

# Taiwan Residential Child Care Alliance Report for CRC

28th March 2022

(Based on the second Implementation of the Convention  
on the Rights of the Child-Initial Report)

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## Chapter 1 【General Enforcement Measures】 The Complaint

### Rights of Children and Teenagers in Placement Agencies

#### Current situation:

1. The existing appeal channels for placement children are established at different levels and within different regulations, including:
  - (1) Children and teenager placement agencies (shelters): internal and external grievance mechanisms are required to be set up, and all public placement shelters for children and teenagers have relevant methods for setting up appeal groups or methods for complaint procedures; private placement agencies for children and teenagers are requested to accept the guidance and inspection of child and youth placement and correctional institutions stipulated by the Ministry of Health and Welfare on weekdays and the joint evaluation of children and youth placement and correctional institutions every three or four years. All regulated placement agencies should have internal and external complaint handling mechanisms.
  - (2) County and city governments: there is an external grievance handling mechanism for out-of-home placement, including all types of out-of-home placement (kinship care, foster family, group family, placement shelters). It is also stipulated that individual placement agencies should set up an in-house complaint handling mechanism.
  - (3) Control Yuan: it has the authority to investigate incidents related to violations of children' s rights, but there are no substantial checks and balances.

Among issues related to placement, after verifying the investigation report published on the website<sup>1</sup>, from January 2017 to December 2021, there were a total of 10 cases in the past 5 years, including: 2 cases of lack of management notification of sexual assault incidents in placement shelters. Lack of handling of sexual assault incidents in foster families, improper abuse of nanny placement, improper discipline by placement agencies, government failure to respond to the issue of aging foster families, consideration of placement of children and suspension of family

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<sup>1</sup>Control Yuan (2017~2021) · investigation report · <https://www.cy.gov.tw/CyBsBoxAll.aspx?n=718&sms=0>

contact, lack of family support or resettlement resources for children with autism, working conditions of child and teenager placement shelter are ignored by the government, special sexual assault judicial children have no suitable resettlement place, one for each of the above issues.

2. Defects of the current children' s grievance mechanism: at present, children' s placement agencies have set up internal and external grievance handling mechanisms in accordance with government regulations, but since the external grievance mechanism is established in the county and city governments, there may be a lack of neutrality and grievance mechanisms for the home-based and community-based placement services.
  - (1) The grievance mechanisms for out-of-home resettlement of the county and city governments are not sound enough, and there is no formal complaint channel provided by the responsible agency and its social workers for the treatment of children and young children resettled outside the home. When the placement unit encounters that the social worker in charge does not take into account the best interests of the resettled children (including not listening to children' s opinions), they can only respond and discuss with their supervisors or managers, and such feedback does not constitute a formal, effective the appeal procedure; or when submitting a letter to the mailbox of government department, the agency tends to assign the business unit for the reply, showing the situation of the player and the referee.
  - (2) At present, the National Human Rights Commission (hereinafter referred to as the Human Rights Commission) under the Control Yuan has a total of 10 members, with 3 groups of "Research Project" , "Visit Work" and "Educational Exchange" . The current issues of concern include the Convention on the Rights of Children (CRC), the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the Act to Implement the Convention on the Rights of Persons with Disabilities (CRPD), the International Covenant on Civil and Political Rights & International Covenant on Economic Social and Cultural Rights (ICCPR & ICESCR). However, the business statistics of the Human

Rights Commission from January to November 2021 show that its business connotations are mostly the research and investigation of special projects, interviews, visits to prevent torture, human rights education exchanges, independent evaluation opinions of national reports, etc., and only one case in the judicial cooperation section and three from August 2020 to this day. The statistics have failed to show the efforts of the Human Rights Commission on the Convention on the Rights of Children, and its supervision of judicial and administrative organs has not been clearly effective.

### **Specific cases:**

#### **Case 1**

Some placement children have different opinions on personal resettlement from the responsible social worker. For example, the responsible social worker hopes that the children and teenager choose the self-reliance plan, but the children and teenager expect to stay in the placement agency so that they can continue to complete their high school studies more stably. Among them, the shelter unit, in addition to communicating and coordinating with the competent authority/responsible social worker, looks forward to assisting the resettlement of children and teenager to make further appeals, such as sending a letter to the President' s mailbox, but the shelter unit has to have more restrictions and difficulties, because: (1) the shelter unit understands the fact that the letter to the President' s mailbox will eventually return to the Social and Family Affairs Administration and the competent authorities of various counties and cities for processing. (2) The shelter unit is also worried about whether the appeal on behalf of the children and teenager will damage the harmonious relationship between the shelter unit and the government and will be detrimental to their follow-up cooperative relationship.

### **Response to points 26 to 30 of the second national report and concluding observations 14 to 17, 82:**

The National Human Rights Commission' s current business scope is limited to research, interviews, educational discussions, and judicial cooperation. It only has the right to make suggestions when non-public departments/public

officials endanger the rights of children and teenager and does not provide a substantive intervention mechanism; as of December 2018, there were only 2 cases per year dealing with policy issues or major violations of children' s rights and interests, and the cases were not initiatively made by children or teenager. It can be seen that regardless of the Control Yuan or the National Human Rights Commission under it, both organizations lack accessibility and friendliness in the publicity, complaint platform and tools of children' s rights and interests.

### **Recommendations:**

1. The existing National Human Rights Commission should re-examine its setup methods and related functions and powers, strengthen the publicity of complaint channels and review the effectiveness of its use; there should be substantive intervention measures for investigating cases, and the results of case handling should be made into public information for public inquiry.
2. The Control Yuan is more independent than the competent authorities of each county and city and should be more suitable for dealing with the issue of damage to the rights of children and teenager caused by the improper decision-making of the competent authorities of each county and city for placement outside their homes. However, the data shows that the number of cases currently handled is quite small (only an average of 2 cases per year in the past five years are related to children' s rights and interests), and investigations are often conducted after media reports and public opinions arise. It is advised that the service capacity of children' s rights and interests damage should be improved, and the follow-up tracking of cases should be followed up with the presentation of the improvement effect.
3. The government should actively revise the law and add provisions to the "Protection of Children and Youths Welfare and Rights Act" , the most important parent law for children' s rights and interests, so as to ensure that all children who receive child protection and placed outside the home can have the right to appeal for their relevant placement decisions and treatment, and an expert group should be formed by the impartial unit mentioned in Chapter 3 to carry out and safeguard the rights and interests of children.

## Chapter 2 【General Principles】 Respect of Children Opinions and the Expression Right of Placement Children

### Current situation:

1. Views and ideas of children and children in different resettlement places: according to the two (unpublished) survey results provided by Chao Shan-Ju (2021)<sup>2</sup>: the results of “Investigation on the Living Conditions of Children and Adolescents Relocated Outside the Home” conducted by the Ministry of Health and Welfare in 2017 and the “Special Needs Children and Youth Group Family Experiment Project Professional Improvement and Evaluation Project” conducted by Child Welfare Bureau, Ministry of the Interior in 2019, regarding children in foster families, placement agencies or group families, there are opportunities to express opinions, but the topics discussed with caregivers are different. Among them, children from foster homes have the most opportunities to express various opinions, while children from placement agencies and group families, though having the opportunity to discuss in the part of further education and employment, are more limited in the arrangement of personal space and daily routine.
2. Placement children’s right to know their rights and obligations:  
The joint evaluation project for the placement of children and juveniles and correctional institutions implemented<sup>3</sup> by the Ministry of Health and Welfare in 2022 require children and teenager placement shelters to clearly inform them of their rights and obligations when accepting the case. In contrast, resettlement models such as kinship families and foster families have no relevant regulations, and the understanding of the rights and obligations of the resettled children should be fulfilled.
3. Circumstances in which placement children participate in resettlement decision-making:  
Chao Shan-Ju’s (2021) research results show that at least 40% of children in foster families disagree with “I can have the opportunity to discuss my

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<sup>2</sup>Chao Shan-Ju, Peng Shu-Hua, Hu Chung-Yi (2021), estimated placement needs outside the home and report on the final results of effectiveness evaluation plan of the current placement model implementation. Social and Family Affairs Administration, MOHW. <https://www.sfaa.gov.tw/SFAA/Pages/Detail.aspx?nodeid=581&pid=10600>

<sup>3</sup>Ministry of Health and Welfare (2022), Joint Evaluation of Child and Adolescent Placement and Correctional Institutions. <https://www.sfaa.gov.tw/SFAA/Pages/List.aspx?nodeid=1345>

placement arrangements” . At present, the placement cases for children and teenager belong to the entrusted resettlement persons. The “Municipality, County (City) Government Accepting the Entrusted Placement Operation Procedures for Children and Teenagers”<sup>4</sup> promulgated in 2019, the provisions of this executive order do not provide the right to know, state and participate in the meeting of the placement children in their own resettlement decisions, but only list out the willingness of child placement in the group decision-making evaluation form; there is also no relevant regulation to protect resettlement persons to guarantee the right of such children to participate in the placement decision-making process.

#### 4. Informed consent and expression conditions of resettled children under various placement services

The 2022 Joint Evaluation Indicators for Child and Adolescent Placement and Correctional Institutions stipulates that child placement agencies should provide opportunities for placement children to participate in discussions when formulating placement care plans, case treatment programs, and preparation plans before ending placement. However, in the various living arrangements in foster care placement and kinship care, the rights of children and teenagers to know and express are not regulated and guaranteed.

### **Specific cases:**

#### **Case 1**

In placement shelters, staff most often conflict with placement children (especially teenagers) over the use of mobile phones. Some placement shelters have adopted: under the responsibility of personal study and life, children can be allowed to use mobile phones without time limit; some placement shelters use time-limited methods to allow children to use mobile phones with less flexibly.

