

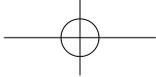
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China Federation of Social Work
该项目由国际计划和中国特色社会工作联合会共同执行

儿童保护个案管理流程指南

(项目内部资料)

促进青海、安徽两省流动和留守儿童社会保护项目组



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2016年起，在欧盟和瑞典国际发展合作署提供的196万欧元（合1388万人民币）的资金支持下，国际计划与中国社会工作联合会在青海、安徽两省，与青海惠民社会工作研究与发展中心、安徽现代社会工作发展中心开展针对流动和留守儿童的社会保护项目。在为期三年零六个月的项目周期里，项目拟通过促进社工组织、民政厅、院校和企业之间的政策对话和联盟，从而提升针对儿童的社会保护服务质量。

关于欧盟

欧盟是由28个决定将各自的知识技术、资源与命运连结在一起的国家组成。在发展壮大的50年间，他们同心协力，在维护文化多样性、兼容并包和个体自由的同时，共同建立了一个稳定、民主、持续发展的欧盟区。

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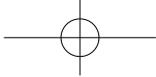
瑞典国际合作发展署（SIDA）是一家代表瑞典议会和政府工作的政府机构。通过与各方合作，我们致力于落实瑞典的全球发展政策。

瑞典的全球发展政策旨在改善贫困人口的生活，这也是我们的使命。除此而外，我们还与东欧利用专用资金合作进行改革。我们工作的第三部分是为有需要的人提供人道主义援助。

我们与非洲、亚洲、欧洲和拉美的33个国家开展发展领域的合作。我们对合作国的选择基于瑞典政府的政治决策。

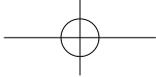
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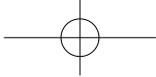


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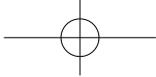
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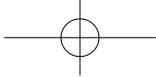
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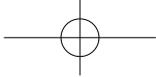
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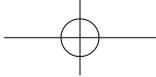
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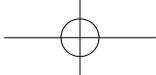
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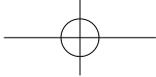
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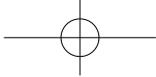
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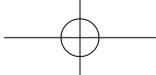
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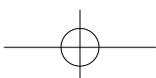
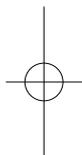
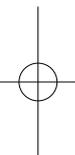
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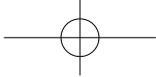


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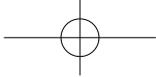


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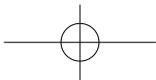
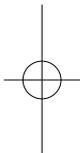
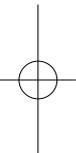
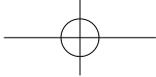


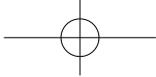


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第一篇 儿童保护个案管理的价值基础

Part I Principle Values of Child Protection Case Management

第一章 理解儿童保护个案管理的基本概念

Chapter I Fundamental Concepts of Child Protection Case Management

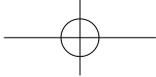
“儿童保护”的概念在不同的社会背景下有着不同的界定。随着社会的发展和人们认知的变化，儿童保护的内涵也被不断丰富。

The concept of “child protection” changes in different social background. With social development and ‘changes of people’s cognition, the connotation of “child protection” has been consistently enriched.

“儿童保护”的起源可以追溯到 1960 年 (Parton, 1985) 对虐待婴儿的医学发现和治疗。1989 年联合国大会通过了《儿童权利公约》，以不歧视；儿童的最大利益；确保儿童的生命权、生存权和发展权的完整；尊重儿童的意见这四项基本原则为基础，明确了相关的规定，首次以国际的形式确立了儿童保护的法规。1992 年，中国签署《儿童权利公约》。

Professional inquiry into the topic is generally considered to have begun in 1960 (Parton, 1985), when battered baby syndrome was diagnosed and treated. In 1989, the UN General Assembly adopted Convention on the Rights of the Child, which confirmed related regulations based on four principals of child rights: non-discrimination, devotion to the best interests of the child, the right to life, survival and development and respect for the views of the child. It was the first time that the international society established a law on child protection. China ratified the Convention in 1992.

经过近 30 年的发展，“儿童保护”的必要性和重要性也不断被公众重视，关于“儿童保护”的策略也在不断完善，随着社会的多元化发展，儿童保护逐渐成为一个全民性的话题，如何给儿童更全面的保护，保护他们健康成长？关系到国家和民族的未来，是我们每一个人的共同责任。



Nearly 30-year development allows the public to attach greater importance to child protection, and unremittingly improve concerning strategies. Meanwhile, with diversified development of the society, the topic is attracting attention from all Chinese people, urging them to figure out ways to ensure children's healthy growth. Children are closely linked to the future of country and nationality. Thus, child protection is everybody's responsibility.

第一节 定义

Section I Definitions

一、儿童

1. Child

关于儿童的定义，一直以来在年龄的界定上存在争议。社会和人们公认儿童的年龄段为 0-14 岁，因为此类人群都是正处学龄前和小学阶段，而且年龄比较幼小。许多社会活动也是针对这个年龄段而开展。

Dispute over age bracket of children has a long history. A widely-recognized child refers to a person aged between 0 and 14, who is at pre-school/elementary school stage. Many related social activities also target this group.

联合国《儿童权利公约》将“儿童”界定为“18 岁以下的任何人”。

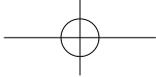
Convention on the Rights of the Child defines a child as every human being below the age of eighteen years old .

中国古代，儿童指的是年龄段在婴儿与成年人（20 岁）之间的孩子。《中华人民共和国未成年人保护法》规定未成年人是指未满 18 周岁的公民。

In ancient China, a child represents a person younger than an adult (20 years old). Minors as used in the Law of the People's Republic of China on the Protection of Minors refer to citizens under the age of eighteen.

因此，本书中，我们将儿童的年龄界定为 0-18 周岁（不包括 18 周岁）。

Therefore, a child in this book is a person aged between 0 and 18 (excluding 18).



二、儿童保护的一般定义

II. General Definitions of Child Protection

“儿童保护”的定义在采用广义还是狭义的概念界定上存在区别，突出体现为儿童保护制度建设中国家、家庭、儿童角色的不同界定，以及相应表现出的不同取向。

Generalized and narrow definitions of “child protection” are varied, in terms of the roles of nation, family and children during protection system construction and orientations reflected.

狭义的儿童保护指“国家通过一系列的制度安排，包括社会救助、法庭命令、法律诉讼、社会服务和替代性养护等措施，对受到和可能受到暴力、忽视遗弃、虐待和其他形式伤害的儿童提供的救助、保护和服务措施，使儿童能够在安全的环境中成长”。¹ 广义的儿童保护指现代福利国家为改善儿童状况，促进儿童福利的所有制度安排。是“针对儿童的社会保护措施，既包含狭义的儿童保护，也包括对儿童和家庭提供福利的制度，以及社区服务的支持和制度等。”

In a narrow sense, “child protection” means the nation offers succour, protection and services to child who is suffering or might suffer from violence, neglect, abandonment, maltreatment and other harms, via a series of mechanisms like social assistance, court order, litigation, social work and adoption, to allow the child to grow in a safe environment. In generalized sense, “child protection” refers to all mechanisms offered by modern welfare states to improve children’s conditions and promote child welfare. They are “social protection measures for children, including those in narrow definition, mechanisms to provide children and family with welfare, and support from and mechanisms of social works.”

三、权威定义

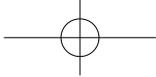
III. Authoritative Definitions

联合国 (U.N.) 《儿童权利公约》 (Convention on the Rights of the Child) 中规定:

According to the Convention on the Rights of the Child by the United Nations,

¹ 李莹, 韩文瑞. 我国儿童保护制度的发展与取向: 基于国际比较的视角 [J]. 社会建设, 2018, 5(04):48-58.

Li Ying, Han Wenrui. Development and Orientation of Child Protection System in China—Based on International Comparison [J]. *Social Construction*, 2018, 5(04): 48-58.



各国应确保其管辖范围内的每一儿童均享受公约所载的权利，不因儿童或其父母或法定监护人的种族、肤色、性别、语言、宗教、政治或其他见解、国籍或社会出身、财产、伤残、出生或其他身份等而有任何差别。

States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

儿童有权享受特别照料和协助，深信家庭作为社会的基本单元，作为家庭的所有成员、特别是儿童的成长和幸福的自然环境，应获得必要的保护和协助，以充分负起它在社会上的责任，确认为了充分而和谐地发展其个性，应让儿童在家庭环境里，在幸福、亲爱和谅解的气氛中成长，考虑到应充分培养儿童可在社会上独立生活，并在《联合国宪章》宣布的理想的精神下，特别是在和平、尊严、宽容、自由、平等和团结的精神下，抚养他们成长。

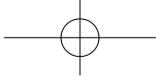
Childhood is entitled to special care and assistance. The family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should offer the necessary protection and assistance so that it can fully assume its responsibilities within the community. The child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding. The child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity.

该定义认为儿童因身心尚未成熟，在其出生以前和以后均需要特殊的保护和照料，包括法律上的适当保护，以具有约束力的国际法律规定了儿童保护的具体内容，旨在为世界各国儿童创建良好的成长环境。

The child, due to his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth. Binding international laws defined specific content of child protection, aiming to create a good environment for children worldwide.

联合国儿童基金会（UNICEF）将儿童保护定义为：

United Nations International Children's Emergency Fund (UNICEF) defines "child



protection” as:

预防或保护儿童免遭暴力、剥削、虐待——包括商业性剥削（commercial sexual exploitation）、买卖儿童、童工及其他具有伤害性的行为。UNICEF 儿童保护项目的目标是保护那些脆弱的、失去父母抚育的甚至战争中的儿童，维护儿童的基本权益。

Preventing and responding to violence, exploitation and abuse against children – including commercial sexual exploitation, trafficking, child labour and harmful traditional practices, such as female genital mutilation/cutting and child marriage. UNICEF’s child protection programmes also target children who are vulnerable, living without parental care, and in armed conflict.¹²

《中华人民共和国未成年人保护法》认为未成年人保护（儿童保护）是：

In accordance with the Law of the People’s Republic of China on the Protection of Minors,

保护未成年人，是国家机关、武装力量、政党、社会团体、企业事业组织、城乡基层群众性自治组织、未成年人的监护人和其他成年公民的共同责任。

to protect minors is the common responsibility of State organs, armed forces, political parties, social organizations, enterprises and institutions, self-governing organizations of mass character at grassroots levels in urban and rural areas, guardians of minors and other adult citizens.

要保护未成年人的身心健康，保障未成年人的合法权益，促进未成年人在品德、智力、体质等方面全面发展，培养有理想、有道德、有文化、有纪律的社会主义建设者和接班人。

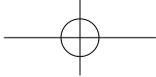
The law is to protect the physical and mental health of minors, safeguard their lawful rights and interests, promote their all-round development—morally, intellectually and physically, and train them into successors to the socialist cause with lofty ideals, sound morality, better education and a good sense of discipline.

四、本书的定义

IV. Definitions in This Book

在现代语境体系下，“儿童保护指的是将标准化的规定强加给不同的人，而不是保护儿童免受伤害”（David Thorpe, quoted in the Guardian, 30 March 1994），也就是说，“儿童保护”逐渐发展为一种制度，这种制度更多的是给国家、社会、家庭一些来

² https://www.unicef.org/protection/files/What_is_Child_Protection.pdf



自法律上的规定，要求营造一种共同负责的环境，从而忽略了应该直接保护儿童免受伤害的本质。³事实上，现代社会要谈的“儿童保护”往往被嵌入“暴力”、“虐待”、“侵害”等概念，即“儿童保护”的本质是“社会 - 法律”。

In modern time, “child protection is to impose standardized regulations on different people, instead of protecting children from harms” (David Thorpe, quoted in the Guardian, 30 March 1994). In other words, “child protection” gradually becomes a system, which demands states, society and families to jointly create a safe environment, while overlooking the importance to directly protect children from harms. “Child protection” in the modern society is closely linked with “violence”, “maltreatment”, and “abuse”, which means that the essence of “child protection” is “society-laws”.

