsidies)**

Where an establisher/operator of a child care center, the head of a child care support center, a person entrusted with continuing education, etc. falls under any of the following cases, the State or a local government may issue orders to fully or partially refund the expenses and subsidy already paid: *<Amended on Jun. 7, 2011; Aug. 4, 2011; Dec. 31, 2011; Jun. 4, 2013; Jan. 15, 2019>*

1. Where the operation of the child care center is suspended, the child care center is closed or the license to operate the child care center is revoked;
2. Where he or she uses a subsidy for other than business purposes;
3. Where he or she obtains a subsidy by fraud or other improper means;
- 3-2. Where he or she is subsidized for costs prescribed in Article 34 by fraud or other improper means;
4. Deleted. *<Aug. 4, 2011>*
5. Where he or she obtains a subsidy by mistake or slight negligence, which falls under a cause prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 40-2 (Recovery of Child Care Subsidies)**

(1) When a guardian is subsidized for expenses under Articles 34 and 34-2 by fraud or other improper means, the State or the local government may fully or partially recover such subsidies. *<Amended on Jan. 23, 2013>*

(2) In recovering subsidies pursuant to paragraph (1), when the person to repay the subsidies fails to do so by the deadline, such subsidies may be collected in the same manner as delinquent national or local taxes are collected.

## **CHAPTER VII GUIDANCE AND SUPERVISION**

#### **Article 41 (Guidance and Orders)**

The Minister of Health and Welfare, the Mayor/Do Governor and the head of a Si/Gun/Gu may guide and order the establisher/operator of child care centers, and child care teachers and staff to smoothly providing child care services. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

#### **Article 42 (Reporting and Examinations)**

(1) The Minister of Health and Welfare, the Mayor/Do Governor and the head of a Si/Gun/Gu may require the establisher/operator of child care centers to file necessary reports on their child care centers, and relevant public officials to investigate the operating conditions of child care centers and examine books and other documents. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>

(2) Relevant public officials who perform their duties under paragraph (1) shall carry certificates indicating their authority and produce them to related persons.

#### **Article 42-2 (Reporting of Violations and Protection of Reporting Persons)**

(1) Any person may file a report on, or complaint against, any of the following persons with the relevant administrative or investigative agency:

1. A person who obtains a subsidy by fraud or other improper means, or misappropriates a subsidy;
2. A person who fails to comply with the standards for operation of child care centers referred to in Article 24 (1);
3. A person who fails to comply with the standards for management of meals referred to in Article 33;
4. A person who fails to comply with the standards for safety management of child care center vehicles referred to in Article 33-2;
5. A person who commits child abuse referred to in subparagraph 7 of Article 3 of the Child Welfare Act;
6. Other persons prescribed by Ordinance of the Ministry of Health and Welfare.

(2) No establisher/operator of a child care center shall take disadvantageous measures defined in subparagraph 6 of Article 2 of the Protection of Public Interest Reporters Act against child care teachers and staff for filing a report or complaint referred to in paragraph (1).

(3) The Minister of Health and Welfare, Mayors/Do Governors, and the heads of Sis/Guns/Gus may pay prize money to persons who file a report or complaint of matters referred to in paragraph (1) 1, and 3 through 5 within budgetary limits. <Amended on Dec. 11, 2018>

(4) Matters necessary for the procedures, methods, etc., of reporting prescribed in paragraph (1) and standards, methods, procedures, etc. of paying prize money prescribed in paragraph (3) shall be prescribed by Presidential Decree. <Newly Inserted on Dec. 11, 2018>

#### **Article 43 (Reporting on Closure, Suspension, and Resumption of Operation of Child Care Centers)**

(1) A person who intends to close a child care center authorized pursuant to Article 13 (1) or suspend its operation for a certain period, or resume the operation thereof shall report in advance to the Governor of a Special Self-Governing Province or the head of a Si/Gun/Gu, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011>

(2) Where a child care center is closed or the operation thereof is suspended for a certain period, the principal of the child care center shall take measures to protect the rights and interests of infants and young children provided with child care services in such child care center by transferring them to other

child care centers, as prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>

#### **Article 43-2 (Order for Suspension of Operation of Child Care Centers)**

- (1) Where the Minister of Health and Welfare, a City Mayor/Do Governor or the head of a Si/Gun/Gu deems that normal child care is impractical due to emergency, such as a natural disaster or infectious disease, he or she may issue an order for suspension of operation to the principals of child care centers.
- (2) Upon receipt of an order prescribed in paragraph (1), the principal of each child care center shall suspend the operation of the child care center without delay, and in preparation for emergency child care needs where guardians cannot take care of their infants or young children at home when the child care center suspends its operation, the principal shall take necessary measures for the operation of the child care center by informing the guardians of emergency plan for child care through parents letters in advance.
- (3) Matters necessary for standards for orders for suspension of operation in paragraph (1), and measures, etc. in paragraph (2) shall be prescribed by Ordinance of the Ministry of Health and Welfare.

#### **Article 44 (Orders for Rectification and Modification)**

Where a child care center falls under any of the following cases, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu may order the principal of the child care center or the establisher/operator thereof to take measures for rectification or modification within a fixed period: <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011; Jun. 4, 2013; Aug. 13, 2013; May 18, 2015; Dec. 29, 2015; Dec. 11, 2018; Dec. 24, 2018; Apr. 30, 2019>

1. Where it is operated without authorization for modification pursuant to Article 13 (1);
2. Where it fails to comply with any standard for establishment of child care centers referred to in Article 15, 15-2, or 15-3;
- 2-2. Where it fails to comply with any standard for installation or management of a closed-circuit television, and for storage of video information referred to in Article 15-4;
3. Where it fails to comply with any standard for placement of child care teachers and staff referred to in Article 17 (5);
- 3-2. Where it fails to report the appointment or dismissal of a child care teachers and staff referred to in Article 19 (2), or files a false report thereon;
4. Where it fails to comply with any standard for operation of child care centers referred to in Article 24 (1);
- 4-2. Where it fails to establish or operate a child care center operating committee, in violation of the proviso of Article 25 (1);
- 4-3. Where it provides extracurricular activity programs to infants and young children, in violation of the former part of Article 29 (4);