One of the things that placement shelters worry the most is the physical safety of children and teenagers (for example, inappropriate dating, sexual behavior deviation, teenage pregnancy, uploading nudity pictures online, etc.) when they come into contact with the outside world through the Internet. In addition to

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<sup>4</sup>Social and Family Affairs Administration, MOHW (2019), the municipal and county (city) governments’ accepting the entrusted placement work process for children and juveniles.

pre-education and post-event assistance, placement shelters are often the ones who are held accountable by the government or even the children's original families when such major issues occur. Therefore, when the staff of placement shelters deal with the issues of children and teenagers' expressions, the accompanying considerations are complex and difficult.

### **Response to points 33, 34, 73, 74 of the second national report and concluding observations 31.32:**

1. Regarding the management of CRC education and training, the county and city governments, various child and teenager placement agencies, and non-governmental organizations related to placement in recent years have been frequently handled the relevant training and procedures of "Knowing Children's Rights" and "Implementing Children's Rights and Interests in the Field of Placement Organizations". However, since the parenting culture in Taiwan has always been a parent-led culture, the caregivers of the current placement agencies also grew up in this cultural background, and even foster families are difficult to discuss various issues with children and teenagers on an equal and balanced basis using "professional identify". As a result, caregivers and professionals still need to go through a long process of value flipping and restructuring before they can slowly internalize and implement the spirit of children's rights.
2. Since 2018, Taiwan has begun to add relevant provisions to protect the rights of expression of children and adolescents in the joint evaluation index of child<sup>5</sup> and adolescent placement and correctional institutions, including: the need to hold regular family meetings, the joint development of management rules by teachers and students in the agency, and ensuring the participation of children and teenagers decision-making and enjoyment of spatial autonomy, etc. Many placement shelters have deeply rooted the implementation of children's rights in all aspects of life, such as: allowing children to discuss the daily routine of a small family, holiday arrangements for small family activities, use of pocket money, use of air conditioners, use of mobile phones and computers, pet keeping and care and other decisions, or

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<sup>5</sup>Ministry of Health and Welfare (2018), Joint Evaluation of Child and Adolescent Placement and Correctional Institutions. <https://www.sfaa.gov.tw/SFAA/Pages/List.aspx?nodeid=992>

even help placement children to develop their ability to think about issues, speak independently, and discuss in groups through activities.

### **Recommendations:**

The government should actively revise the law and add provisions of “The Protection of Children and Youths Welfare and Rights Act” , the most important parent law for children’ s informed rights and participation interests, to establish a comprehensive protection for children and teenagers under different placement models in their placement decision-making process instead of the existing lower-level administrative norms (evaluation system) where only the right to partake in a certain part of the placement children can only be guaranteed (i.e. informed rights and interests of children and teenagers in placement agencies during their resettlement period and participated in treatment decision-making).

## Chapter 3 【Citizenship and Liberty】 Privacy Protection of

### Placement of Children

#### Current situation:

1. In order to protect the privacy rights of children and teenagers placed in institutions, the Ministry of Health and Welfare has strengthened the indicators for the joint evaluation of child and adolescent placement and correctional institutions in 2022.
  - (1) In terms of hardware equipment: it is standardized that each placement shelter should provide sufficient, reliable, and easy-to-access storage space for the resettlement of children' s personal belongings and provide space arrangements such as exclusive dormitory equipment, beds, wardrobes, and desks; monitors must not be installed in spaces that affect privacy (bedrooms, toilets, bathrooms).
  - (2) Confidentiality and privacy of children' s data: regulating placement shelters to formulate and implement the relevant regulations on personal information and data management of resettlement children and teenagers, and it is obliged that these regulations actually protect children' s personal privacy, including finances, personal belongings, calls, letters, mobile phones and Internet access.
2. According to two survey results (unpublished) provided by Chao Shan-Ju (2021): the results of the "Investigation on the Living Conditions of Children and Adolescents Relocated Outside the Home" conducted by the Ministry of Health and Welfare in 2017 and the "Special Needs Children and Youth Group Family Experiment Project Professional Improvement and Evaluation Project" conducted by Child Welfare Bureau, Ministry of the Interior in 2019 show that most children who are placed outside the home hope that their right to privacy can be protected.
3. Chao Shan-Ju (2021) study interviewed 12 children/teenagers that were once placed by institutions. Regarding privacy, the interviewees specifically mentioned: placement shelters should avoid frequent visits by outsiders and reduce the possibility of children and teenagers' feeling that "I am like a monkey living in a zoo for people to see and enjoy" .

## **Response to point 107 of the second national report and concluding observations 37:**

Practical observation of the placement alliance:

- (1) Protecting children's privacy from the perspective of hardware equipment: most children' s placement institutions are less obstructive and difficult to navigate. Although there are only few placement shelters that can provide children with one room per person due to factors such as Taiwan' s narrow land and dense population, the original building design of each agency, or the need for others to accompany the placement of young children, most resettlement agencies have no difficulty in providing independent beds and storage spaces; the settings of their monitors are also mostly in line with privacy regulations.
- (2) Confidentiality and privacy of children' s information: most placement shelters have already established policies or principles to keep children' s information confidential or respect the privacy of children and are able to cooperate with the formulation of relevant norms.
- (3) In terms of privacy protection, placement shelters still have the dilemma of considering both the rights and protection of children and teenagers: for example, the staff inspects prohibited items (such as cigarettes, drugs, etc.) when children enter and leave the institution, or when children share their personal past life experience with peers in public or privately but accusing staff of disseminating their personal information in group life.

### **Recommendations:**

The government expects to complete the CRC manual for the staff of child and teenagers placement shelters by the end of 2022. It is suggested that the government should not only complete the manual but also conduct discussions on the protection of children' s privacy rights in or outside the children and teenager placement shelter or entrust a professional and credible institution to conduct a demonstration seminar. The staff should be required to conduct in-depth discussions on the practical situation and related issues encountered, and it is more likely to truly change and improve their thinking and practices on the protection of children's privacy rights so as to achieve the goal of improving the effectiveness of children' s privacy rights protection.

## Chapter 4 【Protecting Children and Teenagers from Violence】

### Current situation:

1. The current placement shelters have clearly prohibited corporal punishment, but when there is physical conflict among children and teenagers in group life, the weaker children will be made to stay in their own rooms in the first place while the aggressive children be arranged in emotional adjustment rooms with protective pads on the walls and floors. However, this arrangement sometimes makes the bullied children feel that they are being punished by being isolated in the room, and the aggressive children will still live in the institution using habitually physical threats.
2. Since the change of parenting style depends on the improvement of professional knowledge of workers, the training of workers has become the most essential part. Through cross-network cooperation, the government introduced the Trauma Informed Support Program and the Out-of-Home Alternative Care Resource Enhancement Program to change the ideology of “control” , reshape the staff's perspective on children’ s problem behaviors, and improve issues that can be seen reflected in behaviors and conducts.

### Specific cases:

#### Case 1

The agencies have placed children with different psychological and biological genders. In order to prevent sexual harassment or sexual assault, the agency tend to arrange the child or teenager to live separately from other children or teenagers. The position of the organization is to reduce the risk of sexual assault, but it also addresses issues of discrimination or degrading humiliation.

### Responses to points 132, 133 of the second national report and concluding observations 38, 94:

The government revised the existing Counselling Checklist for Children and Teenagers’ Placement Agencies in 2020 to include items that regularly inspect the establishment for torture or other forms of cruel, inhuman, or degrading treatment or punishment of children and juveniles. However, the behavior patterns were not listed, which made the placement agency feel overwhelmed in the application of parenting strategies.

### **Recommendations:**

1. The government can organize advanced workshops to conduct practical drills for children' s upbringing and conflict cases in order that the staff of placement shelters are able to protect their own rights and consider the rights and interests of children and teenagers under special circumstances.
2. The government should provide education and training courses on the protection of the rights and interests of multiple genders and provide placement shelters with guidance on upbringing in this regard, as well as guidelines on living space and venue arrangements so as to avoid situations of sexual assault or discrimination.

## Chapter 5 【Home Environment and Alternative Care】

### A. Children who are unable to grow up in a family

#### environment/Children who have lost their families

##### (a) Specialization of placement shelters: case grading, institution

##### grading

##### Current situation:

1. According to the national report (Appendix 5 to 8), the number and ratio of continued placements for child protection in 2020, kinship care accounted for 6.14%, family foster care accounted for 29.11%, and placement agencies accounted for 64.75%. It can be seen that Taiwan still relies on placement agencies to provide alternative care services. Although the government has been vigorously promoting the development of foster families in recent years, the number of foster families has not grown (Appendix 6 to 22). Both the Central and local governments are not clear about the allocation and development plans of alternative care resources<sup>6</sup>, nor have they announced the proportion of care for kinship care, foster families and placement agencies.
2. Development status of placement agencies:
  - (1) The placement shelter first began to move towards family care in the 1960s by transforming the original group care environment into a family care environment. Article 20 of the “Standards for Establishing Children and Youth Welfare Institutes” stipulates that the environment and care mode of Taiwan placement agencies should all aim at Familisation. Since then, placement agencies have developed “small family care” to provide family-like care.
  - (2) According to the survey conducted by Taiwan Residential Child Care Alliance in 2021, 73% of member institutions adopt a small family system for care, and most of them live in a small family with 5 to 8 people. The

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<sup>6</sup> Ministry of Health and Welfare (April 26th, 28th, 29th, 2021), Symposium on the Draft Alternative Care Policy for Children and Teenagers

small family care features of the institution include a. family-style care environment and furnishings, b. small families are used as units in group actions so that children can participate in community activities, c. children can discuss the norms of their own small families, daily routine and activities, d. fixed care manpower, e. providing children with individualized needs services and opportunities for self-expression.