综合多重权威定义，我们认为可以从这几方面来界定儿童保护：一是保护的主体，即保护儿童应该享有的一切权利；二是尊重儿童发展的主体性；三是国家、学校、家庭等各级社会共同承担责任；四是有相应的法律武器；五是确保儿童的正常发展需求；六是要保护儿童不受外在的伤害。

In conclusion, this book thinks the following elements should be included in the definition of “child protection”: first, confirm objects of protection, namely to protect all rights of children; second, respect subjectivity of children in growth; third, responsibilities should be borne by states, schools, families and other members in community; fourth, there should be concerning laws; fifth, guarantee children’s proper development needs; sixth, protect children from external harms.

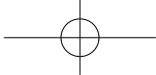
因此，本书关于儿童保护的定义是：

Therefore, “child protection” in this book means that

国家、社会、学校、家庭、个人等通过一系列的制度安排，包括社会救助、法庭命令、法律诉讼、社会服务和替代性养护等措施，对 0-18 岁（不包含 18 周岁）的儿童提供保护，以确保其享有基本的权力且不受侵犯，既满足儿童基本发展的需要，又要确保其不受外在的伤害。同时，对受到和可能受到暴力、忽视遗弃、虐待和其他形式伤害的儿童提供特殊的救助、保护和服务措施。

3 GORDON JACK, Discourses of Child Protection and Child Welfare[J], Oxford University Press, The British Journal of Social Work, Vol. 27, No. 5 (October 1997), pp. 659-678.

GORDON JACK, Discourses of Child Protection and Child Welfare[J], Oxford University Press, The British Journal of Social Work, Vol. 27, No. 5 (October 1997), pp. 659-678.



states, society, schools, families and individuals offer protection to children aged 0-18 (excluding 18), via a series of mechanisms including social assistance, court order, litigation, social work and adoption, to ensure basic rights of children and protect such rights from being infringed, to meet basic demands of children in growth, and protect children from external harms. Meanwhile, states, society, schools, families and individuals shall provide special assistance, protection and services for children who are suffering or might suffer from violence, neglect, abandonment, maltreatment and other harms.

第二节 儿童保护的内容

Section II Content of Child Protection

儿童本身存在着个体差异、发展差异，在生理发育、健康状况、心理因素、环境因素等方面存在着不同，因此，儿童保护的内容需要针对不同儿童的不同特点。

Children are different individuals with varied development experiences, enjoying diverse physical growths, health conditions, mental factors and environmental factors. As a result, content of child protection should take varied characteristics of different children into consideration.

《儿童权利公约》对儿童保护的内容进行了明确的规定⁴，如：

Convention on the Rights of the Child clearly defines content of child protection, including

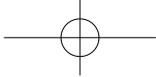
“每个儿童有固有的生命权，各国应最大限度地确保儿童的生存与发展；法庭、福利机构或行政当局在处理儿童问题时，应将儿童的最大利益作为首要考虑事项；

“States Parties recognize that every child has the inherent right to life. States Parties shall ensure to the maximum extent possible the survival and development of the child. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration;

确保有主见能力的儿童有权对影响到其本人的一切事项自由发表自己的意见，对儿童的意见应按照其年龄和成熟程度给予适当的看待；

States Parties shall assure to the child who is capable of forming his or her own views the

4 <https://www.unicef.org/child-rights-convention/convention-text>



right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child;

儿童享有自由发表言论的权利；思想、信仰和宗教自由的权利；结社自由及和平集会自由的权利；

The child shall have the right to freedom of expression; the right to freedom of thought, conscience and religion; the rights to freedom of association and to freedom of peaceful assembly;

父母对儿童成长负有首要责任，但各国应向他们提供适当协助和发展育儿所；各国应保护儿童免受身心摧残、伤害或凌辱，忽视、虐待或剥削，包括性侵犯；各国应为失去父母的儿童提供适当的其他照管；

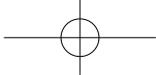
Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children; States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse; A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State;

确保得到跨国收养的儿童享有与本国收养相当的保障和标准；残疾儿童应享有得到特殊待遇、教育和照管的权利；

Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption; States Parties recognize the right of the disabled child to special care and education;

各国应保护儿童免受经济剥削和从事任何可能妨碍或影响儿童教育或有害儿童健康或身体、心理、精神、道德或社会发展的工作；

States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development;



对未满 18 岁人所犯罪行，不应判处死刑或无期徒刑；被监禁的儿童应与成年犯隔开；不得对儿童施以酷刑或残忍、不人道或有辱人格的待遇或处罚；15 岁以下儿童不得参与任何敌对行动；遭受武装冲突之害的儿童应受到特别保护；受到虐待、忽视或监禁的儿童应得到适当的医疗或康复和复原疗养；处理触犯刑法儿童的方式应在于促进他的尊严和价值感，目的是使他们重返社会等。”⁵

Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age; every child deprived of liberty shall be separated from adults; no child shall be subject to torture or other cruel, inhuman or degrading treatment or punishment; persons who have not attained the age of fifteen years do not take a direct part in hostilities; States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict; a child victim of any form of abuse, neglect or imprisonment should receive proper medical, recovery or rehabilitation services; States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.”

《中华人民共和国未成年人保护法》根据中国实际国情，对未成年人保护进行了明确的规定：

Law of the People's Republic of China on the Protection of Minors, based on China's actual conditions, clearly defines “child protection” as⁶:

“未成年人享有生存权、发展权、受保护权、参与权等权利，国家根据未成年人身心发展特点给予特殊、优先保护，保障未成年人的合法权益不受侵犯；

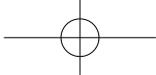
“Minors shall enjoy the right to life, the right to development, the right to being protected and the right to participation, and the State gives them special and preferential protection in light of the characteristics of their physical and mental development and ensures the inviolability of their lawful rights and interests;

未成年人享有受教育权，国家、社会、学校和家庭尊重和保障未成年人的受教育权；

5 《儿童权利公约》。

Convention on the Rights of the Child

6 http://english.court.gov.cn/2016-04/14/content_24528282.htm



Minors shall enjoy the right to education, and the State, society, schools and families shall respect and protect such right;

保护未成年人的工作，应当遵循下列原则：（一）尊重未成年人的人格尊严；（二）适应未成年人身心发展的规律和特点；（三）教育与保护相结合；

In the protection of minors the following principles shall be followed: (1) Respecting the personal dignity of minors; (2) Following the laws which govern the minors' physical and mental development and the characteristics of such development; and (3) Combining education with protection;

保护未成年人，是国家机关、武装力量、政党、社会团体、企业事业组织、城乡基层群众性自治组织、未成年人的监护人和其他成年公民的共同责任。”⁷

To protect minors is the common responsibility of state organs, armed forces, political parties, social organizations, enterprises and institutions, self-governing organizations of a mass character at grass-roots levels in urban and rural areas, guardians of minors and other adult citizens.”

《未成年人保护法》分别从家庭保护、学校保护、社会保护、司法保护、法律责任多方面诠释了儿童保护的具体内容，是中国儿童保护工作者可以直接运用的法律武器，也是儿童保护工作者工作内容的总的指导。

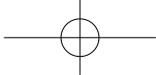
The Law on the Protection of Minors explains specific content of child protection by family, school, society, judicial organ and in terms of legal liabilities. It is the legal weapon and the guideline that Chinese child protection workers can use.

一定意义上，《儿童权利公约》和《中华人民共和国未成年人保护法》比较系统、全面的阐述了儿童保护的工作内容。但实际上，随着社会的发展，从目前儿童保护现状来看，除了孤儿、残疾儿、弃儿等弱势儿童权益尚未得到全面有效保障外，儿童受虐待、遗弃、伤害等社会问题也不容忽视。此外，我国还有流动儿童、留守儿童、独二代群体等这样的特殊儿童群体，针对这些孩子的保护更是摆在社会面前亟待解决的难题。⁸所以，本书中涉及到的“儿童保护”的概念，不仅指的普遍性的儿童保护，更多还指的是针对“特殊儿童”⁷ 《中华人民共和国未成年人保护法》。

Law of the People's Republic of China on the Protection of Minors

⁸ 刘文，刘娟，张文心. 我国儿童保护的现状及影响因素 [J]. 辽宁师范大学学报 (社会科学版), 2013, 36(04):520-524.

Liu Wen, Liu Juan and Zhang Wenxin. The Present Situation and Factors of Child Protection in China [J]. *Journal of Liaoning Normal University (Social Sciences Edition)*, 2013, 36(04): 520-524.



的保护。因此，本书中儿童保护应该具有的内容包括：

Convention on the Rights of the Child and Law of the People's Republic of China on the Protection of Minors systematically and comprehensively expound details of child protection. However, as the society develops, rights and interests of underprivileged children, such as orphans, disabled children and abandoned children, have not been thoroughly and effectively guaranteed. Additionally, cases about children suffering from maltreatment, abandonment and harm are not rare. Meanwhile, China has migrant children, left-behind children, the second generation of single-child and other groups of special children. Protection of them demands prompt solutions. In conclusion, "child protection" in this book mainly targets such "special children", which incorporates the following elements:

(一) 《儿童权利公约》和《中华人民共和国未成年人保护法》涉及到的儿童保护内容；
(附件)

(I) Child protection mentioned in the Convention on the Rights of the Child and Law of the People's Republic of China on the Protection of Minors; (attachment)

(二) 对孤儿、残疾儿童、弃儿等弱势儿童的支持性保护；

(II) Supportive protection for underprivileged children, such as orphans, disabled children and abandoned children;

(三) 对受暴力、虐待、侵犯儿童的救助性保护；

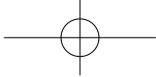
(III) Relieving protection for child suffering from violence, maltreatment and abuse;

(四) 对留守儿童、流浪儿童等困境儿童的发展性保护；

(IV) Developing protection for children in difficulty, such as left-behind children and homeless children;

(五) 对问题儿童（心理疾病、违法犯罪等）的综合性保护。

(V) Comprehensive protection for problematic children (with psychological illness or delinquency).



第二章 儿童保护之重：儿童暴力伤害—儿童保护个案管理的重点领域

Chapter II Unbearable Lightness of Child Protection: Decoding the Violence against Children

第一节 童年之殇：“儿童暴力”下的危机

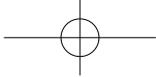
Section I Scars from Childhood: Crisis of Violence against Children

儿童是未来社会的主力军、生力军，是国家和民族未来的希望，而童年也是一个人最天真美好的阶段。

Child is the main force of future society and the hope of country and nationality. Childhood is the best stage of a lifetime.

随着社会的发展，当代儿童生活的环境也更显多元化。与过去相比，当代儿童生活在中国人从来没有过的物质条件下，有历代从未有过的物质态度和精神状态；生活在中国人从来没有过的宽松的社会政治环境下，有历代从未有过的民主基础和关系模式；生活在中国人从来没有过的信息环境里，有历代从未有过的思维特征和社会心态。伴着价值多元化的，是儿童与社会之间的互动更加频繁、深入；但与此同时，由于更加激烈的竞争，儿童的交往心理、角色心理及各种社会行为也相对复杂；与外部（父母、同学、老师）实际沟通不畅，交往能力较差（爱与温暖）；狂欢与孤独并存，心理相对脆弱；不愿受约束，但实际能力不足；怕苦怕累，物质化、享乐主义倾向普遍；生存压力大，寄托家庭、社会期望值高等当代儿童的特点也尤为明显。

With social development, living environment of modern child becomes more diverse. Specifically, the material conditions are better, allowing Chinese people to enjoy unprecedented physical and mental status; the social and political environment in China is liberal, with unprecedented democratic foundation and relationship models; the information environment is fresh, with unprecedented thinking characteristics and social mentality. As a result, child-society interaction is more frequent and deep. Nevertheless, more fierce competition leads to complicated



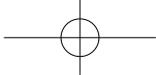
psychological states in social intercourse and playing of social roles and behaviors. Child might fail to communicate with the external world (parents, classmates and teachers), resulting in poor interpersonal ability (love and warmth). Other distinctive features of modern child include psychological vulnerability, unwillingness of being restricted and a lack of capability, prevalence of hedonism, great pressure from survival and high expectation from family and society.