- 4-4. Where it fails to provide an alternative program to infants and young children not participating in the extracurricular activity programs, in violation of the latter part of Article 29 (4);
- 4-5. Where it fails to prepare or manage records of daily life referred to in Article 29-2;
- 4-6. Where it refuses, obstructs, or evades an evaluation referred to in Article 30 (1) or verification and checking referred to in paragraph (5) of the same Article without good cause, or receives an evaluation or verification and checking by fraud or other improper means;
- 4-7. Where it fails to take measures to treat and prevent diseases pursuant to Article 32 (1);
- 4-8. Where it fails to hygienically provide nutritionally-balanced and safe meals pursuant to Article 33;
5. Where it collects child care fees, etc. referred to in Article 38 in excess;
6. Where it fails to file a report under Article 42 or files a false report, or where it refuses or evades any investigation or examination;
7. Where it is closed or operation thereof is suspended for a certain period, or resumed without reporting pursuant to Article 43 (1);
- 7-2. Where it fails to suspend its operation or take measures in preparation for emergency child care needs, in violation of Article 43-2 (2);
8. Where it violates any matter concerning the official announcement of information referred to in Article 49-2.

#### **Article 44-2 (Execution Order against Business Entity Failing to Perform Duty to Establish Workplace Child Care Centers)**

Where the business owner of a workplace referred to in Article 14 fails to perform his or her duty to establish a workplace child care center or other duty, the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu may order him or her to execute such duty within a reasonable time.

#### **Article 44-3 (Charges for Compelling Compliance)**

(1) A Mayor/Do Governor or the head of a Si/Gun/Gu may reissue against a person who has failed to comply with an order under Article 44-2, an order to execute such order within a reasonable period required for the compliance thereof, and may impose and collect a charge for compelling compliance not exceeding 100 million won each time, up to twice a year from the date on which the order under the same Article was issued, if such person still fails to comply with the order.

(2) A Mayor/Do Governor or the head of a Si/Gun/Gu may raise the amount prescribed in paragraph (1) within the scope of 50/100 in consideration of the period, grounds, etc. of failure in establishing workplace child care centers. <Newly Inserted on Apr. 30, 2019>

(3) Before a charge for compelling compliance referred to in paragraphs (1) and (2) is imposed, a Mayor/Do Governor or the head of a relevant Si/Gun/Gu shall give an advance written warning stating that the charge for compelling compliance is to be imposed and collected if a person fails to comply with the order within a reasonable period determined. <Amended on Apr. 30, 2019>

(4) Where a Mayor/Do Governor or the head of a Si/Gun/Gu imposes a charge for compelling compliance pursuant to paragraphs (1) and (2), he or she shall give a written notice to the relevant person, specifying an amount of the charge for compelling compliance, the grounds for imposition, the deadline for payment, the receiving agency, the method of filing objections, etc. <Amended on Apr. 30, 2019>

(5) Where a person in receipt of the order referred to in Article 44-2 complies with such order, the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu shall suspend imposition of a subsequent charge for compelling the execution, but shall collect the charge for compelling compliance already imposed. <Amended on Apr. 30, 2019>

(6) Where a person for whom a charge for compelling compliance has been imposed pursuant to paragraphs (1) and (2) fails to pay the charge for compelling compliance by the deadline for payment, the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu shall collect the charge in accordance with the Act on the Collection of Local Administrative Penalty Charges. <Amended on Apr. 30, 2019; Mar. 24, 2020>

(7) Matters necessary for standards for imposing charges for compelling compliance under paragraphs (1) and (2), and procedures, etc., for refunding charges for compelling compliance already imposed and collected, shall be prescribed by Presidential Decree. <Amended on Apr. 30, 2019>

#### **Article 45 (Closure of Child Care Centers)**

(1) Where a person who has established or operates a child care center (hereafter in this Article, referred to as "establisher/operator"), falls under any of the following cases, the Minister of Health and Welfare, the relevant Mayor/Do Governor, and the head of the relevant Si/Gun/Gu may order such person to suspend the operation of the child care center within one year or to close the child care center. In such cases, where persons under the control and supervision of an establisher/operator, such as child care teachers and staff, commit offences falling under subparagraph 4, such offences shall be deemed committed by the establisher/operator (the same shall not apply where the establisher/operator has not been negligent in giving due attention and supervision to preventing such offences): <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 13, 2013; May 28, 2014; May 18, 2015>

1. Where he or she obtains a subsidy by fraud or other improper means, or misappropriates a subsidy;
2. Where he or she is ordered to, but fails to, repay expenses or subsidies referred to in Article 40;
3. Where he or she violates an order for rectification or modification referred to in Article 44;
4. Where he or she commits child abuse defined in subparagraph 7 of Article 3 of the Child Welfare Act;
5. Where an infant or young child dies or suffers a serious injury to his or her body prescribed by Ordinance of the Ministry of Health and Welfare due to a traffic accident that occurs while a school bus for children (including one failing to report thereon under Article 33-2 and Article 52 of the Road Traffic Act) is being operated without child care teachers and staff aboard, in violation of Article 53 (3) of the Road Traffic Act.

(2) Deleted. <Jun. 7, 2011>

(3) Where any establisher/operator, or child care teachers and staff is suspected of committing child abuse referred to in paragraph (1) 4, the relevant Special Self-Governing City Mayor, the relevant Special Self-Governing Province Governor, or the head of the relevant Si/Gun/Gu shall immediately receive a report thereon referred to in Article 42 or conduct investigation or examination. <Newly Inserted on May 18, 2015>

(4) After receiving a report or conducting investigation or examination pursuant to paragraph (3), the relevant Special Self-Governing City Mayor, the relevant Special Self-Governing Province Governor, or the head of the relevant Si/Gun/Gu shall determine, without delay, whether he or she takes an administrative disposition referred to in paragraph (1), after consulting with the National Center for the Rights of the Child established under Article 10-2 of the Child Welfare Act, specialized child protection agencies established under Article 45 of the same Act, or other relevant institutions. <Newly Inserted on May 18, 2015; Jan. 15, 2019>

(5) Where the operation of a child care center is suspended or a child care center is closed under paragraph (1), the relevant Special Self-Governing Province Governor or the head of the relevant Si/Gun/Gu shall take necessary measures to protect the rights and interests of infants and young children of the child care center, such as transferring infants and young children to another child care center. <Newly Inserted on Aug. 4, 2011; May 18, 2015>

(6) Detailed standards for administrative dispositions provided for in paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011; May 18, 2015>

#### **Article 45-2 (Imposition of Penalty Surcharges)**

(1) When the Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu shall issue an order to suspend the operation of a child care center by the reason that the establisher/operator of the child care center falls under any subparagraph of Article 45 (1), he or she may impose a surcharge not exceeding 30 million won, in lieu of suspension of operation of the child care center, if such suspension of operation is feared to cause severe inconvenience to infants, young children, and their guardians, or threaten public interests.

