

Social Worker Act

Chapter 1 General Principles

- Article 1 This Act is enacted in order to establish a professional service system of social work , to promote the professional status of social worker, to define rights and obligations of social worker definitely, and to assure rights and interests of the target of service.
- Article 2 A social worker prescribed in this Act refers to a professional who can assist an individual, a family, a party and a community to promote, develop or resume its social function and to pursuit his welfare, relying on his professional knowledge and technique of social work.
The mission of social worker is to promote the benefit of the public and social, to assist the public to satisfy their basic needs, to pay attention to the minor groups and realize social justice.
- Article 3 The competent authorities of this Act are the Ministry of Health and Welfare at the central level; the municipal governments at the municipal level and the county (city) governments at the county (city) level.

Chapter 2 Obtainment of Qualification

- Article 4 A citizen of the Republic of China who passed the examination of social worker and obtained the certificate of social worker according to the provision of this Act shall act as a social worker.
- Article 5 Once a social worker has completed vocational social work training, and having been evaluated as qualified by the central competent authorities, shall receive vocational social worker certification.
The above vocational social worker evaluation, the preliminary examination of which shall be conducted by a national professional social work organization entrusted by the central competent authorities. Persons in possession of social worker certification, who have completed the related vocational social worker training, are eligible to participate in the relevant vocational social worker evaluation.

The regulations governing the classification and evaluation of vocational social worker shall be prescribed by the central competent authority.

Article 6 Any person except those who have obtained certificate of social worker shall not use the appellation of social worker. Any person except those who have obtained certificate of vocational social worker shall not use the appellation of vocational social worker.

Article 7 Whoever has any one of the following conditions shall not practice as a social worker; if he/she already practices as one, his/her social worker certificate shall be revoked or abolished:

1. His/her social worker certificate was abolished under this Act.
2. He/she has been under commencement of guardianship or assistantship and such commencement of guardianship or assistance has not yet been revoked.
3. He/she has been convicted of committing the crimes prescribed under the first subparagraph of Article 2 of the Sexual Assault Crime Prevention Act, the crimes prescribed under the first paragraph of Article 25 of the Sexual Harassment Prevention Act, the crimes prescribed under the Child and Youth Sexual Exploitation Prevention Act, and the crimes prescribed under Articles 319-1 to 319-4 of the Criminal Code.
4. He/she has been convicted of committing embezzlement.
5. He/she has been convicted of committing domestic violence.
6. Other than crimes prescribed in the preceding three subparagraphs, he/she has been convicted of committing any intentional crimes related to the profession.

Once the causes prescribed in the preceding subparagraph 2 cease to exist, he/she may still apply for a social certificate according to this Act.

Article 8 Whoever applies for the certificate of social worker or vocational social worker shall prepare application and qualification documentary evidence which shall be checked and then sent to the central competent

authority for permitting and granting.

Chapter 3 Practice

Article 9 A social worker who wants to engage in the profession shall send social worker certification to the competent authority of municipality or county (city) where he is located and apply for register and then start to engage in the profession after being granted to business license

Article 10 Whoever has any one of the following conditions shall not be granted a practice license; if he/she already obtained one, it shall be revoked or abolished:

1. His/her social worker certificate was revoked or abolished.
2. His/her practice license has been revoked for less than one year.
3. Based on objective facts, he/she has been confirmed that he/she has not been able to practice the work by a professional panel composed of relevant medical specialists, social workers, scholars and experts invited by the municipal and county (city) authorities.
4. He/she has been under commencement of guardianship or assistance and such commencement of guardianship or assistance has not yet been revoked.

Once the causes prescribed in the preceding subparagraphs 3 & 4 cease to exist, he/she may still apply for a practice license according to this Act.

Article 11 A social worker shall send a report to former license granted authority for future reference within 30 days since the fact of change has happened when he goes out of business, puts up the shutters, reopens or changes administrative region

When he changes administrative region for his business prescribed in the preceding paragraph, he shall apply for business license according to the provision of Article 9.

If a social worker dies, the former license granted authority shall write off his business license.