而快速变迁的社会，也带来了更复杂多元的文化，越来越多的社会问题渐渐凸显，出现了诸多原因多样化、程度复杂化、后果复合化、影响深远化的儿童问题。使得本应单纯快乐的童年出现了如儿童犯罪、校园欺凌、儿童虐待、性侵犯等儿童暴力问题。同时，快速的发展也带来了发展的不充分不平衡，留守儿童、流动儿童、流浪儿童等困境儿童的问题也层出不穷。

Fast-changing society brings more complex and diverse cultures, which causes more prominent social problems. One of them is child issues with different causes, varied degrees of severity, intrigued results and profound impacts. Thus, childhood, which is supposed to be innocent and happy, encounters violence against children, such as delinquency, school bullying, child maltreatment and sexual abuse. At the same time, social development is insufficient and unbalanced, resulting in a wave of problems related to left-behind children, migrant children, homeless children and other children in difficulty.

据联合国儿童基金会（UNICEF）2017年的《熟悉的面孔：儿童与青少年成长中遭遇的暴力》报告显示，全球为数众多的儿童正在遭受暴力伤害。全球2岁至4岁儿童中，有3/4儿童（约3亿人）曾在家中遭受养护人的心理攻击或体罚。在30个有相关数据的国家中，3/5的1岁左右儿童经常遭受暴力管教。同时，在这些儿童中，近1/4曾被用力摇晃以作体罚，近1/10儿童的脸部、头部或耳部等身体部位曾遭受击打。全球约有1500万的15岁至19岁的青春期女童曾遭受性暴力，但仅有1%表示寻求过专业帮助。与此同时，校园也是儿童暴力区域之一。据统计，在全球学龄儿童中，有半数（7.32亿人）生活在校园体罚仍未被完全禁止的国家。值得关注的是，在近25年有记录的校园枪击案中，有3/4发生在美国。

A Familiar Face: Violence in the lives of children and adolescents, published by UNICEF in 2017, shows that numerous children across the globe are suffering from violence. Around 300 million (3 in 4) children aged 2 to 4 worldwide experience violent discipline by their caregivers on a regular basis. Based on data from 30 countries, 6 in 10 children aged 12 to 23 months are subject to violent disciplinary methods. Among children at this age, almost 1 in 4 have



experienced forcible shake as physical punishment; nearly 1 in 10 have been hit in the face, head, ear or other parts of the body. Worldwide, around 15 million adolescent girls aged 15 to 19 have experienced forced sex in their lifetime; but only 1% of them reached out for professional help. School is another region witnessing violence against children. 732 million (1 in 2) school-age children between 6 and 17 years live in countries where corporal punishment at school is not fully prohibited. It is worth noting that for the recorded school shootings happened during the past 25 years, nearly 3 in 4 occurred in the United States.

中国虽然目前尚没有针对全国儿童的普遍性调查，但越来越多的事件也在表明，与国际上存在的普遍问题相同，中国广大儿童群体正遭受着儿童暴力的侵袭。近年来，校园欺凌、儿童虐待、儿童性侵犯等新闻层出不穷，留守儿童、流浪儿童的社会问题也不容忽视。

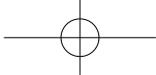
Although China has not yet carried out general investigation among all children living in the country, an increasing number of incidents revealed that they were also exposed to violence. In recent years, the society have seen a flood of news about school bullying, child maltreatment and sexual abuse, while facing serious challenges in left-behind children and homeless children.

中国有着数量庞大的儿童群体，据全国第六次人口普查数据，我国 0-14 岁的儿童共有 2.23 亿，占总人口的 16.6%，加上 14 岁以上的部分，这个基数会更大。而这之中，有很大比例的儿童曾经或正在遭受儿童暴力。截至 2016 年，中国不满十六周岁的农村留守儿童数量为 902 万人。其中，由（外）祖父母监护的 805 万人，占 89.3%；由亲戚朋友监护的 30 万人，占 3.3%；一方外出务工另一方无监护能力的 31 万人，占 3.4%。有 36 万农村留守儿童无人监护，占 4%。⁹ 国家统计局 2016 年发布的《中国儿童发展纲要（2011-2020 年）》统计监测报告显示，2016 年，全国未成年人犯罪人数为 35743 人。此外，也有国内学者对流动儿童的社会适应状况展开了研究：截至 2007 年 9 月，上海在公办学校就读的流动儿童就有 21 万多人，占流动儿童总数的 57.1%，而且这个数字还在增长。流动儿童在社会适应方面比其他儿童更为敏感，也面临着更多的压力和挑战。（曾守锤，2016¹⁰）。

9 2016 年民政部、教育部、公安部在全国范围内联合开展农村留守儿童摸底排查工作。http://www.xinhuanet.com/politics/2016-11/09/c_1119882491.htm.

In 2016, Ministry of Civil Affairs, Ministry of Education and Ministry of Public Security worked together to investigate rural left-behind children across the country. http://www.xinhuanet.com/politics/2016-11/09/c_1119882491.htm.

10 曾守锤. 流动儿童的社会适应状况及其风险因素的研究 [J]. 心理科学, 2010, 33(2): 456-458
Zeng Shouchui. Research on Social Adaptation of Migrant Children and Related Risk Factors [J]. *Psychological Science*, 2010, 33(2): 456-458.



China owns a huge number of children. Based on the sixth national population census, the number of children aged between 0 and 14 reached 223 million, accounting for 16.6% of the total population. A majority of them have suffered or are suffering from violence against children. As of 2016, the number of rural left-behind children aged under sixteen was 9.02 million. To be specific, the number of children with grandparents as guardians, with relatives/friends as guardians, with one parent working outside and the other lack of guardian capability, and without guardians was 8.05 million (89.3%), 0.3 million (3.3%), 0.31 million (3.4%), and 0.36 million (4%) respectively. National Program of Action for Child Development in China (2011-2020), released in 2016 by the National Bureau of Statistics, unveils that there are 35,743 minor offenders nationwide in 2016. Some domestic researchers have studied social adaptation of China's migrant children. Results showed that as of September 2007, Shanghai public schools had more than 0.21 million migrant students, holding 57.1% of the total number of migrant children. As a matter of fact, that figure has been increasing. They are more sensitive than common children in terms of social adaptation, and face greater pressure and more challenges (Zeng Shouchui, 2016).

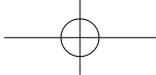
诸多统计数据表明,中国有着非常大数量的困境儿童(留守儿童、流浪儿童、流动儿童),而与此同时,有许多的研究也表明了我国存在着严峻的儿童暴力问题,儿童正经受着重大的创伤。

Statistics shows that China has quite a few children in difficulty, such as left-behind children, homeless children and migrant children. Some other studies conclude that the country is exposed to severe child violence problem—children are experiencing significant traumas.

陈晶琦等采用自填式问卷的方式,对 1762 名大专学生就有关儿童时期受暴力经历进行了不记名回顾性调查。结果显示,在被调查的 1762 名大学生中,儿童期躯体暴力发生率为 59.4%,其中男生为 76.0%,女生为 49.2%;精神暴力发生率为 61.5%,男生为 69.0%,女生为 57.0%;性侵犯发生率为 10.2%,男生为 8.1%,女生为 11.5%。¹¹ 赵丹,李丽萍对某医学院校 485 名大学生儿童期虐待经历进行不记名的回顾性调查,结果显示,94.6% 的人在儿童期经历过暴力,儿童期躯体暴力发生率为 88.0%,其中 92.8% 男生和 80.8% 女生经历过躯体暴力;情感暴力发生率为 74.4%,其中 75.7% 的男生和 72.5% 的女生经历过情感暴力;性虐待发生率为 26.6%,其中 21.2% 的男生和 35.2% 的女生经

11 王永红,陈晶琦. 1762 名大专学生童年期虐待经历及影响因素分析 [J]. 现代预防医学, 2012, 39(18):4654-4656.

Wang Yonghong and Chen Jingqi. Analysis on Childhood Abuse Experience and the Influencing Factors among 1,762 College Students [J]. Modern Preventive Medicine, 2012, 39(18): 4654-4656.



历过性虐待。¹² 杨世昌等人采用系统检索中国期刊全文数据库 (CNKI)、维普中文科技期刊全文数据库和万方数据资源 1989—2013 年发表的有关儿童受虐率的文章,用 R 软件采用率值合并法进行分析。结果符合入选标准的文献共 10 篇,涉及受虐监测样本量 11 077 人,其中发生受虐 5 895 人,随机效应模型显示儿童受虐率为 54%¹³。杨玉凤等人对某省农村地区的 2363 名 1~14 岁儿童受责打管教行为进行研究,结果显示最近 1 个月内有 930 名 (39.4%) 儿童受到责打¹⁴。

Chen Jingqi et al. carried out an anonymous, retrospective study via self-administered questionnaire against 1,762 junior college students on experience of childhood violence. Results showed that the incidence rate of physical violence during childhood was 59.4%, of which 76.0% schoolboys and 49.2% schoolgirls suffered from such trauma. The incidence rate of mental violence was 61.5%, of which 69.0% schoolboys and 57.0% schoolgirls were victims. The incidence rate of sexual abuse was 10.2%, of which 8.1% schoolboys and 11.5% schoolgirls were exposed to the crime. Zhao Dan and Li Liping launched an anonymous, retrospective study of 485 students studying in one medical university on child maltreatment. Results showed that 94.6% respondents experienced childhood violence. The incidence rate of physical violence was 88.0%, of which 92.8% schoolboys and 80.8% schoolgirls suffered from such trauma. The incidence rate of emotional violence was 74.4%, of which 75.7% schoolboys and 72.5% schoolgirls were victims. The incidence rate of sexual abuse was 26.6%, of which 21.2% schoolboys and 35.2% schoolgirls were exposed to the crime. Yang Shichang et al. used meta-analysis in R to analyze papers on rate of child maltreatment published between 1989 and 2013 and collected in China National Knowledge Infrastructure (CNKI), VIP China Science and Technology Journal Database (CSTJ) and Wanfang Data. A total of 10 papers conformed to the selection standards, involving 11,077 samples under monitoring. Among them, 5,895 were abused and the random effects model showed the rate of children suffering from maltreatment was 54%. Yang Yufeng et al. studied violent

12 赵丹, 李丽萍. 某医科院校 485 名大学生儿童期虐待经历的调查 [J]. 疾病控制杂志, 2006 (02) : 154-157.

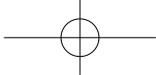
Zhao Dan and Li Liping. A Survey on Childhood Abuse Experience among 485 College Students [J]. Chinese Journal of Disease Control & Prevention, 2006(02): 154-157.

13 杨世昌, 张迎黎, 张东军, 申丽娟, 姚桂英. 中国儿童虐待发生率的 Meta 分析 [J]. 中国学校卫生, 2014, 35 (09) : 1346-1348.

Yang Shichang, Zhang Yingli, Zhang Dongjun, Shen Lijuan, Yao Guiying. Meta-analysis of Incidence Rate of Child Abuse in China [J]. Chinese Journal of School Health, 2014, 35(09): 1346-1348.

14 杨玉凤. 儿童的虐待与忽视及其干预对策. 中国儿童保健杂志, 2006, (4) : 10-12.

Yang Yufeng. Child Abuse and Neglect and Concerning Intervention Measures. Chinese Journal of Child Health Care, 2006, (4): 10-12.



discipline among 2,363 children aged between 1 and 14 in rural areas of some provinces. Results showed that within the last one month, 930 (39.4%) of them were physically punished.

诸多研究者对于儿童暴力的定义、样本来源、数据收集和资料分析上不同，使得调查结果存在差异，但所有研究都共同表明：儿童暴力普遍存在，且事实远超于人们的想象。中国官方的数据和众多研究数据都显示了我国儿童暴力普遍存在的事实，而且这些暴力大都不被重视，往往都是发生了极度恶劣的事件，造成了重大社会影响之后，才会被公众关注。通过梳理，我们发现有关儿童暴力的研究普遍存在一些共同的结论：（1）曾经或者正在遭受儿童暴力的儿童数量庞大；（2）大多数受害儿童缺乏明显的认知，甚至有不少儿童不知道自己遭受暴力；（3）公众对儿童暴力缺乏认知；（4）大多儿童暴力事件曾多次重复。

Different researchers share diversity in definitions of violence against children, samples sources, data collection methods and analysis methods, leading to varied findings. However, all of such studies show that violence against children is pervasive and the severity is far beyond people's imagination. China's authoritative data also proves this. Furthermore, most of these violence cases were paid little attention, while only extremely vicious ones that had significant social impact could attract the public's eyes. In general, the book considers there are some conclusions shared by studies on this topic: (1) the number of children having suffered or suffering from violence is huge; (2) the majority of child victims are lack of awareness or do not know that they are exposed to violence; (3) the public are lack of understanding on violence against children; (4) many violence against children cases happen repeatedly.