(3) Appropriateness of children and teenager placement decisions:

- a. The placement decision is not based on the priority of the interests of children and teenagers: it can be seen from the above that the current forms of placement services for children and teenagers include placement by relatives, foster families, institutional placement, and group families. However, the government only stipulates the order of placement of children and young children (kinship care → significant others → foster family → placement agency) in Article 10 of Enforcement Rules of the Protection of Children and Youth Welfare and Rights Act and does not propose the most suitable placement model for all types of children and teenagers.
- b. The lack of accessibility of placement resources makes it difficult for children to return to the community: the study of Chao Shan-Ju (2021) points out that the proportion of children and teenagers outside the home resettled outside the jurisdiction in 2018 was 23.37% nationwide, and there were 12 counties and cities higher than this proportion. There are still great differences in the allocation of placement resources.
- c. Insufficient resources for placement of children with special issues: according to statistics of the Ministry of Health and Welfare, the placement shelters have placed an average of 2,700 children over the past three years, about 11% of which are physically and mentally handicapped children, and 3% are children with developmental delays, accounting for 14% in total. However, according to a survey conducted by the Kaohsiung City Government in November 2021, by the end of September 2021, a total of 610 people were resettled outside their homes in Kaohsiung City, and about 244 of which had special issues, accounting for 40% of the total number of placement children and teenagers. Issues such as mental illness, emotional disturbance, and

gender identity require individualized care, and it is difficult to find a suitable resettlement place (Chao Shan-Ju 2021).

- d. Frequent changes of placement experience have a negative impact on the physical and mental development of children and teenagers: according to the study "Assessment of Out-of-Home Placement Needs and Implementation Effectiveness Evaluation Plan for Current Placement Models" commissioned by Social and Family Affairs Administration, MOHW, 57.4% of the cases had experience in converting placement. 43.6% of them had been converted once, and 13.6% had been converted more than twice. The study points out that frequent changes have an impact on the physical and mental development of children and teenagers, including cognition, problem-solving ability, emotional behavior, and mental health.

### **Specific cases:**

#### **Case 1**

Case A is a junior high school student (14 years old) who was arrested for having multiple records of self-injury, such as cutting the wrist or neck with sharp objects or swallowing foreign objects. He was also forced to change his residence due to conflicts with other residents in mental sanatoriums and other institutions, and he has lived in more than 7 foster families, placement shelters, hospitals, and other units during his resettlement career. This case was unable to find a suitable medium and long-term institution and can only continue to pay frequent visits to the hospital for the time being. The government can only place him in an emergency short-term resettlement unit.

#### **Case 2**

A resettlement agency was commissioned by the government to place six or seven children in need of early treatment five or six years ago. At that time, early treatment facilities were purchased for these children. As the children grew up, the placement shelter did not receive any children that need such kind of early treatment. Therefore, the established early treatment and rehabilitation resources are not used. For institutions, equipment resources are wasted, and the early treatment knowledge reserves of staff are gradually jerky because they are not continuously required and used, which is quite a pity.

## **Response to points 159, 160, 162 of the second national report and concluding observations 42 to 45:**

1. The alternative care policy remains in the slogan stage with six policy goals: “stay at home, return to family, family-style care, optimized institutional care, quality and supervision, self-reliance and support” and no detailed implementation strategies such as needs assessment, resource inventory, propose of support or transformation of existing placement resources, etc.
2. The government’ s position on the future development of placement agencies in the alternative care policy is unclear, so that placement agencies have no idea what to do under the slogan of “de-institutionalization” . There may also be the risk of duplication of resources, or it may not be able to provide the care resources needed by the children in the local area.

## **Response to 201 points of the second national report and 58 and 59 points of concluding observations:**

For children with disabilities who are resettled outside the home, only supportive services for placement shelters such as matching medical care, special education, early treatment, psychological support, etc. can be seen when the government handles the “Intensive Counseling Group Plan for Alternative Care Resources for Children and Children Resettled Outside the Home” <sup>7</sup> in 2021, but there is no act of counseling local resettlement agencies to classify and assist them with transforming into professional placement shelters. As a result, children and teenagers with special needs are constantly changing between different resettlement resources, which is quite detrimental to their physical and mental development.

## **Recommendations:**

1. There are various types of children and teenagers placed outside the home. In addition to life care needs, other professional supports such as medical education, special education, rehabilitation, and psychiatric care are required in order that children and teenagers can achieve good physical and mental development during the stage of home placement. Article 53 of “The

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<sup>7</sup> Social and Family Department, Ministry of Health and Welfare (November 26<sup>th</sup>, 2021), data on the Platform Meeting and Final Symposium of Alternative Care Resources for Children and Teenagers Placed Outside the Home.

Protection of Children and Youths Welfare and Rights Act” requires that the county and city governments should conduct classification and grading when they receive a notification of child insurance. It is suggested that the government should strengthen the operation of inter-professional evaluation teams in each county and city. They should follow the spirit of this law before making decisions on placement of children and teenagers and classify and categorize the placement of children and teenagers instead of just observing the order of placement regulated in Article 10 of Enforcement Rules of the Protection of Children and youth Welfare and Rights Act for ensuring that children are placed in an environment with sufficient support to grow up and reduce the frequent conversion of placement resources.

2. Make an inventory of the current out-of-home resettlement cases across the country and the demands for placement resources before dividing them into regions and professional services. Guide the existing placement shelters to transform towards a hierarchical and classified approach and compile the required funds to prepare and support the transformation of the agencies.
3. Make an inventory of the number of children with mental health care and special issues (not the number of children with disability card) and think about how to allocate appropriate mental health care and psychological counseling resources in the placement agency community so that the personnel of placement shelter can obtain full professional support and assistance when caring for children in need.

## **(b) Government's alternative resource balancing**

### **Current situation:**

1. The 2019 investigation report of Control Yuan stated<sup>8</sup> that “the Ministry of Health and Welfare has ignored the local government’s funding for entrusting social welfare organizations to provide statutory social services and has failed to properly calculate personnel and administrative costs, especially for the placement of children and teenagers in protective services for a long time. The placement of children and teenagers in protective business is the last place for children and teenagers with multiple needs of justice and social welfare. It requires a high degree of human input, but the entrusted funds are not in line with the cost, and the personnel funds are a drop in the bucket.” The case has not been closed so far, which shows that the competent authority, Social and Family Affairs Administration, MOHW, has not improved.
2. The placement alliance surveyed that the placement cost of private institutions in 2019 was between NTD 59,000 and 77,000, after deducting the resettlement fee provided by the local government (ranging from NTD 22,000 to 27,000), and the central government also supplements part of the personnel costs of the organization with professional service fees (subsidizing 1/2 of the professional personnel expenses according to the ratio of caring labor), which has not yet been included in the cost of purchasing or depreciating facilities and equipment operated by the organization, as well as subsidies for other necessary allocation of manpower such as administration, general affairs, kitchen, etc.
3. In order to comply with the annual revision of the Labor Standards Act, it is necessary that the placement agency continue to hire more care workers, and the number of care workers hired is much higher than the number specified in the “Standards for Establishing Children and Youth Welfare Institutes” . In the professional service fee subsidy standard set by the government in 2022, the number of staff subsidized by institutions is expected to be adjusted to 1.47 times<sup>9</sup> than the current subsidy number, but since the subsidy amount

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<sup>8</sup> Control Yuan (February 14<sup>th</sup>, 2019), Investigative report 2019 was adjusted to 0009.

[https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&\\_Query=b2ba4ed9-5dea-4dd3-a9ee-317b6a44ba02](https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&_Query=b2ba4ed9-5dea-4dd3-a9ee-317b6a44ba02)

<sup>9</sup> Social and Family Affairs Administration, Ministry of Health and Welfare (2021, September 6<sup>th</sup> to October 22<sup>nd</sup>), presentation of the briefing meeting on the second phase of the strengthening social safety net plan for public-

is only one half of the current salary, the subsidy amount only accounts for one third of the personnel cost if the labor insurance, health insurance, and labor retirement expenses that other employers should provide are added, which shows the fact that the more employees are recruited by the organization, the more personnel costs will increase.

4. The “Checklist for Child and Adolescent Placement and Rehabilitation Institutions Counseling” revised by our government in 2020 stipulates that “professionals in placement shelters should receive at least 18 hours of on-the-job training each year” , which must also include sexual assault prevention and control professional training, self-defense fire drills and lectures (firefighting, notification and evacuation training is carried out every six months, and each time shall not be less than four hours), health education or activities, and the staff of placement shelter are required to received CRC training starting from 2019. The placement agencies in Taiwan generally encounter difficulties in recruiting staff, shortage of on-site care staff, and the need to pay extra overtime to provide training.
5. In terms of professional placement and care, the government only provides training standards for the staff of placement agencies, and there is no corresponding standard for relative caregivers and foster families, resulting in inconsistent quality of care for children and teenagers who are resettled.

#### **Response to points 21, 164 of the second national report and the concluding observations 45:**

1. From point 21 and (Appendix 1 to 2), it is found that the proportion of the government’ s expenditure on “welfare” (measures to help reduce the financial burden of child-rearing families and family support and alternative care) is decreasing year by year, which does not reflect the government’ s emphasis on family support measures and alternative care.
2. Although the government has revised the subsidy standards for professional service fees, it only adjusts the number of subsidized personnel according to the needs of shifts and does not include the costs of labor insurance, health insurance, employee retirement plan, and education and training that employer need to pay. Institutional professionals are also required to

undergo various training courses each year. According to the design concept of the government's professional service fee, the direct caring staff must allocate a certain amount of time to complete various administrative, general affairs, meal preparation and cleaning work in the organization. In the end, the ratio of on-site caring staff is sacrificed, and "improving the quality of care and the implementation of the CRC concept" has just become a half-hearted and flashy slogan.

### **Recommendations:**

1. In the current alternative care model for children and teenagers, emergency placement services and group family services in each county and city are fully subsidized by the government for their personnel costs, facilities, and equipment funds, but medium and long-term placement shelters cannot receive the same standard of subsidies. The Control Yuan has also expressly corrected that the competent authority should review and re-calculate the reasonable calculation of personnel and administrative operating costs by the resettlement agency. However, the case has not been closed so far.
2. For children who are placed in the same institution, the placement fee varies due to the different subsidy standards of the local governments in each county and city. The government should review and respond to the "value issue of the difference in the care funds calculated by the conversion of individual children and teenagers" .
3. The government subsidizes the personnel expenses of the organization in the name of professional service fees, but the subsidized posts only include the nursing manpower and social worker manpower, with the exclusion of administrative, general affairs, kitchen workers and other personnel that the organization still needs to deploy. The government should publish its professional service fee calculation method and subsidy content for discussion by all walks of life, as a basis for revising subsidy standards.