- Article 12 A social worker shall engage in the following business:
1. social and psychological evaluation and disposition of the problems about behavior, social relationship, marriage, social adaptation and so on;
 2. protective services prescribed in each relevant social welfare act;
 3. prevent and support services for an individual, a family, an organization and a community;
 4. development, conformity, exertion, distribution, and transfer of social welfare service resources;
 5. Design, manage, study, develop, guide, appraise, educate, train, etc. social service programs as it relates to social service agencies and groups or disease control, employment, education, law enforcement, national defense fields. design, management, research and development, supervision, evaluation and training of social welfare projects implemented by social welfare organization or projects or in the fields of health, job-placement, education, justice and national security;
 6. maintenance of the people's social welfare rights;
 7. any other business which has been confirmed by the central competent authority or together with target enterprise competent authority.
- Article 13 A social worker shall be subject to one place of practice only. However, coordination between agencies, organizations and groups or those who have obtained prior approval are exempt.
- Article 14 A social worker shall not give a false statement or report when he is inquired by the competent authority or judicial police.
- Article 15 A social worker and staff of social work office shall not give away other's secret gained or hold in his business without reason.
- Article 16 A social worker shall write a social work record when he is working

and the record shall be preserved by practice organ(institution), organization and office for not less than seven years.

Article 17 The behavior of a social worker shall comply with the provisions of social work ethic regulation.

The ethic regulation prescribed in the preceding paragraph shall be enacted by the National Social Worker Consortia and Association and be reported to the central competent authority for check and reference after being passed by the members (member's representatives) convention.

Article 17-1 A social worker guilty of any of the following conditions shall be disciplined by the social worker association or the competent authority:

1. Major or repeated professional mistakes.
2. Violating Articles 14 and 15.
3. Violating the ethic regulation in the first paragraph of the preceding article in his or her professional practice.
4. Any inappropriate professional behavior apart from the preceding three subparagraphs.

Article 17-2 Disciplinary measures for social workers are as follows:

1. Warning.
2. Order to receive a certain number of hours of continued education or study in addition to the first paragraph of Article 18.
3. Restriction on the scope of practicing business or business suspension for a period not less than one month but not more than one year.
4. Abolishment of the practice license.
5. Abolishment of the social worker certificate.

The disciplinary measures in the preceding paragraph may be combined into one single disciplinary sanction provided that there is no conflict in nature of such disciplinary measures.

Article 17-3 Disciplinary actions imposed on social workers shall be handled by the social worker disciplinary committee.

The social worker disciplinary committee shall give notice to the social worker subject to the disciplinary action and shall give such social worker 20 days from the day following the service of the notice to submit a defense or make a statement to the committee on the designated date. If the defense is not timely submitted or a statement is not made to the committee on time, the social worker disciplinary committee may enter into a resolution at the discretion of the committee.

If the disciplined party objects to the resolution made by the social worker disciplinary committee, an appeal may be filed with the social worker disciplinary appeal committee within 20 days from the day following the service of the written resolution.

Disciplinary resolutions made by the social worker disciplinary committee and the social worker disciplinary appeal committee shall be forwarded to the competent authority with jurisdiction for execution.

The members of the social worker disciplinary committee and the social worker disciplinary appeal committee shall be appointed by selection from experts and scholars in the fields of social work and law as well as members of the society who are not legislative representatives, in which legal experts and scholars and members of the society shall not constitute less than one-third (1/3) of all members.

The social worker disciplinary committee shall be established by the central, municipal or county (city) competent authority. The social worker disciplinary appeal committee shall be established by the central competent authority. The procedures of establishment, organization, meetings, discipline, appeal, and the rules of other matters shall be established by the central competent authority.

Article 18 The social worker and vocational social worker, shall receive continuing education, providing complete continuing education supporting documentation every 6 years, to renew his business license. The above social worker and vocational social worker continuing education course material, scores, completion method, continuing

education completion documents, profession license renew process and other related processes shall be determined by the central competent authority.

Article 19 When the social worker practices the business according to the law, no person shall hinder his or her professional practice by means of violence, coercion, intimidation, public insults or other illegal methods. If the social worker, in the course of practicing the business under the first to third subparagraphs of Article 12, encounters hindrance or becomes a victim of unlawful physical or mental assault, he or she may request necessary assistance from the police authority; in case that the occurrence has taken place, the police authority shall eliminate or restrain it; in case that criminal liabilities have arisen, such occurrence shall be referred to the judicial authority for investigations. If the social worker is involved in litigation due to the risks in the preceding two paragraphs, his or her affiliated agency (institute) or organization shall provide the necessary legal aid.

Article 19-1 The social worker's affiliated agency (institute), organization, and office shall protect his or her safety when he or she practices the business and shall provide necessary safeguarding measures. If the social worker's affiliated agency (institute), organization, and office do not provide safeguarding measures in the preceding paragraph or insufficiently do so, the social worker may request provision, and his or her affiliated agency (institute), organization, and office may not refuse.