(2) Matters necessary for types of offences to which surcharges are imposed under paragraph (1), the amount of surcharges depending on the severity of the relevant violation, etc. shall be prescribed by Presidential Decree.

(3) When a person liable to pay a surcharge under paragraph (1) fails to do so by the deadline, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu shall collect it in the same manner as national taxes in arrears or in accordance with the Act on the Collection of Local Administrative Penalty Charges. <Amended on Aug. 6, 2013; Mar. 24, 2020>

[Previous Article 45-2 moved to Article 45-3 <Jun. 7, 2011>]

### **Article 45-3 (Succession to Effect of Administrative Dispositions)**

(1) When a person, who has established or operates a child care center, transfers the child care center or dies, or when a corporation is merged, the effect of an administrative disposition imposed on him or her or it due to the grounds specified in any subparagraph of Article 45 (1) shall succeed to a transferee, heir, or corporation newly established or surviving the merger for one year after the date of such disposition; and where proceedings for an administrative disposition are pending, the proceedings may continue against a transferee, heir, or corporation newly established or surviving the merger: Provided, That the same shall not apply where a transferee, heir, or corporation newly established or surviving the merger proves that he or she was not aware of such disposition or any violation as at the time of the transfer or merger. *<Amended on Jun. 7, 2011; May 18, 2015>*

(2) Where a transferee, heir, or corporation newly established or surviving the merger referred to in paragraph (1) transfers, inherits, or merges a child care center, he or she shall confirm whether the former establisher/operator of the child care center is undergoing proceedings for administrative disposition or has previously received any administrative disposition due to the grounds specified in any subparagraph of Article 45 (1), and the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu may issue a confirmation document at the request of the transferee, heir, or corporation newly established or surviving the merger, as prescribed by Ordinance of the Ministry of Health and Welfare. *<Newly Inserted on May 18, 2015>*

[Moved from Article 45-2] *<Jun. 7, 2011>*

### **Article 46 (Suspension of Qualification as Principals of Child Care Centers)**

When the principal of a child care center falls under any of the following cases, the Minister of Health and Welfare may suspend his or her qualification for up to one year (or two years if he or she falls under subparagraph 1 (a) due to child abuse defined in subparagraph 7 of Article 3 of the Child Welfare Act), as prescribed by Ordinance of the Ministry of Health and Welfare: *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Jun. 4, 2013; May 18, 2015>*

1. Where he or she causes harm to an infant or young child by intention or gross negligence as follows, in the course of performing any of his or her duties:
  - (a) Where he or she threatens the life of an infant or young child or causes serious bodily or mental harm to an infant or young child;
  - (b) Where he or she causes harm, in violation of the standards for operation referred to in Article 24;
  - (c) Where he or she causes harm, in violation of the standards for meals determined by Ordinance of the Ministry of Health and Welfare pursuant to Article 33;
  - (d) Where he or she causes other harm;
2. Where he or she hires an unqualified employee to perform any of the duties of a child care teacher, nurse, nutritionist, etc.;

3. Where he or she fails to undergo continuing education referred to in Article 23 on at least three consecutive occasions;
4. Where he or she obtains a subsidy or allowance by fraud or other improper means, or misappropriates a subsidy or allowance;
5. Where he or she takes disadvantageous measures defined in subparagraph 6 of Article 2 of the Protection of Public Interest Reporters Act against child care teachers and staff member, who has filed a public interest report under subparagraph 2 of the same Article.

#### **Article 47 (Suspension of Qualifications as Child Care Teachers)**

When a child care teacher falls under any of the following cases, the Minister of Health and Welfare may suspend the qualification of the child care teacher for up to one year (or two years if he or she falls under subparagraph 1 due to child abuse defined in subparagraph 7 of Article 3 of the Child Welfare Act), as prescribed by Ordinance of the Ministry of Health and Welfare: <Amended on Feb. 29, 2008; Jan. 18, 2010; Dec. 31, 2011; May 18, 2015>

1. Where he or she causes damage, by intention or gross negligence, while performing any of his or her duties in connection with his or her qualification;
2. Where he or she fails to undergo continuing education under Article 23-2 on at least three consecutive occasions.

#### **Article 48 (Revocation of Qualification as Principals or Child Care Teachers of Child Care Centers)**

(1) When the principal of a child care center or child care teacher falls under any of the following cases, the Minister of Health and Welfare may revoke his or her qualification: <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011; Aug. 4, 2011; May 18, 2015>

1. Where he or she is qualified by fraud or other improper means;
2. Where he or she has been sentenced to imprisonment without labor or heavier punishment for causing harm by intention or gross negligence, in the course of performing any of his or her duties in connection with his or her qualification;
3. Where he or she is punished for committing a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act;
4. Where he or she lends his or her name, etc., in violation of Article 22-2;
5. Where he or she commits an offence incurring suspension of qualification within three years after the period for suspending his or her qualification expires;
6. Where he or she performs duties related to his or her qualification with a certificate of qualification during the period for suspending his or her qualification;
7. Where he or she is subject to a disposition of suspending his or her qualification, on at least three occasions;

8. Where he or she is sentenced to imprisonment without prison labor or heavier punishment because he or she falls under subparagraph 4 of Article 46.