## **(c)Partnership Between Placement Agencies and the Government**

### **Current situation:**

1. The division of labor between public and private cooperation in resettlement services is unclear. From the perspective of the rights and obligations of acting guardianship, Articles 60 and 62 of the “Protection of Children and Youths Welfare and Rights Act” respectively stipulate that “In the scope of placement of children and youth, municipal or county (city) competent authorities, foster families or institutes shall exercise parental rights and assume parental obligations” and “During the placement, special municipal or county (city) authorized agencies, assigned placement institutions or foster families shall exercise and assume the responsibilities and obligations for underage children within the scope of protection of children and youth under placement.”
2. In practice, the affairs of relocating children outside the home involve a wide range of aspects, including: general life care, school activities, medical matters, and issues involving the representation of legal guardians (such as: invasive medical treatment, influenza vaccine, volunteer service registration, passport for traveling abroad), major incidents of children and teenagers (such as planning for further studies, special property management, special medicines for body and mind), or matters involving civil and criminal liability and compensation for children and teenagers, etc., the powers and responsibilities of the above-mentioned matters are not entirely vested in the entrusted unit that places the children outside the home.
3. Some county and city governments have established a division of labor for parental guardianship in accordance with the law. However, there is no clear normative principle for reference between most municipal and county (city) governments and the entrusted unit, and the entrusted unit and the competent authorities of the municipality and county (city) usually coordinate one by one in the event of an incident; moreover, the resettlement agencies have a certain proportion of cross-jurisdictional placement children, so there are many competent authorities that need to coordinate, and each competent authority has different standards for identifying the same situation. In the absence of a clear and nationally consistent principle of the division of labor on behalf of parents, it will undoubtedly increase the

business burden of the entrusted unit in administration, communication and coordination; and under the situation of unclear rights and responsibilities, when children and teenagers are involved in civil and criminal liability compensation issues, it is even more difficult to follow. Children and teenager trustee units often have to bear the relevant compensation and restoration responsibilities.

### **Specific cases:**

#### **Case 1**

The Taiwan High Court's judgment mentioned that a case (the perpetrator) under the guardianship of the county and city government had a conflict with another case in the placement agency and beat the other person to death. The family of the deceased applied to the court for civil compensation. It is decided by Taiwan High Court that the county and city government did not need to bear joint and several liability for damages because of no negligence although the county and city government was the legal guardian of the perpetrator because it chose an appropriate institution for protection and care and fulfilled the guardianship obligations of the legal representative. However, the placement agency should be jointly and severally liable for compensation. From this precedent, it is found that the legal guardian's rights and obligations are unclear. The county/city government as the legal guardian of the case was only responsible to the appropriate accommodation while the care unit should bear the responsibility for the incident or compensation for the case during the placement period; however, the care unit was not the legal guardian of the case.

### **Recommendations:**

The United Nations Guidelines for the Alternative Care of Children also point out that the government should establish the scope of substitute guardianship, Article 71 of the guidelines: "Particular attention should be paid to ensuring the quality of alternative care, be it residential or home care, in particular with regard to the professional skills, selection, training and supervision of caregivers. The relationship between these two categories of caregivers should be clearly defined and clarified in relation to the child's parents or roles and responsibilities of legal guardians." It is suggested that the government should

face up to the issue of acting guardianship, amend the law to implement the Convention on the Rights of Children, and revise it on the basis of the 2021 “Principles of the Ministry of Health and Welfare that the competent authorities and entrusted units to exercise parental rights on behalf of parents in accordance with the law (draft)<sup>10</sup>”, to establish a national legal basis to reduce the coordination cost of placement agencies.

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<sup>10</sup> The Social and Family Affairs Administration, Ministry of Health and Welfare (2021, January 5<sup>th</sup>), the minutes of session on the legal relationship and contractual attributes of the municipal and county (city) governments handing over the child and juvenile welfare institutions to the placement of children

## **B. Out-of-home Placement Program and Service Connotation**

### **(a) Decision-making of Children's Placement and Implementation of Family Reorganization Plan**

#### **Current situation:**

1. The decision on placement of children and teenagers has not been taken seriously
  - (1) Child and teenager protection case: the current focus on child protection case services of the government is whether the resettlement can be completed and returned home. The main social worker's work focuses on family treatment services rather than child placement decision-making services. The government has formulated the "Service Manual for Staff on the Evaluation and Decision-making Model of Child and Teenager Protection Family Treatment Services" for child and teenager protection case services, but it is found that there are still cases of child protection cases being reported again after returning home after resettlement in practice. Moreover, the government has not formulated relevant manuals or operational guidelines for the assessment of child protection and placement, so the social workers in charge tend to put focus on family function assessment and family treatment services. Since there are few active placement arrangements for children who are not suitable for returning home, children and teenagers may be placed in an unsuitable placement shelter for 3 to 6 months, during which time their schooling, medical rehabilitation, and community participation arrangements are limited, showing the deprivation of children's rights of expression, education, information, and games.
  - (2) Entrusted placement case: the group decision-making mode is adopted in accordance with the "Operating Procedures for Accepting Children and Adolescents Entrusted Placement by the Municipal and County (City) Governments" at the time being, but in practice, it is found that the opinions of the local competent authorities are still the mainstay in group decision-making. When social workers hold different opinions, the competent authority usually requests the placement shelter to accept the decision of the competent authority by means of entrustment. There are no active supporting measures for the difficulties raised by the placement

agency, or in the case where coordination cannot be continued, the social worker in charge will take the case away and temporarily place it in an emergency short-term placement unit and the child can only continue to undergo transition experiences in the resettlement system.

## 2. Family treatment program

For the placement of children and teenagers (regardless of whether it is protection placement, entrusted placement, or judicial-turned placement), the improvement of the function of the family of orientation is closely related to whether they can return home and their well-being after returning home. The family treatment (family reorganization) program is an important intervention method to improve the function of the family of orientation of the children and teenagers, but some deficiencies are still observed:

### (1) Regulatory and enforcement levels:

As far as the current regulations are concerned, currently only families with child and teenager protection cases can accept the family treatment plan in accordance with the "Protection of Children and Youths Welfare and Rights Act" (not placed: family maintenance plan; placed: family reorganization plan); children and adolescents who are entrusted resettlement can only obtain the services of the family reorganization plan in accordance with the administrative order - the "Operating Procedures for Acceptance of Entrusted Placement of Children and Teenagers by Municipal and County (City) Governments" implemented in 2019; however, there is no relevant information or data for reference on its implementation, as revealed in the report of Chao Shan-Ju (2021).

(2) The government has not provided the results of the review on the implementation of the above-mentioned protection and placement and entrusted placement of the family maintenance plan and family reorganization plan. In addition, there are still a group of children who have been turned to placement by the judicial system. If their families were not previously supported by the social administration system, there are currently no relevant laws and regulations to guarantee their families access to services after they enter the placement shelter. In terms of what we found on the practical scene: such behavioral deviations of children and teenagers are often caused by the dysfunction of the family of

orientation, or the lack of support and resources received by the family of orientation, but they are missed in the social and political network, resulting in children and teenagers finally entering the judicial system with deviant behavior. Therefore, if there is no early intervention of the family treatment program, the intervention of the counseling program can only be followed up after the case is closed. The original families of such children and teenagers cannot obtain resource assistance as soon as possible to enhance the family energy, which will reduce the possibility that such children will continue to improve their conduct and situation after they complete resettlement and return to their families.

### 3. Cross-network cooperation level:

The “Family Function Assessment and Family Disposal Planning Form and Workbook”<sup>11</sup> commissioned by the Ministry of Health and Welfare in 2018 is the basis and standardized tool for family disposal services. Appendix 1 of the handbook “Family treatment service content at various stages” includes the implementation period of the responsible social worker in the competent authority, the social worker in charge of the family entrusted unit, and the resettlement social worker should implement the service according to the family treatment plan. At the same time, it also emphasizes the importance of tripartite cooperation - the responsible social worker of the competent authority, the responsible social worker of the entrusted unit, and the resettlement social worker should assist and support each other during the family treatment service period.

However, in practice, the social worker in charge of the competent authority has not regularly informed the placement unit (family foster care service unit, placement agency) of the progress of the treatment program for families with young children in care. There are also cases where the social worker in charge refused to respond when the placement agency inquired about the progress of the resettlement plan for the children and their families. The placement unit is often not informed until the home plan is about to enter a major decision (such as preparing to return home), so it misses the opportunity to provide opinions and participate in discussions so that the opportunity to

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<sup>11</sup> Social and Family Affairs Administration, Ministry of Health and Welfare (2018, February 24<sup>th</sup>), Family Function Assessment and Family Treatment Plan Form and Workbook. <https://www.mohw.gov.tw/dl-50829-f26ceebe-1e1e-4b54-ac0d-c0e8b584a43c.html>

adjust the placement decision is detrimental to the best interests of the placement of children.

## Specific cases:

### Case 1

The mother of the case had been mentally ill for many years, and many children (more than 3 siblings) of the family were resettled in the same placement shelter. After the children were resettled for many years, the social worker in charge determined that the situation of the mother had improved according to the assessment and decided to send the children home. The placement agency originally discussed with the social worker in charge to let the children return home step by step by sending the oldest child home in the first place so as to avoid the sudden surge in the amount of care from overwhelming the mother's physical and mental condition again. But the social worker in charge finally changed the strategy and let all the children return home together. After returning home, the eldest case asked the placement agency for help several times, saying that the mother's emotional instability caused the younger siblings to live in a tense mood or feel extremely stressful.