The safeguarding measures in the first paragraph shall be handled in accordance with occupational safety and health regulations prescribed by the central competent authority and the target enterprise competent authority.

Article 20 In the course of the social worker performing services in accordance with the relevant laws and the ethical code of the profession, if involving legal representation, the associated organization and office shall provide the necessary legal aid.

Chapter 4 Social Worker Office

Article 21 In order to establish a social worker office, a social worker shall fill in an application and prepare relevant documents and data and then apply for permitting and registering by the competent authority of municipality or county (city) where he is located and finally establish the office after being granted business license.

A social worker who applies for establishing a social worker office prescribed in the preceding paragraph shall have engaged in the business prescribed in Article 12 for more than five years and also have work record evidence.

Article 22 The applicant of social worker office shall take charge of the office as responsible social worker and bear responsibility of supervision for his business. If the social worker office is corporately applied for by more than two persons, one of them shall take charge of the office as responsible social worker.

Article 23 The social worker license cannot be rented out or lent for use by others. The social worker office business license cannot be rented out or lent for use by others.

Article 24 The change or alteration of the appellation of social worker office shall be approved by former license granted authority. Any one except social worker office shall not use the appellation of social worker office or similar names.

Article 25 The charge standard of social worker office shall be checked and ratified by the competent authority of municipality, county (city).

The social worker office shall give charge list and receipt when charging.

The social worker office shall not violate the standard of charge and exceed in charge.

Article 26 A social worker office shall hang its social worker certificate, business license, opening license and standard of charge on the outstanding

location.

Article 27 The advertisement content of social worker office shall be limited in the following items:

1. the appellation, opening license character and number, address, telephone number and transportation lines of social worker office;
2. the name, certificate character and number of social worker;
3. the business of social work prescribed in Article 12;
4. any other item permitted to issue or advertise and announced by the central competent authority.

Any one except social worker office shall not issue advertisement prescribed in the preceding paragraph.

Article 28 If a social worker office goes out of business, shuts up shop or alters register items , the social worker office shall report to the former opening license granted authority for approval within thirty days since the fact happens. A social worker office that removes or reopens shall apply regulations related to establishment.

Article 29 If a social worker office goes out of business, shuts up shop or remove, the target of service shall be transferred to another social worker office or proper service organization after getting agreed by target of service. The transference shall report to the former opening license granted authority for approval. If a social worker office cannot continue business operation, relevant service records shall be handed over to the receiver to keep on file according to regulations. In the event of the death of the responsible social work without an available receiver, all service records shall be placed on file at the competent authority of municipality or county (city) where the social worker office is located for 6 months before destroyed.

Article 30 When deemed necessary, the competent authority must inspect, supervise and evaluate a social work office.

Chapter 5 Association

- Article 31 Any one of social worker except those have joined in a social worker association shall not practice the business
- A social worker association shall not refuse a social worker to join in.
- Article 32 The organizing region of social worker association shall be divided according to current administrative region into county (city) association and provincial (municipal) association and the National Social Worker Unite Association shall be established. In the same region, social worker association in the same rank shall be limited for only one.
- Article 33 The social worker association of municipality and county (city) shall be initiated and organized by more than fifteen social workers working in the region; If the number of social workers in the region is less than fifteen, they shall join into the association of the neighboring region or co-organize it. The National Social Worker Unite Association shall only be initiated upon over one third of the municipality and county (city) associations are established.
- Article 34 The competent authority of social worker association in all levels shall be the competent authority of people's organization in all levels. But its target enterprise shall be supervised by the competent authority of its target enterprise.
- Article 35 The term of director-general, director and supervisor of a social worker association is three years; a director-general may be elected and appointed one more term.
- Article 36 The officers of the social worker association shall be selected under the auspices of the people's organization law.

Chapter 6 Penal Provisions

- Article 37 If a social worker violates article 23, his certificate of social worker shall be abolished, and shall be transferred to judicial institutions for investigation if he involve criminal liabilities. The persons specified

above using rented or loaned licenses shall be fined no less than 20,000 NT and no more than 100,000 NT.

Article 38 If a social worker office violates the provisions of the first paragraph of Article 27, it shall be fined not less than NT\$ 6,000 but not more than NT\$ 30,000; if a social worker violates the provisions of the first paragraph of Article 28 and 29, it shall be fined not less than NT\$ 3,000 but not more than NT\$ 15,000 and also be ordered to reform within a time limit; if it does not reform upon the expiration of that time limit, it shall be fined continually by the day or its business license shall be abolished.