(2) The Minister of Health and Welfare shall not reissue any qualification to a person whose qualification has been revoked pursuant to paragraph (1), within either of the following periods after revocation of his or her qualification, whichever is relevant: <Newly Inserted on Aug. 13, 2013; May 18, 2015>

1. Where he or she falls under any subparagraph of paragraph (1), other than subparagraph 3: Two years;

2. Where he or she falls under paragraph (1) 3: 10 years (Provided, That no qualification shall be reissued to a person for whom twenty years have not elapsed since his or her imprisonment without labor or heavier punishment, declared by a court for committing a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act, was completely executed or exempted; or a person for whom 20 years have not elapsed since a suspended sentence of imprisonment without labor or heavier punishment, given for committing a child abuse-related crime defined in subparagraph 7-2 of Article 3 of the Child Welfare Act, was made final and conclusive).

#### **Article 49 (Hearings)**

The Minister of Health and Welfare, the Mayor/Do Governor and the head of a Si/Gun/Gu shall hold hearings before taking administrative dispositions referred to in Articles 45 through 48. <Amended on Feb. 29, 2008; Jan. 18, 2010>

#### **Article 49-2 (Official Announcement of Information on Child Care Centers)**

(1) The principal of a child care center shall officially announce the following information that the child care center retains and manages, at least once each year. In such cases, the principal of the child care center shall submit the officially-announced information (hereafter in this Article, referred to as "officially-announced information") to the Mayor of the relevant Special Self-Governing City, the Governor of the relevant Special Self-Governing Province, and the head of the relevant Si/Gun/Gu, and the Minister of Health and Welfare may require the submission of materials related to the officially-announced information:

1. Basic information, such as facilities, the establisher/operator, child care teachers, and staff of the child care center;
2. Matters concerning the child care courses of the child care center referred to in Article 29;
3. Matters concerning child care fees collected pursuant to Article 38 and other necessary expenses;
4. Matters concerning accounting, such as the budget and settlement of accounts of the child care center;
5. Matters concerning health, nutrition, and safety management for infants and young children;
6. Other matters concerning child care conditions and the operation of child care centers, prescribed by Presidential Decree.

(2) Matters necessary for the detailed scope of officially-announced information, the frequency, timing, and method of official announcement, and other matters, shall be determined by Presidential Decree.

(3) The Minister of Health and Welfare may prepare and disseminate a form necessary for public announcement under paragraph (1) and may collect and manage officially-announced information. In such cases, the Minister of Health and Welfare may connect and process such officially-announced information to use for formulating child care policy, promoting academic research, compiling statistics, etc.

(4) Where the principal of a child care center fails or neglects to officially announce the relevant information, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu shall recommend the principal to take corrective measures.

(5) Where the principal of a child care center publicizes the child care center or places a mark or advertisement under the Act on Fair Labeling and Advertising, he or she shall not give information inconsistent with the information officially announced pursuant to paragraph (1).

(6) If deemed necessary for confirming whether paragraph (5) has been violated, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu may request the principal of the relevant child care center to submit relevant materials. In such cases, upon receipt of such request, the principal of the relevant child care center shall submit the relevant materials to the Minister of Health and Welfare, the Mayor/Do Governor, or the head of the Si/Gun/Gu without good cause.

#### **Article 49-3 (Publication of Violations)**

(1) Where a child care center for which an administrative disposition referred to in Article 45 or 45-2 has been made falls under any of the following cases, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu shall publish the relevant violation, the details of the disposition, the name of the relevant child care center, the name of its representative, the name of its principal (limited to where the principal is not the representative), and other matters prescribed by Presidential Decree necessary for distinguishing it from other child care centers: Provided, That in cases falling under subparagraph 1, the publication shall be limited to the child care center which receives a subsidy or allowance exceeding the amount prescribed by Ordinance of the Ministry of Health and Welfare: *<Amended on May 18, 2015>*

1. Where it obtains a subsidy or allowance by fraud or other improper means, or misappropriates a subsidy or allowance;

2. Where it harms the life of an infant or young child or causes serious bodily or mental harm to an infant or young child, in violation of the standards for operation referred to in Article 24 and the standards for meals determined by Ordinance of the Ministry of Health and Welfare pursuant to Article 33.

(2) With respect to the principal or a child care teacher of a child care center for whom an administrative disposition referred to in Articles 46 through 48 has been taken and who has harmed the life of an infant or young child or has caused serious bodily or mental harm to an infant or young child by committing a child

abuse-related crime defined in subparagraph 7 of Article 3 of the Child Welfare Act, the Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu shall publish the records and list of violations of laws and other matters determined by Presidential Decree. <Amended on May 18, 2015>

(3) The Minister of Health and Welfare, the relevant Mayor/Do Governor, or the head of the relevant Si/Gun/Gu shall notify the person subject to publication prior to the publication referred to in paragraphs (1) and (2), thereby giving him or her an opportunity to submit explanatory materials or to attend and state his or her opinion.

(4) Procedures and methods for publication referred to in paragraphs (1) and (2), and other necessary matters shall be determined by Presidential Decree.

## CHAPTER VIII SUPPLEMENTARY PROVISIONS

### **Article 50 (Recognition of Career)**

(1) With respect to an employee in a child care center qualified as a kindergarten teacher under the Early Childhood Education Act, his or her child care career experience in such child care center shall be recognized as teaching career experience under the Early Childhood Education Act. <Amended on Jun. 7, 2011>

(2) With respect to an employee in a kindergarten (referring to a kindergarten operating after-school classes under subparagraph 6 of Article 2 of the Early Childhood Education Act) qualified as a child care teacher under this Act, his or her teaching career experience in the kindergarten shall be recognized as child care career experience under this Act. <Amended on Mar. 21, 2012>

### **Article 51 (Delegation of Authority)**

The authority of the Minister of Health and Welfare or the Mayor/Do Governor under this Act may be partially delegated to the Mayor/Do Governor or to the head of a Si/Gun/Gu, as prescribed by Presidential Decree.