### Case 2

Case 1<sup>12</sup> : A 6-month-old baby boy was abused and suffered from intracranial hemorrhage. Back then, the baby fractured his right leg and had his right big toenail pulled out. After four years of resettlement, the boy was allowed to return to his originally family after a social worker assessment in March 2020. However, within a month, the boy had new injuries.

Case 2<sup>13</sup> : After a boy was born in 2016, he was resettled due to family financial problems and could return home after evaluation in 2019. But within less than 2 months after returning home, he was tortured to death by his father.

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<sup>12</sup> ETtodayNews (May 2nd, 2020) the baby of six months old was tragically abused by "removing nails and breaking bones" ! Four years after being rescued, the baby returned to his family of orientation and reappeared with new injuries. The nanny shouted: SOS. <https://www.ettoday.net/news/20200502/1705032.htm#ixzz6ZKLOaEIZ>

<sup>13</sup> Apple Daily (2019, November 20th), extremely tragic. A 2-year-old boy was tortured and spit blood to death. The doctor scolded "I have never seen such severe and terrible case"  
<https://tw.appledaily.com/headline/20191120/4GIYE66TX3VF2MJEWOSLA5U2FE/>

## Response to points 152, 153, 165, 167 and 46 of the concluding observations of the second national report:

1. Neither any effectiveness indicators and data analysis aiming at the implementation of resettlement decisions and family treatment plans have been proposed by the government, nor the review and improvement measures for workflow and other aspects.
2. In terms of placement data and research disclosure:
  - (1) There is no data analysis of “repeatedly entering and leaving the resettlement system for children and teenagers” : there is no relevant public information with regard to this data that can be reviewed by scholars and non-governmental organizations.
  - (2) Certain important commissioned research reports are not publicly available: research reports that are not publicly known to the present, such as: the “Investigation Results of the Living Conditions of Children and Adolescents Placed Outside the Home” conducted by the Ministry of Health and Welfare in 2017, the “Analysis and Research on Major Child and Adolescent Abuse Incidents” commissioned by the Ministry of Health and Welfare in 2018, and the “Special Needs Children and Youth Group Family Experiment Project Professional Improvement and Evaluation Project” conducted by the Child Welfare Bureau, Ministry of the Interior in 2019, etc. Taking “Analysis and Research on Major Child and Adolescent Abuse Incidents” as an example, we can see from the researchers’ remarks in news interviews and resettlement public hearings:<sup>14</sup> many major child abuse incidents are caused by children repeatedly entering and leaving the placement system, and it is suggested that the function and responsibility of medical units to jointly prevent child abuse should be strengthened rather than relying solely on the social and administrative system. The research and investigation reports completed by the government allocated funds are reluctant to disclose to the general public, whether it is because of the concern that the rights and interests of children are damaged by public evaluation and inspection, and the public’ s right to know is disregarded.

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<sup>14</sup> NOWnews today's news (January 19<sup>th</sup>, 2019), the Ministry of Health and Welfare of the Tainan Child Abuse Case offered an intensive visit! Scholar criticized: not even mention anything related to medical support  
<https://today.line.me/tw/v2/article/qQ97gy>

### **Recommendations:**

1. The government should actively revise the law, and the establishment of All cases of protection and placement (except emergency placement) and entrusted placement of should be decided by group decision-making in Protection of Children and Youths Welfare and Rights Act to avoid making decisions based on the unilateral opinions of competent authorities or scholars and experts.
2. The government should amend the law to ensure that children and teenagers who are entrusted and resettled by judicial turn can receive family treatment program services in the same way as protecting and relocating children.
3. The government should actively conduct research on the effectiveness of the family treatment program and the group decision-making mechanism for placement so as to provide a clear direction for review and improvement and reduce the possibility of unfavorable physical and mental conditions for the resettled children after returning home. In addition, various research and data surveys related to placement (such as cases of repeated entry into the placement system) should fully disclose the contents of their reports in order that all circles can discuss and propose improvement suggestions.

## **(b) Placement Care Program**

### **Current situation:**

#### 1. Periodic evaluation mechanism in placement phase

According to Shan-Ju' s (2021) survey report, it is found that the regular inspection rates and indicators adopted by the central and local governments for different types of placement care plans or life care records are not the same, resulting in the difficulty of tracking the quality and effectiveness of childcare.

- (1) Provisions for periodic evaluation of placement treatment: the government stipulates that any children under protection and placement and entrusted placement should be regularly assessed every 3 months on the use of services by the placement unit at present. The social worker in charge is also required to visit the children at the placement unit at least once every 3 months and discuss the care plan with the placement unit.
- (2) Provisions for periodic evaluation of institutional care programs: the joint evaluation project of placement and correctional institutions for children and juveniles implemented by the Ministry of Welfare in 2022 stipulates that "the placement within 1 year shall be based on the principle of 3 months (no more than 6 months at most); for more than 1 year, review and adjustments shall be made at least every 3 to 6 months as required" .
- (3) Out-of-home placement care record and management: the central government has different regulations for different types of placements. Placement agencies and group families are required to fill in, but there are no relevant regulations for kinship care and foster families. The county and city governments use their own administrative measures, regulations, plans, counseling service procedures, and service contracts to restrict the relevant conducts.

#### 2. The lead social worker is absent from the regular review of the placement care plan

The social worker in charge is not assigned a clear role in the regular review of placement care, and in practice, it is found that after many children and teenagers are placed in the entrusted unit, the time and frequency of the contact between the social worker in charge and the placement of children and teenagers decreases rapidly. Most of the information about children

and teenagers is passed on through social workers of the placement unit. Once the children and teenagers enter the placement agency, the agency usually takes the role of “explaining” the situation of the children and teenagers to the social worker in charge. The social worker in charge does not participate in the regular inspection of the care plan and does not actively understand the status of the children and teenagers, resulting in the lack of quality supervision mechanism for children and teenagers during the placement stage.

In addition, Chao Shan-Ju (2021) conducted an interview with 12 children who had been resettled by placement shelters and found that the social workers in charge were the “legendary characters” who decided whether or not to place or switch children in the mouths of these leavers, but most of these children had never seen this person. The study also shows that some social workers who are in charge of social workers seem to be too far away from the placement of children.

### **Response to point 166 of the second national report and point 47 of the concluding observations:**

Under different placement modes, the regular evaluation of children and teenagers’ resettlement lacks a consistent evaluation tool. The social worker in charge is absent from the placement care plan and does not regularly inform the placement unit of the progress of the implementation of the child and teenager family treatment program. As a result, the whole-person development service for children and teenagers has been dismantled into blocks, and the government and the resettlement parties lack a mutual supervision mechanism, and it becomes impossible for children and teenagers to delineate the overall appearance of their stage.

### **Recommendations:**

1. The government should adopt the suggestion of Chao Shan-Ju (2021) and specifically plan the regular evaluation frequency and evaluation indicators of the placement care plan, together with the relevant provisions on the records and management of caregiving life (including the implementation of the right to privacy and confidentiality) so as to ensure that children and

teenagers are provided with various resettlement services and can receive the same quality of care services.

2. Since the social workers in charge are mainly responsible for the formulation and implementation of the family treatment program, there is little participation of them in the regular evaluation and formulation of the children' s placement plan. The government should re-examine the work direction of the social worker in charge and review the rationality of the caseload so as to avoid frequent replacement of the social worker in charge, which would lead to the inability to establish a stable relationship with children (or their families) and affect the effectiveness of services.

## (c) Evaluate Various Indicators of Placement Agencies

### Current situation:

#### 1. Evaluation system

- (1) According to Lin Pei-Chun's (2021)<sup>15</sup> study, the procedures for evaluation implementation are simple. In addition to the evaluation committee's abiding by the principles of confidentiality and interest avoidance, the process that should be followed in the evaluation, such as whether to be briefed by the agency representative, the institutional personnel (such as the person in charge or director of the institution) that the evaluation committee should interview, how to carry out a conversation with the children in the organization, whether it is necessary to provide preliminary feedback to the organization and other matters before the end of the evaluation, etc. There is considerable flexibility and space in actual implementation, which may lead to unfair evaluation results.
- (2) The national placement shelter evaluation is conducted in the same year. It takes about half a year for each shelter to accept the evaluation one after another. The evaluation results are not known until the end of the year, and it then comes to the score review process where institutions with poor evaluation performance (C, D, etc.) enter the counseling improvement period before entering the re-evaluation process again. Some evaluation committees does not fully disclose the organization's shortcomings and matters to be improved on the day of evaluation. The evaluated organization cannot talk to the evaluation committee on the spot, and the overall evaluation implementation process takes more than one year. Adjustments and improvements cannot be made without immediate results.

#### 2. Selection and training of evaluation committees

The current evaluation committees are mostly composed of scholars and experts, and there is no further specification for the professional fields or

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<sup>15</sup> Lin Pei-Chun (2021), review of the current situation and future development orientation of the evaluation system of child and adolescent placement and correctional institutions, NTU Social Work Review, Journal No. 43, 107 to 148.

practical experience of the committee members. It is easy for different evaluation committees to interpret the indicators differently, and even give points based on stereotypes instead of following the evaluation indicators. Furthermore, some evaluation members have a gap in their grasp and understanding of the operation of the children's placement agency. Therefore, the evaluation site only criticized but could not put forward specific and appropriate improvement suggestions.

### 3. Design of evaluation indicators

In the 2022 joint evaluation project of placement and correctional institutions for children and adolescents, the Ministry of Health and Welfare has tried to include the rights and interests of children and adolescents in the "Convention on the Rights of Children", including children's rights of expression, equality, life survival and development, privacy and confidentiality, and the right to be effectively protected. However, with regard to the relevant principles of the "United Nations Guidelines for the Alternative Care of Children" are included in the evaluation, no indicators of the rationality of the evaluation and decision-making of placement arrangements can be found, and it is the responsibility of the resettlement agency to promote the reunification of children with their families and the active cooperation of the relevant authorities. If the placement shelter encounters a social worker who is more passive and does not take the initiative in explaining the progress of the family treatment program to the placement social worker and is unwilling to accept the opinions of the children or the social worker of the placement agency, it becomes difficult for the placement shelter to take a positive role in these two indicators.