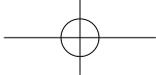
本应该充满美好，充满阳光的童年却包含磨难；诸多幼小脆弱的心灵蒙上灰尘；罪恶的魔爪还在伸向我们的孩子，儿童保护迫在眉睫！

Childhood is supposed to be innocent and happy, but is full of hardships as well. Many vulnerable children see darkness at an early age. Given that numerous children are still suffering from violence, child protection is extremely urgent!

第二节 什么是儿童暴力

Section II What Is Violence against Children

“儿童暴力”的内涵是特定环境下的社会建构，在不同的语境体系下有着不同的定义。一般，鲜有“儿童暴力”这种提法，更多的论述为“Child Maltreatment”、“Child Abuse”，译为“儿童虐待”、“儿童伤害”，“儿童侵犯”等，但在中国语境体系下，



单一的“虐待”、“伤害”、“侵犯”并不能充分说明儿童遭受的问题，因此，本书采用“儿童暴力”的概念对“儿童虐待”的含义加以丰富，来综合多种相关内容解读儿童所遭受的问题。

“Violence against children” has different definitions under varied social structures and contexts. As a matter of fact, the word is often replaced with “child maltreatment” or “child abuse.” Nevertheless, the latter two cannot comprehensively reflect what problems children in China face. Thus, this book adopts “violence against children”, which has richer connotation, to explain the situation of children in this country with other materials.

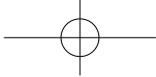
“暴力”是社会科学中最难以捉摸和最困难的概念之一。自 20 世纪 60 年代后期以来，西方工业化国家的暴力事件大幅增加，与长期的世界发展趋势背道而驰，因此暴力问题已成为备受研究人员关注的主题。然而，关于“暴力”的准确定义和实质性的内容，在诸多研究中依旧存在着争议。同时，“暴力”也衍生出了诸多组合性概念，如暴力关系、暴力系统、权力约束等。很显然，“暴力”是一种极其复杂的现象，涉及到破坏以及秩序的产生之间的矛盾性和冲突性。

“Violence” is one of the most confusing concepts in social sciences. Since late 1960s, industrialized countries in the western world were exposed to an increasing number of incidents of violence, which was against the world’s development trend. As a result, it became a subject winning researchers’ attention. Yet, accurate definition and substance of “violence” are still controversial topics in many studies. Meanwhile, it creates many combinatorial concepts, such as relationship violence, violence system and power of coercion. Obviously, violence is complicated, involving contradictions and conflicts between destruction and establishment of order.

“儿童暴力”的概念极为分散，从身体和心理伤害到社会政治歧视，涉及到多个方面。在既往的研究中，“儿童暴力”的定义更多的指的是狭义上的概念，往往是指一种特定形式的侵害行为，强调的是施与暴力这一种带有伤害性质的动作及其产生的后果。

The definition of “violence against children” covers different fields from physical and psychological abuse to social and political discrimination. In previous studies, it often refers to some specific injurious act, emphasizing the act to impose harmful violence and its consequences.

而广义上的“儿童暴力”概念有着更为丰富的内涵，一般可以等同为“儿童虐待”（Child Abuse）。杨子尼通过对“儿童暴力”（儿童虐待）概念的综述，认为由于种族、文化、经济状况、社会价值观的不同，各国在对儿童虐待与忽视的概念、定义和分类等问题的认识上存在很大的差异。高加索和西班牙人把致使身体某部位的青紫看作是虐待的结果。而



大多数的韩国人和越南人都赞成棍棒式教育，不认为那是一种儿童暴力。很大比例的亚洲人不认可美国关于限制父母对孩子的身体惩罚的法律。Giovannoni (1979) 的研究显示，黑人认为对儿童“不能提供基本需要”和“监督”比性虐待和身体虐待更严重¹⁵。

But in a broad sense, “violence against children” covers profound connotation, and is basically equivalent to “child abuse”. Yang Zini summarized the definitions of “violence against children (child abuse)”. According to the summary, countries are divided over the understanding of child abuse and neglect in concept, definition, categorization and some other aspects due to different races, culture, economic condition and social values among them.. Caucasian and Spanish consider bruise as a result of child abuse. However, many Korean and Vietnamese support physical punishment as a part of education, instead of a kind of violence against children. And a mass of Asian parents do not agree with the laws in the United States that prohibit them from using such education methods. According to Giovannoni’s research (1979), African Americans viewed that the “incapability to provide basic needs” and “supervision” for children were more severe than sexual abuse and physical abuse.

1999年世界卫生组织（WHO）认为“儿童暴力”（儿童虐待）是指对儿童有义务抚养、监管及有操纵权的人做出的足以对儿童的健康、生存、生长发育及尊严造成实际的或潜在的伤害行为，包括各种形式的躯体和（或）情感虐待、性虐待、忽视以及对其进行经济性剥削。Jibbons (1995) 认为“儿童暴力”包含了四种意涵：儿童忽视、生理伤害、情感暴力、性侵犯。¹⁶

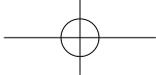
In 1999, the World Health Organization (WHO) defined “child maltreatment” as all forms of physical and/or emotional ill-treatment, sexual abuse, neglect or negligent treatment or commercial or other exploitation, resulting in actual or potential harm to the child’s health, survival, development or dignity in the context of a relationship of responsibility, trust or power. Jibbons (1995) thought “violence against children” include neglect, physical abuse, emotional violence and sexual abuse.

综合国内外关于“儿童暴力”的定义以及研究需要，本书将“儿童暴力”定义为：

15 杨子尼. 儿童虐待与忽视问题的国际研究进展 [J]. 国外医学. 妇幼保健分册, 2003(03):188-191.
Yang Zini. Progress in International Researches on the Problems about Child Abuse and Neglect [J]. Foreign Medical Sciences (Section of Maternal and Child Health), 2003(03): 188-191.

16 Jibbons J, Conroy S, Bell C, Operation the child protection system, London: HMSO, 1995, 10.

Jibbons J, Conroy S, Bell C, Operation the child protection system, London: HMSO, 1995, 10.



Based on domestic and overseas definitions and interests of this study, the book defines “violence against children” as:

儿童暴力是指个人利用本身的特殊条件（如年龄、身份、知识、组织、权力等形式）而有能力单独或集体地对儿童的健康、生存、生长发育、心理、财产、权利造成实际的或潜在的伤害行为，包括身体的伤害、心理情绪的伤害、性侵犯、经济性剥削、政治伤害等。

Individual(s) make(s) use of his/her/their strengths (such as age, identity, knowledge, organization and power) to actually or potentially harm children’s health, survival, development, psychology, property or rights in all forms of physical and/or emotional ill-treatment, sexual abuse, commercial exploitation and political abuse.

同时，由于留守儿童、流动儿童、流浪儿童等特殊的困境儿童，是因特殊的历史背景和经济环境（父母外出务工、经济条件差、社会发展不平衡）而形成的特殊现象，本身就是弱势群体，相较于一般儿童，更具暴力伤害的潜在可能性，因此，儿童保护工作者在关注儿童暴力问题的时候，尤其要特别关注特殊、困境儿童。

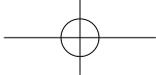
Children in difficulty, including left-behind children, migrant children and children on the streets, is a special phenomenon caused by special historical background and economic environment (parents working as migrant workers, poor economic conditions and unbalanced social development). These children are vulnerable, having greater risk of suffering from violence compared with common kids. Therefore, child protection workers should pay particular attention to them when addressing concerning issues.

第三节 儿童暴力的伤害对象

Section III Victims of Violence against Children

多项研究结论均表明，任何儿童——从刚出生的婴幼儿到即将步入成人队伍的青少年，无关种族、经济社会、地域、文化等因素，都有可能遭受儿童暴力。不论是来自于何人、何时、何地的何种程度的伤害，都会对儿童带来影响。

According to several studies, any child, from infant to adolescent, of any race, in any economic society, region and culture may be exposed to violence. Harm from any person in varied degree of severity, no matter when and where it happens, will have an impact on children.



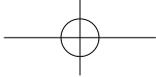
陈晶琦 (2006) 对我国儿童暴力及受害儿童心理进行了综述研究, 研究表明了: 在性别上, 我国的男童受暴力的比例明显高于女童。多项研究都证明了男童遭受躯体暴力和精神暴力的比例高于女童; 而有关儿童性虐待, 包括非身体接触性虐待在内的总发生率, 一般是女童高于男童, 但当涉及到比较严重的非情愿的性交经历的发生率, 男女童之间的差别明显缩小。在年龄上, 学龄前儿童和小年龄儿童受父母体罚的发生率较高, 随年龄的增长, 发生率呈下降趋势; 有关儿童期目睹暴力经历, 对青少年学生的回顾性调查显示, 其发生率随年龄的增加而明显上升; 有关童年期性虐待经历, 其发生率有随年增长而上升的趋势¹⁷……

Chen Jingqi (2006) studied violence against children and mental states of victims, finding that in China, the incidence rate of violence against boys was significantly higher than that against girls. Many studies also prove that more boys than girls are victims of physical and mental violence. Overall incidence rate of sexual abuse, including the one without physical contact, against girls is higher than that against boys. However, difference between girls and boys is obviously narrowed down in terms of incidence rate of severe unwanted sex. Incidence rate of physical punishment from parents is higher in pre-school and elementary schoolchildren, which decreases as the children grow up. From retrospective inspection targeting adolescent students on experience of witnessing violence during childhood, the incidence rate increases significantly as the age grows. As for sexual abuse during childhood, the incidence rate is also expected to rise as the age grows.

这些现象说明了, 有关于儿童暴力, 低龄儿童更有可能遭受到躯体暴力; 青少年更有可能遭遇精神暴力; 而任何儿童都可能遭受性侵犯。在这之中, 困境儿童(留守儿童、流浪儿童、残疾儿童等)由于本身处于相对弱势的位置, 其遭受儿童暴力的风险更高。因此, 在提供儿童保护措施的时候, 可以根据不同儿童遭受不同暴力的可能性采取相应的预防形式。

These results reveal that younger children are more likely to suffer from physical violence; adolescents are more likely to be exposed to mental violence; children at any age might be subject to sexual abuse. Particularly, children in difficulty (left-behind children, homeless children and disabled children) are at higher risk of violence, since they are more vulnerable. In response to that, people can offer corresponding protection/prevention measures to children based on the likelihood

17 陈晶琦. 我国儿童虐待及受害儿童心理健康的研究进展 [J]. 中华儿科杂志, 2006(08):625-628.
Chen Jingqi. Review of Prior Research in China: Child Abuse and Its Impact on the Victims [J]. Chinese Journal of Pediatrics, 2006(08): 625-628.



being exposed to different kinds of violence.

第四节 儿童暴力的内容和类型

Section IV Types of Violence against Children

儿童暴力的内容和类型具有多元化，施暴者往往会采用种种手段对儿童施予不同的暴力伤害，而儿童也很难抵制住来自多方的伤害。我们根据儿童受到的伤害类型区分和识别儿童暴力的内容和类型。

Violence against children has diversified content and types. Perpetrator/Abuser/Pepertrator will use various methods to harm vulnerable children. We are going to distinguish and identify content and types of violence against children based on the harm children are subject to.