### **Article 51-2 (Entrustment of Affairs)**

(1) The Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu may entrust the following affairs to a public institution, civil institution or organization, etc., as prescribed by Presidential Decree. In such cases, he or she may entrust the affairs referred to in subparagraphs 2 and 4 to KCPI: <Amended on Dec. 31, 2011; Jun. 4, 2013; Dec. 11, 2018>

1. Affairs concerning the operation of child care support centers under Article 7 (1);
2. Affairs concerning the certification of qualification of principals and child care teachers of child care centers under Article 22 (1), and the issuance, etc. of certificates of qualification for child care;

3. Affairs concerning the provision of continuing education under Articles 23 (1) and 23-2 (1);
  4. Affairs concerning evaluation prescribed in Article 30 (1) and verification and checking prescribed in paragraph (5) of the same Article;
  5. Affairs concerning the provision of voucher under Article 34-3 (1).
- (2) When the Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu entrusts affairs pursuant to paragraph (1), he or she may subsidize expenses incurred therein, within budgetary limits.
- (3) The Minister of Health and Welfare, a Mayor/Do Governor, or the head of a Si/Gun/Gu may revoke entrustment under paragraph (1), in any of the following cases:
1. Where an institution entrusted with affairs uses any subsidy provided pursuant to paragraph (2) for other than the intended purpose;
  2. Where an institution entrusted with affairs is subsidized under paragraph (2) by fraud or other improper means;
  3. Where any other cause prescribed by Presidential Decree exists.

#### **Article 51-3 (Business Cooperation between Relevant Agencies)**

- (1) The Special Self-Governing City Mayor, the Special Self-Governing Province Governor, and the head of a Si/Gun/Gu may request the head of a relevant agency to inquire into criminal history records, etc. to check disqualification referred to in Article 16 or 20.
- (2) To conduct affairs prescribed in Articles 22 (1) and 30 (1), the Minister of Health and Welfare (including persons to whom authority of the Minister of Health and Welfare is entrusted) may request the heads of the relevant agencies, such as State agencies, local governments, and public institutions prescribed in Article 4 of the Act on the Management of Public Institutions, to provide necessary information and materials. *<Newly Inserted on Dec. 11, 2018>*
- (3) Upon receipt of a request under paragraph (1) or (2), the head of the relevant agency shall not refuse such request without good cause. *<Amended on Dec. 11, 2018>*

#### **Article 52 (Child Care Centers on Islands, in Secluded Places, and in Agricultural and Fishing Communities)**

- (1) Where the Special Self-Governing Province Governor or the head of a Si/Gun/Gu deems impracticable to apply the standards for establishment of child care centers under Article 15 and the standards for placement of child care teachers and staff under Article 17 (5) to child care centers on islands, in secluded places, in agricultural and fishing communities, etc., he or she may apply separate standards to such child care centers with approval from the competent Mayor/Do Governor, following deliberation by a local child care policy committee under Article 6. *<Amended on Jun. 7, 2011; Aug. 4, 2011; Dec. 24, 2018; Apr. 30, 2019>*

(2) The specific scope of islands, secluded places, agricultural and fishing communities, etc., the standards for establishment of child care centers, and the standards for placement of child care teachers and staff under paragraph (1) shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

#### **Article 53 (Federation of Child Care Centers)**

(1) A federation of child care centers may be established to facilitate child care services, balanced development of child care centers, and exchange of information, and promotion of mutual cooperation among child care centers. *<Amended on Jun. 7, 2011>*

(2) Matters necessary for the organizational structure, operation, function, etc. of the Federation of Child Care Centers shall be prescribed by Ordinance of the Ministry of Health and Welfare. *<Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>*

## CHAPTER IX PENALTY PROVISIONS

#### **Article 54 (Penalty Provisions)**

(1) Deleted. *<Dec. 24, 2018>*

(2) Any of the following persons shall be punished by imprisonment with labor for not more than three years, or by a fine not exceeding 30 million won: *<Amended on May 18, 2015>*

1. A person who obtains a subsidy by fraud or other improper means, or misappropriates a subsidy;
2. A person who arbitrarily manipulates a closed-circuit television for other than its installation purpose, or makes it focus on a place other than the originally intended place, in violation of Article 15-5 (2) 1;
3. A person who uses a recording function, or stores video information in a device or apparatus other than the storage device prescribed by Ordinance of the Ministry of Health and Welfare, in violation of Article 15-5 (2) 2.

(3) A person who has video information lost, stolen, leaked, modulated, or damaged due to failure to take measures necessary to secure safety referred to in Article 15-5 (3), shall be punished by imprisonment with labor for not more than two years, or by a fine not exceeding 20 million won. *<Newly Inserted on May 18, 2015>*

(4) Any of the following persons shall be punished by imprisonment with labor for not more than one year, or by a fine not exceeding 10 million won: *<Amended on Dec. 19, 2008; Jun. 7, 2011; Jan. 23, 2013; May 28, 2014; May 18, 2015; Apr. 7, 2020>*

1. A person who uses the word "child care center" in a trade name, or operates a child care center without authorization for establishment of a child care center pursuant to Article 13 (1);
2. A person who obtains authorization for establishment of a child care center or the modification thereof under Article 13 (1) by fraud or other improper means;

3. A person who permits a third person to perform any of the duties of the principal or child care teacher of a child care center by using his or her name or the title of a child care center, in violation of Article 22-2 (1), and his or her counterpart;
- 3-2. A person who lends to or borrows from another person a certificate of qualification, in violation of Article 22-2 (2);
- 3-3. A person who arranges lending or borrowing of a certificate of qualification, in violation of Article 22-2 (3).
4. A person who obtains a subsidy or helps a third person obtain a subsidy pursuant to Articles 34 and 34-2 by fraud or other improper means;
5. A person who unjustly uses a voucher for care services referred to in Article 34-3;
6. An establisher/operator of a child care center who receives child care service fees, etc. referred to in Article 38 by fraud or other improper means;
7. A person who continues to operate a child care center, in violation of an order to suspend the operation of the child care center or an order to close the child care center pursuant to Article 45 (1);
8. Deleted; <Jun. 7, 2011>

**Article 54-2 Deleted.** <May 18, 2015>

#### **Article 55 (Joint Penalty Provisions)**

When a representative of a corporation, or an agent or, employee of, or other persons employed by a corporation or an individual commits an offence referred to in Article 54 in connection with the affairs of the corporation or the individual, not only shall the offender be punished, but also the corporation or the individual shall be punished by a fine prescribed in the relevant Article: Provided, That the same shall not apply when such corporation or individual has not been negligent in giving due attention and supervision regarding the relevant affairs to prevent such offence.