### Specific cases:

#### Case 1

When the resettled children know that they are about to return home or change placement, they express their unwillingness to return home or change placement to the placement agency/community placement unit (the foster family undertaking unit), and the placement unit learns and evaluates that it is indeed unsuitable for carrying out placement conversion. After responding to the responsible social worker or his/her supervisor, the opinions of the

children and the placement unit were often not accepted (over half of them were rejected). When the resettled children learned that their opinions were not taken seriously, they often felt abandoned by the original placement unit and got angry. In severe cases, they would escape from the placement shelter. However, in the end, the government's responsible social worker and his/her supervisor still insisted on the original resettlement decision.

### **Response to point 163 of the second national report and the concluding observation 48:**

1. There is no research report on the optimization of evaluation indicators. From the current evaluation indicators, the performance of each placement shelter can only be distinguished by the evaluation grade, as described by Lin Pei-Chun (2021), it is impossible to distinguish the difference between the pros and cons of each level, and it is difficult to identify the characteristics of each agency.
2. Although the local governments audit each institution 3 to 4 times a year, there are still agencies that get grades C, D, etc. in the evaluation results conducted once every three years, which shows that the local government's audit mechanism is quite ineffective in improving the service quality of agencies and did not implement the supervision and guidance obligations of the competent authority to the agency.

### **Recommendations:**

1. Before the evaluation is implemented, the evaluation personnel should be trained to build a consensus on the evaluation standards for improving the professionalism of the evaluation personnel and the consistency of the evaluation implementation process.
2. The composition of the evaluation committee should be at least one third of the committee members with professional and practical experience related to children and teenagers, or practitioners who have served as supervisors in children and teenagers' organizations.
3. Evaluation index optimization research is an important task that the government should carry out as a competent authority. Through the design of evaluation indicators, the government can explore the expertise of

institutions and play the role of learning and agitation for other institutions. It can also guide organizations to develop professional services in combination with community resources. The government should implement the execution of the evaluation index optimization research, and the research results should also be disclosed before the evaluation index is announced and arrange education and training for agencies to learn so that the agency evaluation index can become the leading indicator of placement agency services that lead institutions to improve service quality rather than being a lagging indicator for judging the services that have taken place in the organization.

4. The overall evaluation time of the institution is lengthy, and the fairness is controversial. The competent authority should still carefully evaluate the feasibility of using an independent and specialized agency to be responsible for the evaluation in the future.

## **(d). Self-reliance Issues of the Placement Children**

### **Current situation:**

1. The gap between the preparation before the end of the placement and the actual situation

According to research findings (Chao Shan-Ju 2021, Liu Hung-Yi 2018<sup>16</sup>): although children and teenagers are placed in foster families, placement agencies or group families, they can receive relevant self-reliance skills (such as living, schooling, employment, money management, etc.), and can discuss future developments with caregivers or staff during the placement period. But when they were truly self-reliant, the young children who left the agency in the study still expressed: it is not easy to be financially independent, it is difficult to adjust the relationship with family members, the loneliness in emotional and social relationships after leaving the resettlement, and the problems of self-management in life, etc. For some special teenagers, other issues need to be faced, for example: teenagers who have deviated behaviors in the past are more likely to return to deviant groups.

2. Issues of self-reliance among adolescents with disabilities

The number of children and teenagers with intellectual disabilities, autism or intellectual borderline in the placement institutions is gradually increasing, but they cannot be provided with support and care in adulthood because of their incompetent family functions. Moreover, there are currently very few resources for employment matching and transfer for cases with mild disabilities. Under the circumstances where the degree of disability is not moderate or severe and the disabled institutions do not provide services, this group of disabled cases lack other independent resources and channels for assistance.

3. Cooperative relationship between follow-up tracking, self-reliance plan and placement unit

The 2022 Joint Evaluation Project for Child and Adolescent Placement and Correctional Institutions stipulates that placement agencies should provide child and adolescent care support or necessary assistance after placement for at least one year; however, in fact, after the resettlement of children and

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<sup>16</sup> Liu Hung-Yi (2018), Key Factors Affecting the Stability of the Life of Adolescents in Placement Institutions, *Journal of Youth Studies*. Vol. 21 Issue 1, p165-175.

teenagers, some social workers who follow up or self-support are reluctant to let social workers of the placement shelter continue their work of caring and counseling for children and teenagers and hope to make a difference. This is because children and young children have established a relatively stable relationship with the placement agency, and they often still seek assistance from the placement agency when they encounter problems or emotional needs.

### **Specific cases:**

#### **Case 1**

Children who terminate the placement face various pressures on the road to self-reliance, and the lack of timely and adequate assistance may limit their future development: although a child who had finished placement was admitted to a national university, he gave up his studies in the first year due to financial pressure and lack of support and supervision from his family of orientation.

#### **Case 2**

There are few children with mild intellectual disabilities in some county and city. After turning 18 years old, the social worker is in charge of placing them in a residential disability institution mainly for the disabled elderly because there is no suitable independent unit for carrying out matching. The institution is located in a remote location, and there is no suitable place for employment around. Although the case has acquired preliminary work skills in school, he is still unable to go out to work. Moreover, since the organization's schedule of work and rest or other activities is mostly suitable for the disabled elderly, the ability of this case has deteriorated after having been placed in this institution for a long period of time.

### **Response to points 168, 169, 170 of the national report and point 49 of the concluding observations:**

1. The government's implementation of tracking and counseling after placement is currently available on the website of the Department of Statistics of the Ministry of Health and Welfare. Only the number of people served can be found and with no other relevant information such as: service provision,

- unreachable ratio, etc.; there is no clear information to understand the effectiveness of the follow-up service and review the improvement measures.
2. At present, the use of self-supporting dormitories is based on the principle of living for three months. After leaving the self-supporting dormitory, social workers will provide services such as accommodation, living assistance, consultation, and counseling. According to a survey conducted by Chinese Children-home & Shelter Association, the number of beds in self-supporting dormitories has not increased or decreased in the past ten years, with only about 100 beds, and only 10 of the 22 counties and cities have plans for self-supporting dormitories (45%) , it is obvious that the progress of the government' s deployment of self-reliant resources needs to be strengthened<sup>17</sup>.

### **Response to point 198 of the national report:**

Although the government provided the number of disabled children receiving technical vocational training, it did not mention the matching of subsequent employment resources. In fact, the independent living and related assistance services for children with disabilities are also included in the Convention on the Rights of Persons with Disabilities (CRPD), so the government should face up to the problem of transition resources for disabled children and adolescents after they reach adulthood, including services such as life placement, employment matching, and integration into the community in order that the disabled enjoy equal rights to live in the community.

### **Recommendations:**

1. The configuration direction of resettlement resources of each county and city government should consider the proportion of different ages, and the children' s self-reliance training of placement shelters should include the establishment of community resources and the operation of support system. In addition to subsidizing the use of resettlement service providers, the subsidy content of the self-reliance training program should be extended to the community support system, otherwise the self-reliance training of

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<sup>17</sup> Chinese Children-home & Shelter Association (March 27<sup>th</sup>, 2020), media reports on the slow construction of "self-reliant dormitory that only 6% of homeless children can move in. [https://www.childrenhome.org.tw/link2-1\\_view.asp?id=428](https://www.childrenhome.org.tw/link2-1_view.asp?id=428)

- children and adolescents will become just an empty idea.
2. The Ministry of Health and Welfare proposed a subsidy plan for the “Enhancing Service Capacity of Juvenile Self-Reliance and Living Adaptation Assistance” in 2021, but the subsidy plan is vague and stipulates that each local government can only subsidize a single non-governmental organization. However, if the connotation and effectiveness indicators of the current self-reliance living service have not been established, the government should open up the performance of civil society to jointly invest in this service instead of restricting a single non-governmental organization to undertake this service; this will help to enrich the content and performance of self-reliance living programs.
  3. The number of disabled children entering the placement system is increasing. The government should plan employment transition resources in the community, arrange for social workers of labor administration units to intervene in counseling and placement service providers and disabled children in advance and assess the accommodation needs of disabled children after reaching adulthood at the same time. Resources need to be planned together in the community to avoid the self-reliance dilemma of having a job but no residence or having a residence but no job when the disabled teenagers become adults.

## Chapter 6 【Disability, Basic Health and Welfare】 Children's Health Care Measures and Medical Care and Epidemic Prevention Relief Measures

### Current situation:

1. The positioning of government's anti-epidemic measures aiming at "children placement agencies" is unclear and often negligible. Taking the order of vaccine administration as an example, residents of residential long-term care institutions and their caregivers, home-based and community-based long-term care institutions, attendants and service recipients of disabled services, or other institutions (including correctional institution staff) are ranked in the fifth place<sup>18</sup> of public-funded COVID-19 vaccine recipients as announced by the Central Epidemic Command Center on June 9<sup>th</sup>, 2021. It is impossible to judge whether the placement institution for children is a residential long-term care institution or another institution. Besides, among the recipients of the public-funded influenza vaccine,<sup>19</sup> the placement institutions for children and young people are neither long-term care institutions, nor kindergarten nursery personnel and nursery professionals, but the attributes of the institutions and the service targets are the same. They are excluded from the health care every year, and the staff of the children and teenagers' institutions have to get the vaccine at their own expense, which increases the burden of the institution and does not receive the attention of the state.
2. The government only provides epidemic prevention guidelines that are applicable to long-term care units, ignoring the characteristics and receipt of cases in child placement institutions: the case is highly active, the epidemic prevention habits are difficult to control, the younger case cannot be self-isolated, the emergency placement case, the placement of children and

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<sup>18</sup> Centers for Disease Control, Ministry of Health and Welfare (June 21<sup>st</sup>, 2021), object of state-funded COVID-19 vaccines. [https://www.cdc.gov.tw/Category/Page/9mcqWyq51P\\_aYADuh3rTBA](https://www.cdc.gov.tw/Category/Page/9mcqWyq51P_aYADuh3rTBA)