一、身体伤害：武力威胁 / 物理攻击

I. Physical Abuse: Force Threat/Physical Attack

“儿童暴力”最直接的施暴形式就是对儿童身体的伤害，目前，国际上关于身体伤害的程度和定义各有差别，但主要包含的内容大致相同，孟庆跃（1994）归纳为：

The most direct form of violence against children is to injure the body. Although international society has varied severity degrees and definitions of physical abuse, the main content is similar. Meng Qingyue (1994) summarized them as follows:

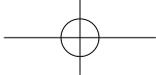
（一）个人故意而非偶然地对儿童施以暴力或故意而非偶然地失职而给儿童造成的损害、伤害或死亡的行为；

(I) Individual intentionally, instead of accidentally, resort to violence against a child or neglects his duty, resulting in injury or death of the child;

（二）躯体虐待是指父母或其他监护人故意对儿童施以导致伤害或生命危险的暴力行为；

(II) Physical abuse refers to the non-accidental use of physical force by a parent or a guardian against a child, resulting in harm for the child's health or survival;

（三）儿童出现骨折、压迫性出血、软组织肿胀，皮肤破损和猝死的情况，上述表现



可导致儿童死亡或长期残疾，父母对上述结果的解释与伤害的程度和类型不符；

(III) The child suffers from fracture, hemorrhage, soft tissue swelling, skin damage, sudden death or other symptoms that can cause death or disability. However, parents' explanation does not conform to the degree and type of such harm;

(四) 对儿童施以任何伤害行为。¹⁸

(IV) Any other forms of physical abuse against a child.

同时，根据我国《人体损伤程度鉴定标准》，不同的身体伤害对儿童暴力的手段界定有一定的参考意义。参照《标准》，确定儿童遭受何种等级的伤害，再参考《治安管理处罚法》第四十三条和相关法律法规予以提供保护。

In accordance with Standards on Identification of Physical Injury Degree of China, different physical injuries can help confirm methods used in violence against children. Child protection workers can understand the degree of injury the child has according to the Standards first, and then offer related protection following the Article 43 of the Law of the People's Republic of China on Penalties for Administration of Public Security and relevant laws and regulations.

二、心理伤害

II. Psychological Abuse

儿童受到的心理伤害包含了多重内涵，一般有语言暴力、忽视等方面的内容。

Psychological abuse the child suffering from includes verbal abuse and neglect.

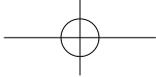
(一) 语言暴力

(1) Verbal abuse

近年来，随着网络世界的飞速发展，越来越多的学者开始关注“语言暴力”这一现象，而众多研究也都是从“网络语言暴力”的角度，加以现象学、语言学、教育学的解读。而针对儿童的语言暴力，更多含义上指的是教师、家长或其他人通过语言的形式，对儿童心理造成伤害的行为。

18 孟庆跃，刘兴柱．儿童虐待研究概述 [J]．中国社会医学，1994(01)：5-9．

Meng Qingyue and Liu Xingzhu. Overview of Studies on Child Abuse [J]. Chinese Journal of Social Medicine, 1994(01): 5-9.



With rapid development of Internet, “verbal abuse” arouses wider concern among scholars. Many studies interpreted it from perspectives of phenomenology, linguistics and pedagogy. Verbal abuse against children mainly refers to improper language from teachers, parents or other people who can cause psychological harms to children.

(二) 忽视

(2) Neglect

美国关于“儿童虐待”的内容划分中，“忽视”与“心理伤害（精神虐待）”是同一层次的内容。“忽视”往往给儿童的心理带来毁灭性的打击，伤害的程度较强，但更多的还是给儿童带来心理上的伤害，因此，本文将“忽视”列为“心理伤害”内容之下。

According to the categorization of “child maltreatment” in the United States, “neglect” and “psychological abuse (mental abuse)” are at the same level. Neglect often brings a devastating blow to child’s psychology. Therefore, this book includes “neglect” as a kind of psychological abuse.

一般的，国际上关于“忽视”的定义根据不同的实际各有差异，但也基本形成以一个共识，即忽视包含：

Generally, even though countries define “neglect” differently, they have a consensus that it includes:

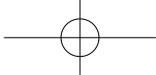
1. 身体忽视：看护人忽略了对孩子身体上的照顾；

1. Physical neglect: the parent or caregiver fails to take care of the child’s body;

2. 情感忽视：没有给予儿童足够的爱，父母间长期的或极端的虐待，对儿童拒绝心理上的关心和爱护，拖延或没有给予心理上的安慰，忽略儿童的情感需要；

2. Emotional neglect: the parent or caregiver does not provide enough love for the child; the child has been extremely abused by parent or caregiver for a long time; the parent or caregiver refuses to offer emotional caring to the child, delays or does not emotionally comfort the child, or neglects the child’s emotional needs;

3. 医疗忽视：指的是拒绝或拖延医疗需求和医疗保健；



3. Medical neglect: the parent or caregiver refuses or delays to meet the child's medical or health care needs;

4. 教育忽视：不能最大限度地提供接受各种教育的机会；

4. Educational neglect: parent or caregiver does not provide all possible education opportunities for the child;

5. 安全忽视：由于看护人的疏忽使得孩子的成长和生活环境存在安全隐患而有可能使儿童发生危险；

5. Security neglect: the parent or caregiver neglects potential safety hazards in the growth/living environment of the child, which possibly puts the child in danger;

6. 社会忽视：不利于儿童发展的社会环境与内容。

6. Social neglect: the parent or caregiver neglects social environment or content that does not benefit the child's development.

遗弃儿童也是一种忽视。《中华人民共和国收养法》第三十条规定：遗弃婴儿的，由公安部门处一千元以下罚款；情节恶劣构成犯罪的，依照《中华人民共和国刑法》第一百八十三条追究刑事责任。

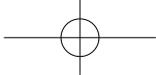
Child abandonment is also a kind of neglect. Article 30 of the Adoption Law of the People's Republic of China regulates that whoever abandons an infant shall be fined by a public security organ; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law.

三、权力约束——剥削

III. Power of Coercion — Exploitation

剥削一般指的是对儿童实行政治、经济上的暴力，利用儿童谋取利益，使儿童处于一种伤害之下的行为。一般包括：拐卖儿童、使用童工、强迫乞讨等。

Exploitation is the political or economic abuse against a child where the perpetrators benefit in some manner, which is detrimental to the child's physical and mental health. It generally includes child trafficking, child labor and forced begging.



四、性侵犯

IV. Sexual Abuse

性侵犯是儿童可能遭遇的严重“暴力”，近年来，多项新闻报道也说明了我国儿童性侵犯问题的严峻性。关于“性侵犯”的界定，陆士楨、李玲（2011）综述了国内外相关界定，认为性侵犯是泛指一切种类与性相关且违背他人意愿，对他人实行，进而造成身心侵害的行为，包括强奸、性骚扰、暴露、窥淫等行为。

Sexual abuse is a severe violence against children. Many pieces of news reported in recent years also prove that the situation in China is grave. Lu Shizhen and Li Ling (2011) summarized domestic and international definitions about “sexual abuse” and proposed that sexual abuse refers to all sex-related and undesired behaviors by one person upon another resulting in physical and mental harm, including rape, sexual assault, exhibitionism and voyeurism.

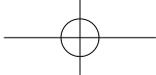
第五节 儿童暴力的实施者

Section V Perpetrator Profiles of Violence against Children

在大众的既定认知中，儿童暴力的实施者往往是带有“坏人”标签的陌生成年人。但越来越多的事实表明了，儿童暴力的实施者可能是任何人，儿童或直接、或间接、或潜在的受到来自不同人群的暴力伤害。工作者无法也不应该从身份或外貌标识来判断一个人是否会对儿童带来暴力伤害，也不可能凭借主观臆断来猜测谁是“施暴者”。综合国内外诸多学者的研究，我们将根据儿童生存的主要场域来探讨可能造成儿童暴力的实施者。

In established understanding of the public, perpetrator of violence against children is often evil strange adult. Nevertheless, more facts unveil that such perpetrator could be anyone. In other words, children can be subject to violence directly, indirectly or potentially from different groups of people. Child protection workers cannot and should not judge whether a person is likely to bring violence to a child based on his/her identity or physical appearance. Meanwhile, they are unable to subjectively assume who is the perpetrator. Based on studies at home and abroad, this book is going to discuss possible perpetrator of violence against children in terms of children's major living environment.

一、父母



I. Parents

父母是血缘关系上与孩子联系最为密切，也是孩子情感的寄托所在，一般父母是孩子儿童期最为信任和依赖的对象，也是给孩子提供保护，提供温暖、支持、鼓励和爱的绝对力量。在法律意义上，我国《宪法》第四十九条规定：父母有抚养教育未成年子女的义务，禁止虐待儿童；《中华人民共和国民法通则》第十六条和第十八条分别规定：未成年人的父母是未成年人的监护人；监护人应当履行监护职责，保护被监护人的人身、财产及其他合法权益；《未成年人保护法》第八条至十二条要求了父母要给儿童提供家庭保护。

Parents are persons sharing the closest blood relation with and being emotional home of their children. Generally, children trust and rely their parents most during childhood. Parents are also the source of protection, warmth, support, encouragement and love to their children. According to the Article 49 of the Constitution of the People's Republic of China, parents have the duty to rear and educate their minor children and maltreatment of children is prohibited. The Article 16 and Article 18 of the General Principles of the Civil Law of the People's Republic of China respectively regulates that the parents of a minor shall be his guardians; a guardian shall fulfill his duty of guardianship and protect the person, property and other lawful rights and interests of his wards. From Article 8 to Article 12 of the Law of the People's Republic of China on the Protection of Minors demand parents to provide children with family protection.

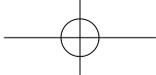
然而，本应该与孩子最为亲近、密切，也最应该保护孩子的父母，却在很多时候成为了儿童暴力的施暴者。

However, sometimes, parents who are supposed to be the closest people and protector of children become perpetrators of violence against children.

一方面是直接的施暴行为。中国自古便有着“打是亲，骂是爱”、“棍棒底下出孝子”、“不打不成才”等观念，长期的“暴力”式教育观念，使得部分父母在教育孩子时往往采取“打”、“骂”等施暴行为，给儿童身心带来伤害。陈晶琦、王粉燕等（2007）采用自填式问卷，对包头市 810 名幼儿园家长进行匿名调查。结果显示在被调查的 810 名幼儿教师中，在最近有 74.0% 的家长对子女实施过躯体暴力，33.0% 实施过非接触性体罚，68.9% 实施过接触性躯体暴力。¹⁹ 蒋月、林艳琴等（2006）对福建省 1256 名受访者的有效调查显示，

19 王粉燕，陈晶琦，马玉霞. 包头市 810 名幼儿父母躯体暴力行为调查 [J]. 中国学校卫生, 2007(11):987-988+990.

Wang Fenyan, Chen Jingqi, Ma Yuxia. The Prevalence of Physical Maltreatment by Parents in 810 Kindergarten Children [J]. *Chinese Journal of School Health*, 2007(11): 987-988+990.



“幼时曾被父母打骂”占 44.8%。²⁰ 虽然这之中很多“暴力”程度并不是很严重，但它给儿童的身心健康带来的消极的影响，多数儿童具有强烈的反抗意识。

On one hand, they are direct violent behaviors. China has been promoting physical punishment in education since ancient times. Parents influenced by that idea will hit or scold a child to educate him/her, resulting in physical and mental harm. Chen Jingqi, Wang Fenyan et al. (2007) conducted an anonymous survey of 810 kindergartners' parents in Baotou City via self-administered questionnaire. Results showed that 74.0% of them carried out physical violence recently, 33.0% violence without physical contact, and 68.9% violence with physical contact. Results of an effective investigation by Jiang Yue, Lin Yanqin et al. (2006) revealed that 44.8% of the 1,256 respondents in Fujian Province were hit or scolded by parents during childhood. Even though some of the behaviors are not severe, they negatively influence children's physical and mental health, leading to powerful reverse psychology.

另一方面是间接的心理伤害。有时候父母对孩子的“施暴行为”并不体现于直接的“暴力”，而是一种间接的心理伤害。父母间的争吵、暴力很多时候会给身心尚未成熟的儿童留下难以消除的阴影，往往生活在长期“暴力”的环境中的儿童，心理上都存在一定的问题。

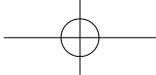
On the other hand, they indirectly harm children's psychology. Sometimes, violence against children from parents is a kind of indirect psychological abuse. Argument and violence between parents will leave an indelible negative impact on an immature child, causing psychological illness to him/her.