#### **Article 56 (Administrative Fines)**

(1) Each person, who closes his or her child care center or suspends operation of his or her child care center for a certain period or resumes operation of his or her child care center without reporting pursuant to Article 43 (1), shall be punished by an administrative fine not exceeding five million won. <Amended on Jun. 7, 2011>

(2) Each of the following persons, shall be punished by an administrative fine not exceeding three million won: <Amended on May 18, 2015>

1. A person who fails to preferentially provide child care services to the vulnerable pursuant to Article 26 (1);
2. A person who fails to preferentially provide child care services for any infant or young child falling under each subparagraph of Article 28 (1);

3. A person who fails to conduct a medical checkup, or to take an emergency measure, etc., pursuant to Article 31;
  4. A person who fails to install a closed-circuit television or to perform his or her duties to install or manage it pursuant to Article 15-4;
  5. A person who fails to comply with a request for inspection pursuant to Article 15-5 (1).
- (3) Administrative fines referred to in paragraphs (1) and (2) shall be imposed and collected by the Minister of Health and Welfare, the relevant Mayor/Do Governor or the head of the relevant Si/Gun/Gu, as prescribed by Presidential Decree. <Amended on Feb. 29, 2008; Jan. 18, 2010; Jun. 7, 2011>
- (4) Deleted. <Jun. 7, 2011>
- (5) Deleted. <Jun. 7, 2011>
- (6) Deleted. <Jun. 7, 2011>

ADDENDA <Act No. 7153, Jan. 29, 2004>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Article 2 (Transitional Measures for Nursery Information Center and Nursery Instructors)**

The nursery information centers and nursery instructors under the former provisions at the time this Act enters into force shall be deemed the child care information centers and child care specialists, respectively, under this Act.

**Article 3 (Transitional Measures for Child Care Teacher, etc.)**

(1) The qualifications of the heads of nursery facilities and child care teachers under the former provisions at the time this Act enters into force shall be deemed the qualifications thereof that are recognized under this Act.

(2) Anyone who is recognized to be qualified as a nursery teacher referred to in paragraph (1), anyone who completes subjects after having majored in such subjects provided for in Article 9 (2) 1 of the previous provisions and anyone who completes educational courses provided for in Article 9 (2) 2 after having studied them at the time this Act comes into force shall all be recognized to be qualified as nursery teachers under this Act.

(3) Anyone who is recognized to be qualified as a nursery teacher under the provisions of paragraph (1) or (2) may be eligible for the delivery of the certificate of qualifications provided for in Article 22.

**Article 4 (Transitional Measures concerning Nurseries)**

Any nursery on which a report was made in accordance with the previous provisions at the time this Act comes into force shall be deemed to have been granted authorization under this Act.

**Article 5 (Transitional Measures concerning Nursery Federation)**

The Nursery Federation that is established under the previous provisions at the time this Act comes into force shall be deemed the Nursery Federation that is established under this Act.

**Article 6 (Transitional Measures concerning Administrative Disposition)**

Any order issued by, any act performed by, any report made to any administrative agency, etc. under the previous provisions at the time this Act comes into force shall be deemed any act performed by and any act performed to any administrative agency, etc. under this Act.

**Article 7 (Transitional Measures concerning Penalty Provisions)**

The application of penalty provisions to any act performed prior to the enforcement of this Act shall be governed by the previous provisions.

**Article 8 (Relations with Other Statutes)**

Where other statutes or regulations cite the provisions of the previous Child Care Act and this Act includes the provisions corresponding thereto, the corresponding provisions of this Act shall be deemed to be cited in lieu of the previous provisions.

ADDENDUM <Act No. 7302, Dec. 31, 2004>

This Act shall enter into force on January 30, 2005.

ADDENDA <Act No. 7413, Mar. 24, 2005>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 7785, Dec. 29, 2005>

(1) (Enforcement Date) This Act shall enter into force three months after the date of its promulgation: Provided, That the amended provisions of Articles 21 (1), 22 (1) and (2), 22-2, 46, 48 and 54 (2) shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures regarding Head of Nursery) Any person who qualified for the head of a nursery under the previous provisions at the time this Act enters into force shall be considered a person who has received a certificate of qualification for the head of a nursery under the amended provisions of Article 21 (1). In this case, he shall meet the requirements referred to in the amended provisions of Article 21 (1) within one year after the enforcement of the amended provisions of Article 21 (1).

ADDENDA <Act No. 8563, Jul. 27, 2007>

(1) (Enforcement Date) This Act shall enter into force one year after the date of its promulgation.

(2) (Transitional Measures for Administrative Disposition) The administrative disposition on a violation committed before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 8654, Oct. 17, 2007>

(1) (Enforcement Date) This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Articles 36 and 45 (1) 1, (2) and (3), subparagraph 4 of Article 46, subparagraph 8 of Article 48 and Article 54 (1) and (2) 5 shall enter into force on July 28, 2008.

(2) Omitted.

ADDENDA <Act No. 8655, Oct. 17, 2007>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 8851, Jan. 17, 2008>

This Act shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 8852, Feb. 29, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That ... (Omitted) .... among Acts amended pursuant to Article 6 of the Addenda, the Acts which have been promulgated before this Act enters into force, but of which the enforcement dates have yet to arrive shall enter into force on the enforcement date of the relevant Act.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 9165, Dec. 19, 2008>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2009: Provided, That the amended provisions of Articles 34-4 through 34-6 shall enter into force on April 1, 2009.

**Article 2 (Model Project)**

(1) The Minister for Health, Welfare and Family Affairs may implement a model project before this Act enters into force for the effective operation of the voucher system for nursing service.

(2) The Minister for Health, Wealth and Family Affairs or the head of a local government may support the model project under paragraph (1).