<sup>19</sup> Centers for Disease Control, Ministry of Health and Welfare (2021), annual influenza vaccination program. [https://www.cdc.gov.tw/Category/MPage/JNTC9qza3F\\_rgt9sRHqV2Q](https://www.cdc.gov.tw/Category/MPage/JNTC9qza3F_rgt9sRHqV2Q)

- teenagers in institutions, the placement of children and teenagers who escape without authorization and return to the hospital, etc., for instance. In addition, different counties and cities have different practices in arranging screening, isolation space, and manpower for caring and backup, which seriously damages children's right to survival and their best interests.
3. The schools were closed during the severe epidemic, and the placement children lived in the shelter for 24 hours, resulting in the situation that the placement shelter was overwhelmed and lacked for manpower. Although the central government instructed the local government to take stock of the backup manpower and assist in deployment, only some counties and cities have drawn up backup manpower plan.
  4. During the epidemic prevention period, the government provided epidemic prevention subsidies to parents or guardians with children under the age of 12. It has not ruled out the fact that the parents of children who are placed in accordance with the law have not truly taken care of them, and their livelihood was affected due to the need to take care of children and no living expenses related to children and teenagers were paid. The government replied that the parents of the cases that did not apply for the government to change the guardianship, the competent agency still has to work with the parents to restore the family functions and will discuss with the parents or guardians about how to properly use the subsidy in caring for children.
  5. The government gives assistance to placement units with additional care and relief measures <sup>20</sup>:
    - (1) The placement unit that actually takes care of the children will also be provide with a care subsidy by the government. During the 3-month suspension of classes due to the epidemic, the calculation basis is NTD 1,500 per month per case.
    - (2) The relief measures for the placement agency emphasized that the basic personnel and maintenance fees, employee salary loans and working capital during the period of closure can only be applied after having "received the notice of recession from the Central Epidemic Command Center" . The placement agency is faced with a substantial reduction in

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<sup>20</sup> Ministry of Health and Welfare (June 28<sup>th</sup>, 2021), relief measures for residential institutions affected by severe special infectious pneumonia.  
<https://covid19.mohw.gov.tw/ch/cp-5191-61206-205.html>

donations and an increase in personnel expenses. The calculation basis of the epidemic prevention allowance is unclear, and it is unable to apply for subsidy. The agency is facing severe operational difficulties.

### **Response to point 187 of the second national report:**

1. Although the government has formulated a contingency plan for the county and city governments and placement agencies, it cannot provide substantial assistance aiming at the most difficult problem of scheduling manpower and isolation places that the placement agencies need to solve, causing panic and anxiety of the agencies.

### **Recommendations:**

1. The government should define the attributes of child and teenager placement shelters, clearly classify them in health and epidemic prevention policies, and consider the particularity of child and teenager services to formulate service guidelines during the epidemic prevention period.
2. In terms of manpower arrangements and space preparation, the central government should coordinate the county and city governments to make an inventory of the number of beds that can accommodate single-person cases in order to cope with the possible increase in housing needs for domestic violence cases during the suspension of classes. The local government should assist the shelter in arranging the backup space and inform the location in advance. When someone in the shelter is diagnosed and confirmed, the shelter needs to arrange for going to the epidemic prevention hotel if no isolation space is set up, and the government should fully subsidize the cost.
3. Regarding the family epidemic prevention subsidy for children issued by the Executive Yuan, it is suggested that the government should consider the fact that the parents of the children who are placed in accordance with the law have no parental care when distributing the relevant subsidies. If parents have not paid for the living care expenses related to children and teenagers, their qualifications should be excluded.

## Chapter 7 【 Educational Leisure and Cultural Activities 】

### Discrimination in Placement Children in Educational Settings

#### Current situation:

1. Placement children encounter implicit discrimination when they go to school:
  - (1) The Control Yuan' s <sup>21</sup> 2013 survey report on children facing education discrimination and lack of professional training for those with mild disabilities in current placement shelters pointed out that in that year, the institutions placed about 955 children and teenagers in elementary schools, 1,512 in high schools, and at least 12 schools rejected to receive institutional children. The institution had at least 61 children in 37 schools and was not welcomed by schoolteachers. There are at least 11 counties and cities, 29 institutions, 22 middle schools and 12 elementary schools, with a total of 226 children and teenagers were forced to study across districts due to their status as students in placement institutions. The reasons include too many people of the institution attending the school, staff control, the school' s manpower cannot be loaded, the school refuses to accept the children and teenagers, the school is not friendly, the students are labeled, and conflicts between the school and institution, etc.
  - (2) Although the government has enacted relevant transfer regulations that it is forbidden for schools to clearly refuse to place children in school, there are many implicit discriminations, including: it is required that placement agencies go through a long evaluation and waiting period before admission, and placement agencies must give the school assurance about crisis management. For example, going to school under escort is required in the first month of admission. When the judiciary turns to resettlement schools for children and adolescents, they often “hope the institution to ensure that there will be no problems when the case arrives at the school” or euphemistically reject owing to “being

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<sup>21</sup> Control Yuan (July 11<sup>th</sup>, 2013), investigative report 102 adjustment 0038.

[https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&\\_Query=c097621b-7dc8-4527-ba6f-3e2d1d079386](https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&_Query=c097621b-7dc8-4527-ba6f-3e2d1d079386)

unable to provide appropriate educational services for judicial adolescents” and do not want children and adolescents to be admitted by the school.

- (3) According to a survey conducted by the Taiwan Residential Child Care Alliance in 2021, the average waiting time for children and adolescent to be enrolled in school after resettlement was up to 2 months. 47% of the institutional placement children are scattered to more than three junior high schools for studying; 27% of the resettled children are scattered to more than three primary schools.

2. Other conditions are required for attending school:

- (1) Insufficient school counseling resources and uneven distribution between urban and rural areas cause children to study across districts:

- a. Studying across school districts

In addition to the provision of specialized teachers in general schools, only school social workers or counselors in the student counseling and counseling centers in each county and city can assist in dealing with students’ emotional and behavioral issues. Due to the lack of school counseling resources or the unavailability of teachers, institutional placement of children is required to be distributed to different schools and across school districts.

- b. Few special education resources

The problem of insufficient special education and counseling resources highlights the gap between urban and rural areas. In some counties and cities, schools are struggling to meet the needs of special education students in the county owing to insufficient financial resources or the difficulty of recruiting professionals in remote villages and cannot afford the needs of inter-county and city placement of children and special education students.

- (2). The school’ s tertiary guidance mechanism cannot meet the learning needs of the placement of children:

- a. The operation mode of the tertiary counseling mechanism for emotional and behavioral students is as follows: class teachers initially deal with students with emotional and behavioral problems, and The counseling office will provide counseling through specialized tutors or

itinerant counseling counselors (study counseling centers); if the deviant behavior is difficult to adapt to the language, it will connect to resources outside school, such as private unit resources, medical resources, police units, etc. for intervention in processing. However, the resettled children skipped most of the counseling measures and directly asked the social worker of the resettlement unit to deal with it or brought them back for correction from the intervention of the counseling room, which resulted in the resettled children not being able to integrate into the school, and also increased the exclusion of the resettled children from the school.

- b. The 2021 survey by the Taiwan Residential Child Care Alliance found that the frequency of social workers being asked to attend school for handling of children and teenagers' behavior is distributed as follows: 32% every six months, 8% every 2 to 3 months, 28% every 1 to 3 times a month, 1 to 3 times a week, 24% every day, and 8% every day. In the past 3 years, 36% of the agencies have encountered schools requiring them to bring their children back to school for correction, and even some agencies have encountered such a situation with more than 10 children in the past 3 years.
3. The 2022 Joint Evaluation Project for Child and Adolescent Placement and Correctional Institutions requires agencies to ensure that "the replaced children and adolescents can enjoy the same rights and interests as ordinary children in community life, schooling, employment participation, etc., and shall not be discriminated against because of their placement status" . Replaced children and teenagers who are discriminated against or deprived of rights in the community belong to the status of victims. The government has not proposed specific strategies to stop the bullying behavior of the perpetrators but requires the placement agency to advocate the rights and interests of children and teenagers. Such logical thinking is really inconceivable.

### **Specific cases:**

#### **Case 1**

A child with Asperger Syndrome was placed across jurisdictions, and his school

roll was also transferred to a primary school in another county. The primary school requested him to find another school on the grounds that the quota was full. However, after inquiries made by relevant persons from the Education Department of the county government, it was learned that there were still places available at the school at that time. The case was admitted after jumping at the opportunity, but the school schedule has been delayed for about two weeks. Six months after entering school, due to the incident of biting the teacher, the president of the parents' association bullied the student and the placement agency on the Internet on the grounds of safeguarding the safety and education rights of other students. After several twists and turns, the social worker in charge considered that the community environment was no longer suitable for the case's growth and relocated the case to other county and city for receiving further services.

### **Response to points 48, 193, 254 of the Second National Report:**

1. The state's anti-discrimination measures only have the function of negative protection. Although the manual "Compilation of Anti-Discrimination Cases for Children and Teenagers"<sup>22</sup> is currently published, the anti-discrimination protection measures for the placement of children are insufficient. If the perpetrator of discrimination is not a person within the system, for example a parent in the school field or a person outside the school, etc. Then the administrative unit, judicial unit and human rights unit have no effective measures to protect those who are discriminated against.
2. Regulations such as the "Measures for the Transfer of Student Status and Return to School for Children and Adolescents Receiving Placement Counseling or Probationary Education" and the "Principles for the Prevention, Tracking and Return to School Counseling of Dropouts in the Subsidy of the National and Preschool Education Department of the Ministry of Education" stipulate that all government units should assist in the placement of children and teenagers. However, this method does not establish a cross-network cooperation mechanism and cannot guarantee the

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<sup>22</sup> Social and Family Affairs Administration, Ministry of Health and Welfare (June 29<sup>th</sup>, 2021), Compilation of Anti-Discrimination Cases for Children and Teenagers.