父母对孩子的“施暴行为”也存在着一些较为极端的方面。长期“重男轻女”的思维下，对于女婴的“遗弃”、“忽视”、“伤害”、“杀害”等现象也屡见不鲜；“继父母”对儿童的“虐待”也是高几率的事件；“性侵”、“剥夺受教育机会”、“忽视”等现象也时常出现。

Violence against children also incorporates some extreme behaviors. For example, abandonment, neglect, harm and kill of baby girls as a result of son preference are commonly seen; child maltreatment from stepparents is also a high probability event; sexual abuse, deprivation of educational opportunities and neglect also happen frequently.

20 蒋月, 林艳琴, 潘峰, 陈宝贵. 中国家庭暴力问题实证研究——以福建省为例 [J]. 金陵法律评论, 2006(01):37-67.

Jiang Yue, Lin Yanqin, Pan Feng, Chen Baogui. Empirical Research on Domestic Violence in China——From perspective of Fu Jian Province [J]. *Jinling Law Review*, 2006(01): 37-67.



很多案例表明，父母同样是“儿童暴力”的实施者。

二、学校教师

II. School Teachers

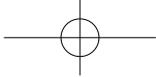
除了父母之外，学校教师也是儿童接触最广泛的群体。学校教师承担着对儿童的教育职能，在儿童的成长过程中是不可忽视的重要力量，《义务教育法》第二十九条明确规定：教师在教育教学中应当平等对待学生，关注学生的个体差异，因材施教，促进学生的充分发展。教师应当尊重学生的人格，不得歧视学生，不得对学生实施体罚、变相体罚或者其他侮辱人格尊严的行为，不得侵犯学生合法权益。

School teachers are another group of people often have direct contact with children. They are responsible for education, and have an important role to play in child development. According to the Article 29 of the Compulsory Education Law of the People's Republic of China, teachers shall treat students equally in instruction and teaching, pay attention to the individual differences of students, teach students in accordance with their aptitude, and promote their full development. Teachers shall respect the personality of students, and they shall not discriminate against students, punish them physically or in disguised form, or humiliate them or strip them of their dignity, nor shall they infringe on the students' legitimate rights and interests.

但近年来，在“校园暴力”中，教师对学生的“暴力”占据了很高的比重。其一是对学生的不恰当体罚。随着人民法律意识的提高和教师队伍综合素质的提升，近年来教师对学生“体罚”正逐步减少，但整体而言，“体罚行为”依旧存在，儿童依旧受到来自“体罚”的“暴力。”其二，是“冷暴力”。相较于直接体罚式的暴力行为，“冷暴力”一般指的是教师的学生的语言暴力、忽视等。2006年2月8日北京青少年法律援助与研究中心公布的《教师语言暴力调研报告》显示，72%的被调查初中生表示，老师使用的不文明语言对其造成了心理伤害。有些小学生认为，老师的语言暴力使他们“伤自尊”、“害怕老师”等；初中生则认为会因此“受到同学侮辱”、“伤自尊”，甚至引发“自残、自杀”行为。²¹相较于直接的体罚暴力而言，教师的“冷暴力”对儿童的心理伤害更为长久和严重。其三是对留守儿童等困境儿童的歧视。留守儿童等困境儿童由于长期的缺乏关爱，心理上较一般儿童更敏感，往往“语言”、“忽视”等行为对他们的伤害更大。其四是“性侵犯”，

21 陆少明. 反思教师的语言暴力——语言暴力的心理教育化解 [J]. 思想理论教育, 2007(04): 17-20.

Lu Shaoming. Reflection on Teachers' Verbal Abuse—Corresponding Psychological Education Solutions [J]. *Ideological & Theoretical Education*, 2007(04): 17-20.



近期一些事件显示，教师对学生的性侵犯问题不容忽视。

However, teachers share a large proportion in school violence over the past few years. First, teachers will physically punish students. As people enjoy greater legal consciousness and teachers improved comprehensive quality, the incidence rate of physical punishment gradually reduces, but still exists. Second, students will suffer from cold violence of teachers, which generally refers to verbal abuse and neglect. According to the Investigation Report on Teachers' Verbal Abuse, published by Beijing Children's Legal Aid & Research Center on February 8, 2006, 72% junior school students under investigation considered teachers' improper language harmed their psychology. Some elementary school students thought verbal abuse hurt their dignity and made them be afraid of teachers. Junior school students believed that they would then be assaulted by classmates, get dignity hurt and even wound or kill themselves. Compared to direct physical punishment, cold violence had a longer and more severe mental harm to children. Third, teachers might discriminate against left-behind children and other children in difficulty, who are more psychologically sensitive than their counterparts for they get far from enough caring. Therefore, "improper language", "neglect" and similar behaviors will hurt them more badly. Fourth, teachers might sexually abuse students. Some incidents happening recently prove that this issue is noteworthy.

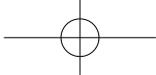
三、同辈群体

III. Peers

儿童由于成长的环境、价值观、性格等因素的影响，会形成一批年龄相仿、兴趣相投、交往模式接近的非正式群体。在儿童的成长过程中，同辈群体往往起着很重要的作用，有时甚至超过了父母。而儿童面临的暴力，很大一部分也是来自于“同辈群体”。

Influenced by growth environment, value and personalities, the child will establish an informal group with peers who share similar interests and communication models. The group plays a vital role, which is sometimes more vital than parents', in the child's development. Unfortunately, a great number of violence against children comes from peers.

同辈群体的“暴力”更多体现在“校园欺凌”。近年来，“校园欺凌”事件屡屡发生，而且逐步呈现“低龄化”趋势。姚建龙（2016）对全国 29 个县 104825 名中小学生的抽样调查发现，校园欺凌发生率为 33.36%，其中经常被欺凌的比例为 4.7%，偶尔被欺凌的



比例为 28.66%。²² 中国青少年研究中心 2016 年的一项针对 10 个省市 5864 名中小学生的调查显示, 32.5% 的人偶尔被欺负, 6.1% 的人经常被高年级同学欺负。²³ 有调查显示, “校园欺凌”事件中, 留守儿童、流浪儿童等困境儿童更容易成为“施暴”的对象, 而且受到欺凌的次数、严重性更强。²⁴ 这之中, 不乏有性质非常恶劣的事件。

School bullying is a major part. Over the past few years, related incidents happened one after another and an increasing number of them were among younger children. Yao Jianlong (2016) launched a sample survey among 104,825 elementary and junior school students in 29 counties across China. Results showed that the incidence rate of school bullying was 33.36%, of which 4.7% and 28.66% belonged to “being often bullied” and “being occasionally bullied” respectively. A 2016 survey targeting 5,864 elementary and junior school students in 10 provinces and cities by China Youth & Children Research Center revealed that 32.5% and 6.1% respondents were occasionally and frequently abused by senior students respectively. According to some investigations, left-behind children, homeless children and other children in difficulty were more likely to be victims of more and severer school bullying. There are also some extremely bad incidents.

儿童本身就因为身心发育尚未成熟而面临许多挑战, 在面对“校园欺凌”时间的时候, 不论是“施暴者”还是“被施暴者”, 都是“儿童暴力”下的伤害对象。“施暴者”的暴力行为其背后原因应该要认真探讨, 而“被施暴者”更应该受到关注。

Children face many challenges as a result of immature physical and mental status. Therefore, perpetrator and victim of school bullying are both victim of violence against children. People should figure out reasons behind behaviors of perpetrators, while caring about the victims.

四、社会人员

IV. Other Members in Community

22 姚建龙. 应对校园欺凌, 不宜只靠刑罚 [N]. 人民日报, 2016-06-14 (005).

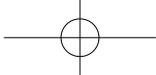
Yao Jianlong. Penalties Are not Enough for Addressing School Bullying [N]. *People's Daily*, 2016-06-14(005).

23 杜园春. 近五成初中学生遭受校园欺凌后选择沉默 [N]. 中国青年报, 2016-05-27(007).

Du Yuanchun. Nearly Half of Junior School Students Keep Silent after Being Bullied [N]. *China Youth Daily*, 2016-05-27(007).

24 郑明达, 艾福梅, 袁汝婷. 校园欺凌已成社会问题 [J]. 小康, 2015(16):88-89.

Zheng Mingda, Ai Fumei, Yuan Ruting. School Bullying Has Become A Social Problem [J]. *Insight China*, 2015(16): 88-89.



实质上，关于实施“儿童暴力”的“社会人员”，其群体过于庞杂，很多时候，儿童会面临着来自各方的“暴力”威胁，也体现在很多方面，如“儿童拐卖”、“暴力伤害”、“淫秽色情威胁”、“性侵犯”、“安全隐患”等，其中，性侵犯尤为典型。

In fact, this group committing violent behaviors against children consist of varied people in society. They put children in different kinds of threats, such as child trafficking, violent harm, obscene threats, sexual abuse and potential safety hazards. Among them, sexual abuse is the most typical one.

诸多调查显示，对儿童进行“性侵犯”的往往是“熟人”，乔荆等（2003）通过对136例遭受性侵的儿童进行研究调查，发现实施侵犯的人员中有很大比例上是熟人，其中父辈（父亲、养父、继父）占11.82%，老师占7.27%。²⁵美国社区人口调查显示，70%-90%以上的性侵犯是儿童认识并信任的人。

Numerous investigations show that perpetrator of child sexual abuse is often acquaintance. Qiao Jing et al. (2003) studied 136 related cases, finding that the majority who committed the offense were the ones children are familiar with. Specifically, 11.82% of them were victims' father, foster father or stepfather, and 7.27% teacher. Community census by the United States unveiled that 70%-90% sexual offenders were the ones children know and trust.

诸多结果表明，儿童太过弱势，不论施暴者是何种身份，与儿童是何种关系，儿童都有可能受到来自他/她的暴力伤害，因此，保护儿童应该动员全社会的力量，从不同的力量给予支持。

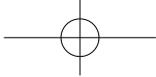
Many results prove that children are so vulnerable that they can be harmed by anyone, no matter who he/she is and no matter what relationship the two share. Thus, child protection needs support from all social parties.

第三章 负面影响：儿童暴力下的创伤

Chapter III Negative Impacts: Traumas Related to Violence against Children

25 乔荆，杨丽芳，焦富勇，周霞. 136例性虐待儿的回顾性调查[J]. 中华流行病学杂志, 2003(07):110.

Qiao Jing, Yang Lifang, Jiao Fuyong, Zhou Xia. Retrospective Survey on 136 Cases of Child Sexual Abuse [J]. *Chinese journal of Epidemiology*, 2003(07): 110.



儿童暴力，是一个人在童年阶段遭受到的一系列不幸的遭遇，不仅会给儿童的身心健康、发育成长带来非常大的负面影响，往往还会对家庭乃至社会造成不利的发展。综合上文所述，儿童暴力是来自于多方的“威胁”，从各个方面给儿童带来创伤，既有身体上的直接伤害，还有心理上难以消除的痛苦，甚至还会长久地影响到一个人的正常发展。

Violence against children, namely a series of misfortunes happening during childhood, will negatively impact on victims' physical and mental health, and development. Moreover, families and the society will also be adversely affected. As above mentioned, these threats from different parties are going to leave traumas on children, including direct physical harm and longstanding mental suffering, and will even influence his/her growth.

第一节 相关的研究结论

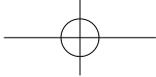
Section I Relevant Research and Conclusions

从 20 世纪 40 年代开始国外一些学者就开始对成人童年期暴力的发生情况进行调查研究，但当时并未引起人们的重视。直到 1962 年，Kempe 发表了他的经典之作《受虐儿童综合征》(Battered Child Syndrome) 之后，儿童暴力这一问题开始得到人们更多地关注。目前，国外对儿童暴力（虐待）问题已经相对比较成熟，由于国外基本不使用“儿童暴力”这一概念，²⁶ 因此，为研究需要，本文在搜寻相关研究的时候，以“child abuse”作为关键词，在 EBSCO 中进行精确查找 1975-2012 年学术期刊文献可得 1105 篇。

Since 1940s, some oversea scholars began to investigate and study childhood violence among adults. However, not much attend were received. Not until Kempe published Battered Child Syndrome in 1962 did violence against children attract people's concern. Overseas studies on child abuse are mature. It is worth noting that since the term of "violence against children" is seldom used, this book selected "child abuse" as the keyword to search for related studies. When search for "Child abuse", 1,105 pieces of academic literature, including journal articles, issued between 1975 and 2012 were found in EBSCO.