Article 39 If a social worker violates the provisions of Article 14 or 15, he shall be fined not less than NT\$ 20,000 but not more than NT\$ 100,000; if the circumstances are serious, he shall also be punished to putting up the shutters for not less than one month but not more than one year or be abolished his business license.

Article 39-1 Persons who hinder social workers from practicing the business through violence, coercion, intimidation or other illegal methods are subject to imprisonment for no more than three years or, in addition, a fine of no more than NT\$300,000.

Those who commit the offense set forth in the preceding paragraph are subject to imprisonment for life or no less than seven years if their offense causes the death of the social worker or subject to imprisonment for no less than three years but no more than ten years if their offense causes serious injury to the social worker.

Article 40 If a social worker violates the provisions of Article 9, the first paragraph of Article 31, he shall be fined not less than NT\$ 10,000 but not more than NT\$ 50,000; if a social worker violates the provisions of the first and the second paragraph of Article 11, Article 13, the first and the second paragraph of Article 16, he shall be fined not less than NT\$ 3,000 but not more than NT\$ 15,000 and also be ordered to reform within a time limit; if he still does not reform upon the expiration of a

time limit after three punishments and order to reform within a time limit, he shall also be punished to putting up the shutters for not less than one month but not more than one year.

Article 41 If a social worker violates the provisions of the second paragraph of Article 31, it shall be fined not less than NT\$ 5,000 but not more than NT\$ 25,000 by competent authority of civil organizations and also be ordered to reform within a time limit; if it does not reform upon the expiration of that time limit, it shall be fined continually by the day.

Article 42 Those in violation of article 24 subparagraph 2, article 27 subparagraph 2 shall be fined no less than 20,000 NT and no more than 100,000 NT. Those in violation of article 21 subparagraph 1, article 24 subparagraph 1, article 25 subparagraph 2, subparagraph 3, article 26 shall be fined no less than 10,000 NT and no more than 50,000 NT, and instructed to correct the violation within a set timeframe; if the violation is not corrected after 3 incidents, offenders will be subject to a suspension of no less than one month and no more than one year. Those in violation of article 25 subparagraph 3 must reimburse the overcharged amount within a set timeframe. If a social worker violates the provisions of the second paragraph of Article 24 and 27, it shall be fined not less than NT\$ 20,000 but not more than NT\$ 100,000; if a social worker violates the provisions of the first paragraph of Article 21 and 24, the second and third paragraph of Article 25 and Article 26, it shall be fined not less than NT\$ 10,000 but not more than NT\$ 50,000 and also be ordered to reform within a time limit; if he still does not reform upon the expiration of a time limit after three punishments and order to reform within a time limit, he shall also be punished to putting up the shutters for not less than one month but not more than one year; if it violates the provision of the third paragraph of Article 25, it shall also hand back the charge exceeded.

Article 43 Whoever violates the provisions of Article 6 shall be fined not less than NT\$ 15,000 but not more than NT\$ 75,000 and also be declared his

name, birth date, ID number and the name of the institution who practice the business, and the director of the institution shall also be fined the same sum prescribed in the preceding paragraph. Whoever continually violates the provision shall be continually fined by the day.

Article 44 If a social worker is still practicing after being punished to putting up the shutters, his business license shall be abolished; if he is still practicing after his business license being abolished, his certificate of social work shall be abolished

Article 45 If a social worker office is still practicing after being punished to putting up the shutters, its opening license shall be abolished; if it is still practicing after its opening license being abolished, the certificate of social work of the responsible social worker shall be abolished

Article 46 The fine to social worker office prescribed in this Act means to fine its responsible social worker.

Article 47 The fine, putting up the shutters, discharge, abolishment of business license or opening license prescribed in this Act shall be punished by the competent authority of municipality or county (city); the abolishment of certificate of social worker shall be punished by the central competent authority.

Chapter 7 Supplementary Provisions

Article 48 The central competent authority or the competent authority of municipality and county (city) shall charge for certificate or license when granting the certificate or license according to this Act; the sum of charge shall be determined by the central competent authority.

Article 49 Foreign Nationals is eligible to participate in the Social Worker Examination under the regulations of the ROC.

Upon passing of the examination, foreign nationals who possess the certificate of social worker must apply for practice registration before conduct of social work. The above foreign nationals are also obliged to the relevant social work regulations of ROC, the social work code of

ethics and the rules of the Social Worker Association.

Article 50 The enforcement rules of this Act to be determined by the central competent authority.

Article 51 This Act will be implemented starting from the announcement date.
The amended regulations on May 12, 2009 will be implemented on November 23, 2009.