[https://crc.sfaa.gov.tw/\(X\(1\)S\(rmdlslbcqlvxfrjtedhzfa0yn\)\)/Document/Detail?documentId=D65001A5-CB99-4308-B9F0-E24B4B8D173B](https://crc.sfaa.gov.tw/(X(1)S(rmdlslbcqlvxfrjtedhzfa0yn))/Document/Detail?documentId=D65001A5-CB99-4308-B9F0-E24B4B8D173B)

placement of children from discrimination.

3. Although the government has provided adequate resources to schools in remote areas, the implementation measures are mainly based on subject teaching, and the dilemma of the difficulty of hiring specialized auxiliary personnel and special education teachers has not yet been resolved.
4. It is necessary that teachers try to enhance their knowledge of special education; however, most teachers still lack the understanding and knowledge training of the emotions and behaviors of children and teenagers in placement owing to traumatic experiences, which makes schoolteachers unable to cope with the behavioral issues of placement in schools.

### **Recommendations:**

1. Revise the indicators of the 2022 Joint Evaluation Project of Child and Adolescent Placement and Correctional Institutions in the Equality Section, and the equal rights of children in placement agencies in the community should be evaluated by the supporting improvement mechanisms proposed by various community service systems such as education, social affairs, and labor administration rather than the efforts of the staff of placement agency.
2. The issue of placement of children cannot be solved by the social and administrative system or the judicial system alone. Therefore, the government should establish a cross-network coordination mechanism to allow children to adapt to stable school attendance.
3. The school district where the placement agency is located has increased the allocation of specialized auxiliary manpower to assist teachers at school to cope with the issue of placement of children and teenagers so that the resettled children and teenagers can go to school and protect their right to education.
4. Teachers in educational institutions must also have the developmental needs of children, identification and assessment of special educational needs, and professional knowledge related to trauma awareness. It is recommended that these trainings be incorporated into the professional study and teacher training system to help the placement of children into school life rather than pushing them out of the school gate.

## Chapter 8 【Special Protection Measures】

### A. Judicial turns to the situations of placement children

#### Current situation

1. The 2019 Investigation Report of the Control Yuan <sup>23</sup> mentioned: the “Juvenile Justice Act” provides diversified and flexible protection measures for juveniles in the judicial system, including admonitions, holiday life counseling, protection and restraint, placement counseling and probationary education, etc., but there are cases where there are protection and control cases that need to be resettled but cannot be resettled in practice. Since the conversion mechanism for judicial juveniles has not been clearly defined, currently only the juvenile protection officer can hold a case discussion meeting and transfer it to the local competent authority for handling in accordance with the “Juvenile Justice Act” social affairs and political placement regulations. The court does not bear the relevant funds, nor does it interfere with the selection of resettlement agencies and the formulation of treatment programs.
2. Article 67 of the “Juvenile Justice Act” clearly stipulates that it is the obligation of local governments to provide necessary welfare services. However, the judicial and social administration systems have a gap in cognition of judicial juvenile counseling cooperation, and no cooperation model has emerged, which results in poor results.
  - (1) The budget of the judicial system only covers the cost of providing placement counseling, and only deals with the issue of juveniles breaking the law. It is believed that the juveniles are still in the community, and other welfare needs must be assisted by the social affairs system.
  - (2) The judge ruled that the evaluation of juvenile placement counseling is based on the juvenile’s family upbringing function. However, there is currently no family treatment program for the families of judicial referral placement cases to improve the family’s parenting function. Therefore, after the placement counseling is over, the family has not experienced any

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<sup>23</sup> Control Yuan (August 14<sup>th</sup>, 2019), investigation report 108 judicial investigation number 0048.  
[https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&\\_Query=9ab5a60d-3f6a-48f7-a112-5b0b1fac903d](https://www.cy.gov.tw/CyBsBox.aspx?CSN=1&n=133&_Query=9ab5a60d-3f6a-48f7-a112-5b0b1fac903d)

improvement.

- (3) According to Article 67 of the "Juvenile Justice Act", local social affairs and administrative agencies will only continue to provide the welfare services that the judicial juvenile family has already received. After the system is installed, resources intervention such as family treatment will not be provided for assistance.
  - (4) The "Contact Method for Juvenile Courts and Relevant Organs for Handling Juvenile Incidents" announced by the Judicial Yuan in 2020 expects to establish a cross-ministerial and horizontal communication mechanism at each stage of transfer, investigation, and delivery, protection, and punishment; in addition, the Judicial Yuan and the Social and Family Affairs Administration, MOHW hold regular liaison meetings to discuss issues such as how to provide resettlement beds. It is difficult to cover the diverse difficulties encountered by delinquent juveniles. Though there is also an inter-academic coordination mechanism for communication business, the actual operation effect still needs to be reviewed.
3. Reasons for the number of referee placement counselors dropped from 128 in 2017 to 57 in 2020 mainly include:
- (1) Due to the lack of construction of a welfare delivery network covering judicial children as a whole, delinquent juveniles with special needs such as drug abuse, sexual issues, mental disorders, intellectual disabilities, etc., often become "children that are hard to be placed" due to the high level of resources required.
  - (2) The low judicial referral placement fee is another reason. In 2019, the court resettlement fee ranges from NTD 21,000 to NTD 24,000 per month. Only a few courts have set a graded resettlement fee standard for children's age and special physical and mental needs. In fact, the resettlement fees compiled by the courts are far from enough to cover the actual expenses. The placement agencies mostly rely on private donations. Considering the reality, the placement agencies generally rejecting such delinquent juveniles with special needs because of having difficulties such as insufficient resources and problems in dealing with professionals. It is also ruled that the number of resettlement counselors decreased due to the

difficulty in finding a suitable placement agency.

### **Specific cases:**

#### **Case 1**

In 2016, due to the protection incident involving sexual assault, Juvenile H was tried by the court and ruled to be protected and restrained. During the implementation of the protection restraint, the protection officer found that the family function of Juvenile H deteriorated and lost the functions of discipline and life care. The protection officer then held a case study meeting with the county social worker, and the primary caregiver of Juvenile H signed the entrusted placement agreement for placement counseling. However, the county social affairs bureau contacted several placement agencies, all of which responded that they could not assist with the resettlement. After the court decided that the juveniles violated the matters to be observed during the period of protection and restraint, the protection and restraint were revoked, and the judgment was changed to corrective education for Juvenile H.

### **Response to points 346, 347, 351, 352 of the second national report:**

1. Most judicial juveniles have physical and mental issues, special education, drug addiction and alcohol addiction treatment demands. However, the Judicial Yuan has no relevant statistics and cannot fully understand the “protective” status of judicial juveniles.
2. When the “Juvenile Justice Act” was revised in 2019, although the Judicial Yuan expanded the places for placement and counseling to include medical institutions, places where transitional education measures or other appropriate measures were implemented, the judicial system had a strong color of correction, and it is still necessary to form a cooperation mechanism with units that focus on treatment and counseling.

### **Recommendations:**

1. In response to Article 67 of the “Juvenile Justice Act” , the provision of necessary welfare services should be clearly regulated, and a central and local inter-ministerial coordination mechanism should be established to provide

integrated services in combination with resources such as life care, medical care, education, and employment counseling.

2. The Ministry of Health and Welfare should actively guide the classification and professional development of institutions and develop appropriate placement models for the characteristics and needs of delinquent juveniles.
3. The Judicial Yuan should analyze the types of practical cases, set different levels of placement counseling fees according to the characteristics of delinquent juveniles' age, physical and mental status and provide actual payment items and quotas that are reasonably in line with the current price level so as to provide judicial juveniles with a comprehensive counselling service.

## **B. Indigenous children in placement agencies and their statistics**

### **Current situation:**

1. According to the research results of Chao Shan-Ju (2021), although from 2014 to 2018, the proportion of children who were resettled outside their homes as aboriginals varied in different counties and cities. Taking 2018 as an example, the proportion of indigenous children and teenagers had reached up to 60.41 %. There is an increasing trend in the number of indigenous people resettled outside their homes, and the overall growth rate of indigenous people in the country is 8.72% for the past five years. However, the existing placement resources at present do not consider the cultural connection needs of children and teenagers, so that they lack the connection with their own ethnic culture.
2. The government has incorporated cultural sensitivity into the implementation measures to improve the quality of care in the alternative care policy. Also, in the new evaluation indicators of 2022, it is clearly stipulated and required that the case treatment program be individually formulated according to the characteristics of the ethnic group and culture of the children and teenagers.

### **Specific cases:**

To meet the needs of children's cultural connection, some placement agencies have begun cultivating the cultural identity of indigenous children through hunter schools, weaving and other common skills in indigenous culture; with regard to cultural heritage of individual ethnic groups, organizations mostly use private networks to link up children and teenagers with networks and resources of the same clan, so that children can build a sense of cultural belonging.

### **Response to points 315, 316 of the second national report:**

1. Since the current number of foster families with indigenous status is very small, it is impossible to prioritize the placement of indigenous children in such foster families.
2. The national report does not provide information such as the number of hours of courses related to cultural sensitivity of practitioners, and it is impossible to understand the implementation of the assessment.

### **Recommendations:**

1. Aside from cultivating the cultural sensitivity of caregivers outside the home, the government also needs to cultivate and strengthen the cultural sensitivity of practical workers such as social workers in charge and social workers at home so as to plan appropriate family treatment work and improve the overall quality of alternative care services.
2. There is currently an aboriginal family service center in the aboriginal village. It is advised that a horizontal communication network be established to provide cultural consultation to the placement unit outside the home. It can also assist in the restoration of family functions and also allow children and teenagers to have community support after returning home.
3. The placement decision should carefully consider and protect children' s rights of expression and cultural identity and development and implement the protection of children' s cultural rights. It is recommended that Articles 52, 56, and 62 of the "Protection of Children and Youths Welfare and Rights Act" be amended to incorporate placement decision-making into consideration of children' s cultural needs.

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