ADDENDA <Act No. 9511, Mar. 20, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 9 Omitted.**

ADDENDA <Act No. 9792, Oct. 9, 2009>

**Article 1 (Enforcement Date)**

This Act shall enter into force on January 1, 2010.

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 9932, Jan. 18, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force two months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10012, Feb. 4, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 10339, Jun. 4, 2010>

**Article 1 (Enforcement Date)**

This Act shall enter into force one month after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDA <Act No. 10789, Jun. 7, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 5 (3), 22, 28 (1), 30 (6) and (7), 35 (1) and (3), 40-2, 55 and 56 shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Fact-Finding Surveys on Child Care)**

The first fact-finding survey referred to in the amended provisions of Article 9 shall be conducted in 2012.

**Article 3 (Applicability to Imposition of Surcharges)**

The amended provisions of Article 45-2 shall apply, starting from the first order to suspend operation of a child care center that must be issued after this Act enters into force.

**Article 4 (Transitional Measures concerning Persons Engaging in Child Care, etc.)**

Persons engaging in nursery facilities, the heads of nursery facilities and other workers under the former provisions as at the time this Act enters into force shall be deemed child care teachers and staff, principals of child care centers and other employees under the amended provisions of subparagraph 5 of Article 2.

**Article 5 (Transitional Measures concerning Child Care Facilities, etc.)**

National or public nursery facilities, nursery facilities of corporations, workplace nursery facilities, home-based nursery facilities, parents association nursery facilities and private nursery facilities under the former provisions as at the time this Act enters into force shall be deemed national or public child care centers, child care centers of corporations, workplace child care centers, home-based child care centers, parents association child care centers and private child care centers under the amended provisions of Article 10.

**Article 6 Omitted.**

ADDENDA <Act No. 10854, Jul. 14, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 10983, Aug. 4, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force three months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 11002, Aug. 4, 2011>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 11003, Aug. 4, 2011>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 30 (4) shall enter into force two years after the date of its promulgation.

ADDENDUM <Act No. 11144, Dec. 31, 2011>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 15 and 15-3 shall enter into force on the date of its promulgation.

ADDENDA <Act No. 11382, Mar. 21, 2012>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 11627, Jan. 23, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force on March 1, 2013.

**Article 2 (Applicability to Standard Child Care Costs)**

Matters concerning standard child care costs in the amended provisions of Article 34 shall first apply from January 1, 2014.

**Article 3 Omitted.**

ADDENDA <Act No. 11690, Mar. 23, 2013>

**Article 1 (Enforcement Date)**

(1) This Act shall enter into force on the date of its promulgation.

(2) Omitted.

**Articles 2 through 7 Omitted.**

ADDENDA <Act No. 11858, Jun. 4, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 1 of Article 46 shall enter into force three months after the date of its promulgation.

**Article 2 Omitted.**

ADDENDA <Act No. 11998, Aug. 6, 2013>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation.

**Articles 2 and 3 Omitted.**

ADDENDUM <Act No. 12068, Aug. 13, 2013>

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Articles 16, 20, 45, and 48 shall enter into force on the date of its promulgation.

ADDENDA <Act No. 12251, Jan. 14, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation.

**Articles 2 through 6 Omitted.**

ADDENDUM <Act No. 12619, May 20, 2014>

This Act shall enter into force on January 1, 2015: Provided, That the amended provisions of Articles 44-2 and 44-3 shall enter into force on January 1, 2016.

ADDENDA <Act No. 12697, May 28, 2014>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 45 (1) 5 shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Disqualification)**

The amended provisions of subparagraph 8 of Article 16 shall apply to persons for whom punishment of a fine is made final and conclusive for an offence committed after August 13, 2013.

**Article 3 (Applicability to Closure, etc. of Child Care Centers)**

The amended provisions of Article 45 (1) 5 shall apply from cases where an infant or young child dies or suffers a serious bodily injury to his/her body prescribed by Ordinance of the Ministry of Health and Welfare due to a traffic accident that occurs after the same amended provisions enter into force.

**Article 4 (Transitional Measures concerning Incompetent Persons, etc.)**

A person for whom the effect of adjudication of incompetence or quasi-incompetence is maintained under Article 2 of the Addenda to the partially amended Civil Act (Act No. 10429) shall be deemed included in incompetent persons under adult guardianship or quasi-incompetent persons under limited guardianship under the amended provisions of subparagraph 1 of Article 16.

**Article 5 (Transitional Measures concerning Disqualification)**

Notwithstanding the amended provisions of subparagraphs 6 and 7 of Article 16, the former provisions shall apply to persons to whom a suspended sentence of imprisonment without prison labor or heavier punishment was given for violating Article 17 of the Child Welfare Act and such suspended sentence was made final and conclusive and to persons who received an order for closure under Article 45 before this Act enters into force.

ADDENDA <Act No. 13321, May 18, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force four months after the date of its promulgation.

**Article 2 (Applicability to Disqualification)**

The amended provisions of Article 16 shall apply, starting from a person whose punishment has been made final and conclusive for an offense committed after this Act enters into force, or against whom an order to close a child care center was first issued under Article 45.

**Article 3 (Applicability to Period of Stay Overseas)**

The period of stay overseas pursuant to the amended provisions of Article 34-2 (3) shall apply from the date on which an infant or young child stays overseas after this Act enters into force.

**Article 4 (Transitional Measures concerning Installation of Closed-Circuit Televisions)**

Each person, who has established or operates a child care center pursuant to the former provisions as at the time this Act enters into force, shall install a closed-circuit television referred to in the amended provisions of Article 15-4, within three months after the date this Act enters into force: Provided, That the same shall not apply where he or she has not installed a closed-circuit television or has installed a network camera pursuant to the proviso to Article 15-4 (1).

**Article 5 (Transitional Measures concerning Administrative Disposition)**

The former provisions shall apply to administrative dispositions on offenses committed before this Act enters into force.

**Article 6 (Transitional Measures concerning Order to Undergo Education)**

Notwithstanding the amended provisions of Article 23-3, the former provisions shall apply to an order to undergo education issued against a person to whom the former provisions of Article 16 apply pursuant to Article 2 of the Addenda.