国外关于儿童虐待的研究成果主要包括儿童虐待的概念界定、常用量表的开发、儿童

26 国外鲜有“儿童暴力”的提法，更多的是用“Child Abuse”-“儿童虐待”。本文界定的“儿童暴力”概念，基本包含且等同于“儿童虐待”，因此，下文中使用的“儿童虐待”认定为是“儿童暴力”。In foreign countries, "violence against children" is often replaced with "child abuse". For definition of the former in this paper is generally contain or equal to that of the latter, "child abuse" refers to "violence against children" in the following part.



虐待的影响以及评估预防、判别、处理方法、修改、完善各有关实施方面的策略研究，对我国儿童虐待问题的探讨具有很强的参考意义。

Concerning overseas research results include concepts of child abuse, development of commonly-used scales, influence, evaluation, prevention, identification and handling methods of child abuse, and modification and improvement of implementation strategies. All of these will help China study the child abuse issue.

国内已有关于儿童虐待的文献多集中在行为医学科学和心理学领域，研究内容主要包括儿童虐待的概念界定、虐待类型、影响儿童虐待发生的相关因素、儿童虐待的测评工具、儿童虐待对儿童的影响以及可能的干预对策。这里我们只讨论与“儿童虐待的负面影响”相关的研究成果。

Domestically, relevant literature is mainly about behavioral medicine and psychology, with content comprising concept and types of child abuse, precipitating factors, assessment tools, influences on children and possible intervention measures. This chapter only discusses results about negative impact of child abuse.

儿童暴力对儿童及其家庭有着非常大的负面影响，国内外已有很多学者对其进行过研究，这些研究结论主要从儿童个人层面和家庭层面这两个方面展开研究。

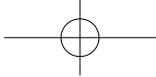
A great number of scholars at home and abroad have concluded that child abuse has significant negative impact not only on the child, but also on the family.

一、对儿童个人的负面影响

I. Negative Impact on the Child

王登辉等人指出，儿童虐待会对儿童的身心造成严重危害。肢体虐待带来的危害是不言而喻的，除了导致儿童伤残以外，严重者直接导致儿童死亡。而心理虐待不但常常隐藏在各种虐待形式当中，还可能成为身体暴力的源动力。

Wang Denghui et al. pointed out that child abuse would severely harm the child's physical and mental health. Physical abuse can lead to serious consequences, including injuries, disability and even death. Psychological abuse is inconspicuous, but might become driving force of physical abuse.



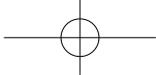
夏雪等人认为，儿童虐待主要带来生理躯体伤害和心理行为危害两大不良影响。其中心理行为危害涉及认知方式、行为模式、社会关系、精神障碍四方面，在认知方式上易产生反刍思维、认知偏向；行为模式上易引发暴力犯罪、自伤及自杀、高危性行为或性功能障碍、物质滥用；社会关系上易导致人际关系失调、亲密恐惧；精神障碍方面易引起抑郁、创伤后应激障碍（post - traumatic stress disorder, PTSD）等精神障碍。

Xia Xue et al. believed child abuse would mainly cause physical symptoms and psychological symptoms. The latter involves cognitive style, behavior patterns, social relations and mental disorder. Specifically, victims of child abuse might be subject to rumination and cognitive bias in cognitive style; violent crime, self-harm and suicide, high-risk sexual behavior and sexual dysfunction, and substance abuse in behavior patterns; interpersonal relationship disturbance and fear of intimacy in social relations; depression and post-traumatic stress disorder (PTSD) in mental disorder.

刘文等人着重指出，儿童的心理虐待会引发其心理紊乱从而导致儿童个体在今后生活中出现认知、情绪、人际关系问题。刘爱书等从病理性心理的角度指出，众多病理性研究表明病理性心理问题发作往往和儿童虐待经历相关。这将导致儿童对情绪面孔注意产生偏向。冀云等人一项关于儿童虐待与大学生亲密恐惧症的研究表明，经历过儿童期虐待与忽视的人，尤其是男生和非独生子女逃避亲近使自己免受拒绝和伤害的倾向更强。

Liu Wen et al. emphasized that psychological abuse against children would cause psychological disorders, resulting in cognitive, emotional and interpersonal relationships problems in the future. Liu Aishu et al., from the view of pathopsychology, pointed out that according to many pathological studies, pathopsychological problems were usually related to child abuse. Such problems would then cause attentional bias to emotional facial expressions. Based on a study by Ji Yun et al. on relationship between child abuse and fear of intimacy among university students, respondents, especially men and non-only children, who experienced abuse and neglect in childhood, were more likely to avoid intimacy to protect themselves from rejection and harm.

从恩朝等人提出，儿童虐待主要产生于功能不良的家庭，对儿童期的心理创伤重大，且对成年期的认知功能和行为控制能力有重大影响。首先儿童虐待通过两种途径影响儿童冲动行为的发生：一是不安全的家庭环境让儿童出现难以控制的恐惧和冲突，最终表现为冲动行为；二是遭遇了虐待的儿童内心明显的痛苦、愤怒，充满了冲突。他们常常对失败恐惧，比较差的协调能力，内心焦虑，应对变化困难，在家庭或学校面对困难难以应对。其所有的情绪都会通过愤怒来表达，而愤怒最终又通过暴力行为和冲动行为表达。其次，



儿童虐待不但影响儿童的性格和认知结构的发展，而且影响成年期的情绪稳定性和面对应激的应对方式，甚至增加多种心理疾病的发病风险，如肥胖症、心血管和呼吸系统疾病、物质滥用、抑郁症、成年期焦虑、抑郁症、物质滥用、创伤后应激障碍等精神疾病。

Cong Enchao et al. proposed that child abuse mainly happened in dysfunctional family, which would result in severe mental harm during childhood and significantly influence cognition and behavior control ability during adulthood. First, child abuse affects the occurrence of the victim's impulsive behavior through two ways: (1) insecure family environment makes child unable to control his/her fear and intrapsychic conflict; (2) a child exposed to abuse is painful and angry. The victim will fear failure, have poor coordinate ability, feel anxiety inside, be unable to cope with changes and difficulties in family and school. All of his/her emotions will turn into anger, resulting in violent and impulsive behaviors. Second, child abuse will affect emotional stability and response to changes in adulthood, more than personality and cognition development in childhood. In addition, it will increase the risk of diseases like adiposis, cardiovascular and respiratory diseases, substance abuse, depression, anxiety in adults and PTSD.

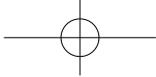
二、对家庭的负面影响

II. Negative Impact on the Family

相对于儿童虐待给受害儿童造成负面影响的研究，有关受害家庭的研究数量还比较少。但有限的家庭研究成果已表明，孩子遭受虐待（特别是性侵犯）的事实会对每个家庭成员产生不同的负面影响，从而削弱家庭支持功能。

Studies on negative impact on stricken family are fewer than that on the child. But the limited research results revealed that if a child was abused (especially sexually abused), family members would be negatively affected. This would then weaken the family's supportive function.

国内知名学者龙迪从家庭生态系统理论视角来理解儿童性侵犯在家庭层面造成的负面影响。她认为，童年遭受性侵犯的经历不仅对受害儿童的身心健康及发展造成负面影响，而且使整个家庭遭受创伤。得知自家孩子遭受性侵犯后，整个家庭通常会经历一系列家庭危机，每个家庭成员和家庭关系都会受到不同程度的负面影响，有可能削弱家庭整体支持功能。如果儿童受到家人或亲属性侵犯，整个家庭受到的负面影响就会更加复杂。此外，父权家长制下的贞洁耻感文化观念建构的面子创伤，容易使家长忽视受害儿童修复创伤的真实需要。也容易建构出“责备受害者”和“责备母亲”的公众态度，进一步削弱家庭为受害儿童提供情绪支持和保护行动的能力。



Famous Chinese scholar Long Di tried to understand such impact from the perspective of family ecosystem theory. She thought sexual abuse during childhood would adversely affect the victim's physical and mental health and growth, and put the whole family into a tragedy. When hearing that the child is sexually abused, the family will experience a string of crisis. Family members and their relationships are going to be negatively affected in varying degrees and the family's supportive function be weakened. What's worse, if the perpetrator is a family member or relative, the situation will be more complicated. Meanwhile, due to the cultural conception of chastity and shame under patriarchy, parents might focus on protecting the dignity, instead of meeting the real demand of the victim. This will also cause the public opinions to blame the victim and the mother, which further weakens the family's capability to provide emotional support and protection.

第二节 儿童暴力创伤的主要表现

Section II Main Symptoms of Trauma from Violence against Children

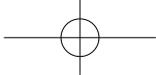
虐待不仅对受害儿童造成直接的或急性的短期伤害，如给儿童的身体造成痛苦、损伤和残疾，而且对受害者生长发育、心理状态、社会适应功能和人格形成均产生长期而久远的不良影响，对其未来人生造成极大伤害。现有的研究成果中，学者们对儿童暴力创伤的主要表现的划分，主要是分为躯体伤害和心理伤害。

Abuse will bring direct or acute short-term injuries to the victim, such as pain, impairment and disability. There are also long-term negative impact on the child's growth, psychology, social adaptability and personality development, adversely influencing the victims' future life. According to current research achievements, scholars divide trauma from violence against children into physical symptoms and emotional and psychological symptoms.

一、躯体伤害

I. Physical Symptoms

生理躯体伤害躯体虐待具有鲜明的多重性特征，主要表现为多发性、反复性、新旧不一的躯体损伤，轻者可见青肿、擦伤，重者可出现割伤、烧伤、骨折及内脏出血等，严重的儿童暴力可破坏儿童的正常生理功能使其免疫力下降，从而继发多种疾病。更严重的可能造成终身残废，对儿童的生命安全构成严重威胁。



Physical symptoms are featured with many distinctive characteristics, for example body injuries that are consistent, repetitive and concurrent. Slight harms include swollen and bruises; serious ones include cuts, burns, fracture and visceral hemorrhage. Severe violence against children can destroy the child's normal physiological functions, resulting in weakened immunity and then various diseases. What's worse, it will cause permanent disability or death.

WHO 在《世界暴力与卫生报告》中指出，2000 年全球约有 57 000 名 15 岁以下儿童死于虐待。性虐待可引起生殖器官损伤，且易导致梅毒、尖锐湿疣等性传播疾病的感染以及非意愿妊娠的发生。乔荆等在对 136 例儿童性虐待案例的回顾中发现，所有受虐儿童均出现外阴出血，其中 76 例外阴或肛门撕裂，69 例外阴感染，非意愿妊娠发生率高达 39.7%。受忽视的儿童易出现营养不良、生长迟滞，也可因医疗忽视而导致原有病情加重。对儿童安全的忽视可能造成伤残与死亡，近年来因父母疏忽大意而导致的儿童烧烫伤以及误服灭鼠药中毒的事件亦时有报道。除了上述急性损伤外，虐待还与儿童成年后关节炎、溃疡及偏头痛等多种疾病的发生显著相关。反复虐待引起的慢性应激会导致血中甘油三酯、游离脂肪酸、胆固醇、葡萄糖和胰岛素水平升高，进而增加心血管疾病及糖尿病的发病风险。同时，体内应激激素皮质醇持续处于一种较高水平也可能造成免疫抑制，延缓伤口愈合。

According to the World Report on Violence and Health from the World Health Organization, there were around 57,000 children under 15 die of abuse in 2000 . Sexual abuse might cause damage to reproductive organs, infection of sexually transmitted diseases like syphilis and condyloma acuminata, and unwanted pregnancy. When reviewing 136 child abuse cases, Qian Jing et al. found that all of the victims suffered from genital bleeding. There were 76 cases of vulvar or anal injuries, and 69 cases of genital infection. The incidence rate of unwanted pregnancy even reached 39.7%. Neglected children are prone to malnutrition and development retardation. Medical neglect might cause deterioration of the patient's condition. Security neglect can lead to injury, disability and even death. In recent years, the society witnessed several reports that children were burned/scalded, or poisoned by raticide as a result of parents' neglect. Besides these acute damages, abuse is also significantly linked with arthritis, ulcer, migraine and other diseases when the victim grows older. Chronic stress caused by repeated abuse will increase triglycerides, free fatty acids, cholesterol, glucose and insulin in the blood, resulting in higher risk of cardiovascular diseases and diabetes. Meanwhile, high stress hormone and cortisol might cause immunosuppression, slowing wound healing.