**Article 7 (Transitional Measures concerning Reporting of Violations and Protection of Reporting Persons)**

Each person, who has filed a report on, or complaint against, a person falling under any subparagraph of Article 42-2 (1) with the relevant administrative or investigative agency before this Act enters into force, shall be deemed filed a report or complaint pursuant to the amended provisions of Article 42-2.

**Article 8 (Transitional Measures concerning Penalties or Administrative Fines)**

In applying the penal provisions or provisions of administrative fines to offenses committed before this Act enters into force, the former provisions shall govern.

ADDENDA <Act No. 13323, May 18, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation.

**Articles 2 through 4 Omitted.**

ADDENDA <Act No. 13498, Aug. 28, 2015>

**Article 1 (Enforcement Date)**

This Act shall enter into force four months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 7 Omitted.**

ADDENDUM <Act No. 13656, Dec. 29, 2015>

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 43-2 shall enter into force three months after the date of its promulgation.

ADDENDA <Act No. 14001, Feb. 3, 2016>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of Article 32 (5) shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning Child Care Centers at Parents Associations)**

The child care centers at parents associations authorized under the former provisions as at the time this Act enters into force shall be considered as cooperative child care centers prescribed in the amended provisions of subparagraph 6 of Article 10.

ADDENDA <Act No. 14597, Mar. 14, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 4 of Article 10, and Article 12 shall enter into force on the date of its promulgation.

**Article 2 (Applicability to Types of Child Care Centers)**

The amended provisions of subparagraph 4 of Article 10 shall also apply to workplace child care centers established and operated by the State or local governments under the former provisions as at the time the amended provisions enter into force.

ADDENDA <Act No. 15270, Dec. 19, 2017>

**Article 1 (Enforcement Date)**

This Act shall enter into force on July 1, 2019. (Proviso Omitted.)

**Articles 2 and 3 Omitted.**

ADDENDA <Act No. 15892, Dec. 11, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation: Provided, That the amended provisions of subparagraph 2 of Article 16 shall enter into force on the date of its promulgation.

**Article 2 (Transitional Measures concerning the Incorporation Foundation, Korea Childcare Promotion Institute)**

(1) The incorporated foundation, Korea Childcare Promotion Institute (hereinafter referred to as the "former corporation") shall request the Minister of Health and Welfare to approve KCPI established under this Act to succeed all the property, rights, and obligations, following a resolution by the board of directors during the period from the date this Act is promulgated to the date this Act enters into force.

(2) Notwithstanding the provisions of the Civil Act governing the dissolution and liquidation of corporations, the former corporation that has obtained approval from the Minister of Health and Welfare

pursuant to paragraph (1) shall be deemed dissolved in concurrence with the establishment of KCPI under this Act, and KCPI shall universally succeed all the property, rights, and obligations that have belonged to the former corporation.

(3) The executive officers and employees of the former corporation shall become executive officers and employees of KCPI.

(4) The value of property to be succeeded by KCPI pursuant to paragraph (2) shall be the book value of the date preceding the date of establishment registration of KCPI.

**Article 3 (Transitional Measures concerning Degree of Disability)**

"Degree of disability" in the amended provisions of Article 28 (1) 4-2 shall be construed as "at least disability grade" before the partially amended Act on Welfare of Persons with Disabilities (Act No. 15270) enters into force.

**Article 4 (Transitional Measures concerning Accredited Child Care Centers)**

Notwithstanding the amended provisions of Article 30, child care centers accredited pursuant to the former provisions shall be governed by the former provisions during the period of validity of the accreditation.

**Article 5 (Transitional Measures concerning Administrative Dispositions)**

Notwithstanding the amended provisions of subparagraph 4-6 of Article 44, acts conducted before this Act enters into force shall be governed by the former provisions.

ADDENDA <Act No. 16078, Dec. 24, 2018>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation: Provided, That the amended provisions of Article 31-3 shall enter into force three months after the date of its promulgation, and the amended provisions of Articles 12, 34 (6), and 39-2 shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Establishment of National or Public Child Care Centers in Multi-Family Housing)**

The amended provisions of Article 12 shall begin to apply from the first multi-family housing which requests a pre-use inspection prescribed in Article 49 of the Housing Act three months after the same amended provisions enter into force.

**Article 3 (Transitional Measures concerning Temporary Child Care Service Providers)**

Temporary child care service providers designated pursuant to the former provisions as at the time this Act enters into force shall be deemed part-time child care service providers designated pursuant to the amended provisions of Article 26-2 (2).

ADDENDA <Act No. 16248, Jan. 15, 2019>

**Article 1 (Enforcement Date)**

This Act shall enter into force six months after the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 6 Omitted.**

ADDENDA <Act No. 16251, Jan. 15, 2019>

**Article 1 (Enforcement Date)**

This Act shall enter into force one year after the date of its promulgation: Provided, That the amended provisions of Article 13 (2) shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Surveys of Standard Child Care Costs)**

The first survey of standard child care costs pursuant to the amended provisions of Article 34 (7) shall be conducted in 2022.

**Article 3 (Applicability to Order to Return Costs)**

The amended provisions of Article 40 shall begin to apply from the first case where costs prescribed in Article 34 are subsidized by fraud or other improper means after this Act enters into force.

ADDENDA <Act No. 16404, Apr. 30, 2019>

**Article 1 (Enforcement Date)**

This Act shall enter into force on March 1, 2020: Provided, That the amended provisions of Article 44-3 shall enter into force six months after the date of its promulgation.

**Article 2 (Applicability to Imposition of Charges for Compelling Compliance)**

The amended provisions of Article 44-3 (2) shall begin to apply from the first imposition of charges for compelling compliance after the same amended provisions enter into force.

**Article 3 Omitted.**

ADDENDA <Act No. 17091, Mar. 24, 2020>

**Article 1 (Enforcement Date)**

This Act shall enter into force on the date of its promulgation. (Proviso Omitted.)

**Articles 2 through 5 Omitted.**

ADDENDUM <Act No. 17209, Apr. 7, 2020>

This Act shall enter into force three months after the date of its promulgation.

Last updated : 2021-08-30