二、心理伤害

II. Emotional and Psychological Symptoms

儿童暴力不仅包括由拳打脚踢造成的躯体伤害，还包括由言语上的讽刺、挖苦等造成的心理伤害，从而严重危害到孩子的心理健康，心理伤害主要表现在认知、情绪、行为、社会关系、精神障碍这五个方面：

Violence against children also includes mental harm caused by sarcasm or other improper language, which will jeopardize mental health of the child, more than physical one by beating. Symptoms of mental harm mainly involve cognition, emotion, behaviors, social relations and mental disorder.

(一) 认知

(I) Cognition

1. 自卑

1. Low self-esteem

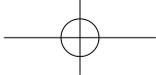
经常遭到挖苦讽刺的儿童，会形成一种低能力知觉，而这种低能力知觉会严重伤害到他们的自尊心，使他们产生自卑心理。Abramson 等人提出的“无望性抑郁理论”认为，倾向于对消极事件作稳定性、普遍性归因的个体，以及倾向于在事件后推断消极结果并作消极个性特点归因的个体，往往容易出现无望性抑郁的症状。

A child who is often exposed to sarcasm may develop a sense of deficiency, resulting in wounded self-esteem and then self-abasement. The hopelessness theory of depression (HTD), as proposed by Abramson et al., suggests that depression occurs in people with stable, global attribution for negative life event, or those inferring negative consequences and attributing the negative life event to negative personalities.

2. 认知偏向

2. Cognitive bias

童年期经历会影响个体对外部刺激的解释。与儿时未受过虐待的个体相比，有虐待史的成人更多地表现出认知偏向，即在社会交往中倾向于注意和提取出具有威胁性的内容，并且习惯于将模糊性的信息理解为一种对于自身的威胁。他们往往高估环境中的危险和灾难，同时低估自己的能力和价值，进而产生慢性的无助感与危机感。这也使得他们在面对



负性应激事件时自我调节能力差，无法主动地进行认知重构，也很难通过向他人寻求帮助的方式来改变不利处境、减少负面影响。

Childhood experience will influence an individual's interpretation of external stimulation. Compared with people who did not experience child abuse, the one who did is more likely to suffer from cognitive bias. In other words, the victim tends to pay attention to and extract threatening information and is used to interpret obscure information as threat to himself/herself. He/she usually overestimates surrounding dangers and disasters, while underestimating his/her abilities and values, gradually leading to helpless and sense of crisis. Finally, the individual will be lack of self-regulatory capacity when facing negative stressful events, fail to actively complete cognitive reconstructing, and feel difficult to seek for help to change the disadvantages and minimize the negative impact.

(二) 情绪

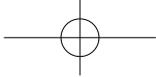
(II) Emotion

1. 紧张、焦虑和沮丧

1. Nervousness, anxiety and depression

有些父母和老师经常威胁恐吓孩子，使他们长时期处于神经紧绷状态。长此以往，孩子就容易形成过敏特质，对自己的行为缺乏自信，经常患得患失，容易沮丧；而对于那些过于受到“重视”的孩子，更容易形成焦虑。随着知识经济的到来，家长越来越认识到知识的重要性，从孩子一出生开始，父母就盼着自己的孩子将来有一天能够进最好的中学，上名牌大学，能考上研究生，博士生，甚至出国留学。根据期望效应，当父母对孩子产生高期望时，他们往往会以自己的真实行动回报父母的期望，而一旦达不到目标，孩子就会产生焦虑、恐惧。并且，父母对孩子怀有很高的期望的同时，必然会对其严格要求。看看三四岁小孩子的书包，我们就可以“掂量”出孩子幼小的心灵正在承受着多么大的压力。孩子为了维持自己在父母心目中“好孩子”的形象，避免遭到同伴的耻笑，非常害怕失败，为此经常诚惶诚恐，焦虑不安。

Some parents and teachers frequently threaten children, making them nervous all the time. If things continue this way, children will lose confidence, overly focus on gains and losses and be easy to be depressed. However, children who receive too much attention will feel anxious. In the era of knowledge economy, parents increasingly realize the importance of “knowledge.”



Children are expected to excel academically since they were born: entering the best middle school and then a prestigious university, getting a master's and then a doctor's degree, and even studying abroad. According to expectation effect, children will strive to meet parents' high expectations. Once fail to do so, he/she will become anxious and scared. Meanwhile, high expectations are often accompanied by strict requirements. This can be proved by the weight of backpack of such children. To maintain the good image in front of parents and avoid peers' taunt, he/she is afraid of failure and under great pressure for that.

(三) 行为

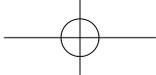
(III) Behaviors

1. 更易冲动行为

1. More impulsive behaviors

因为儿童虐待产生于不安全的家庭环境，在这样的环境中安全的依恋关系难以建立，因此这种环境让儿童出现难以控制的恐惧和冲突，最终表现为冲动行为。研究发现情感虐待，躯体虐待和性虐待促使儿童产生不安全的依恋、攻击性、无计划冲动性，遭遇了虐待的儿童内心明显的痛苦、愤怒，充满了冲突。他们常常对失败恐惧，比较差的协调能力，内心焦虑，应对变化困难，在家庭或学校面对困难难以应对。他们对施虐者（大部分是亲生父母，性虐待是熟人或者亲戚）的愤怒也会因为对父母矛盾的情绪而更加严重，所有的情绪都会通过愤怒来表达，而愤怒最终又通过暴力行为和冲动行为表达。儿童躯体虐待和性虐待都增加了成年期的暴力事件和犯罪行为，尤其前者更加明显。

Child abuse often happens in insecure families, which makes it difficult to establish stable parent-child attachment. Therefore, a child might develop uncontrollable fear and intrapsychic conflict, resulting in impulsive behaviors. Studies show that emotional, physical and sexual abuse will lead a child, who feels pain, anger and intrapsychic conflict, to insecure attachment, aggression and impulse. The victim will fear failure, have poor coordinate ability, feel anxiety inside, be unable to cope with changes and difficulties in family and school. His/her anger towards perpetrators (most of them are biological parents and other acquaintances or relatives) might get worse when colliding with the parent-child bond. All of his/her emotions will turn into anger, resulting in violent and impulsive behaviors. Physical and sexual abuse will increase the possibility that the victim commits incidents of violence (more often) or crimes in adulthood.



2. 自伤及自杀

2. Self-harm and suicide

早期的虐待与忽视经历常常导致受虐儿童习得一些无效的情绪应对策略，可能会出现通过自伤的方式来达到对情绪控制的情况。相关研究证实，童年期反复的中重度躯体虐待以及情感虐待是青少年自伤行为的危险因素。此外，童年受虐史与成人期自杀之间同样存在着肯定的联系。欧洲的一项社区样本研究表明，有性虐待史的个体中 43% 曾产生过自杀意念。一项回顾性研究也证实，在控制了其他不利因素影响后，躯体虐待和性虐待仍与反复自杀未遂高度相关（OR 值分别为 7.07 和 4.13）。

Abuse and neglect during early life stage will make the victim acquire some ineffective emotioncoping techniques. For example, the child may use self-harm to control emotions. Re relevant studies show that moderate/severe physical and emotional abuse during childhood is a dangerous factor triggering off adolescent self-harm. Moreover, abuse happening in childhood is positively linked with suicide in adulthood. A European community sampling study revealed that 43% of respondents who were exposed to sexual abuse had thought about suicide. According to a retrospective study, after controlling other adverse factors, physical abuse and sexual abuse remain highly correlated with repeated suicide attempts (OR values were 7.07 and 4.13 respectively).

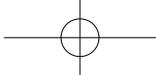
（四）社会关

(IV) Social relations

1. 情感冷漠

1. Apathy

社会心理学研究表明：交互原则和功利原则是人际关系的根本原则。交互原则认为人际交往中喜欢与厌恶、接近与疏远是相互的。一般情况下，喜欢、愿意接近我们的人，我们才会去喜欢并接近他，而对于疏远、厌恶我们的人，我们的反应也是相应的，对他们也会疏远或厌恶；功利原则认为人与人之间的交往在本质上是一个社会交换过程，都希望在交换过程中得大于失或至少等于失。因此，经常遭受疏远冷落，无法得到关爱、支持与理解的儿童，也会对父母和教师进行疏远，疏远的结果就使得亲子关系和师生关系冷漠。长期下去，就容易形成冷漠的个性，以后对周围世界以及他人也会产生冷漠情感。有研究表明，儿童时期所受的情感虐待及性虐待与其成年后的抑郁症状水平有显著相关。



Social psychology studies consider reciprocity and utilitarianism as fundamental principles of interpersonal relationship. The former supports that likes and dislikes, and closeness and alienation are reciprocal in interpersonal relationships. Generally, we will like and get close to from people who share the same feelings with us, vice versa. Utilitarianism thinks that interpersonal relationship is essentially a process of social exchange, during which both parties try to realize greater gains than losses, or at least equal gains to losses. Thus, a child who is subject to neglect and does not get enough care, support and understanding will distance himself/herself from parents and teachers. If things go on like this, the child will be apathetic about the surrounding world and people. Studies unveil that emotional and sexual abuse in childhood are significantly correlated with severity of depression in adulthood.

2. 人际关系失调

2. Interpersonal relationship disturbance

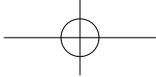
童年来自父母或抚养者的虐待与忽视所致的信任感丧失常常进一步泛化，导致受虐儿童产生对他人普遍的不信任，表现出更多敌意、攻击和退缩行为。有受虐史的成人常表现出两种极端的人际关系：自我封闭、缺乏社会关系的退缩型以及过度开放、控制欲极强的侵入型，从而极大地阻碍其正常人际关系的形成，甚至使其在社会关系的建立中反复受到伤害。

Loss of trust caused by abuse and neglect from parents or caregivers during childhood will extend to other people: the victim will be more hostile, aggressive and withdrawn. Adults who once suffered from abuse might develop two kinds of extreme personalities: the withdrawn type who is introverted and lacks social connections; the aggressive type who is overly extraverted and has a great desire of control. This will hinder the victim from establishing regular interpersonal relationships, and even make him/her be hurt repeatedly during such process.

3. 情感紊乱，人际关系不良

3. Affective disorder and bad interpersonal relationship

对孩子实施心理虐待的父母未给孩子提供一贯的关爱、接受和赞扬，未提供一贯的生活照料、行为指导和学习、成长的机会；没有告诉孩子他的自我价值，相反告诉孩子他是不足的、劣等的；孩子成长缺乏安全感，生活在一个害怕拒绝和遗弃的氛围中。从而导致孩子存在明显的情感缺乏和情感紊乱。



Parents who mentally abuse a child do not provide consistent caring, acceptance, praise, behavior guides and opportunities for study and growth for him/her. They do not teach their children the sense of self-worth, but stress their shortages and inferiority. The child is lack of the sense of security during growth, and lives with the fear to be rejected and abandoned. As a result, the victim is subject to obvious athymia and affective disorder.

M.A. 弗莎姆 (M. A.Fossum) 等人认为: 儿童遭到拒绝或受到责备时, 会认为家庭中出现的任何问题 (经济困难、苦恼、健康问题、疲劳、父母的行为包括拒绝他的行为) 都是自己的错, 他们开始认为自己对事物存在负面影响, 并且认为假如他们能以某种方式改变, 问题就会得到解决; 他们承担所有的感情责任, 并迎合父母的有关需要, 但对自己的感情和需要却没有真实的感觉。这些孩子伴随着无价值感、低劣感、羞愧感等成长。他们从未从父母那儿体会到无条件的关爱, 他们认为得到爱是有条件的, 而他们必须赢得爱或争取到爱, 但又有着因没有“爱的能力”而被遗弃的感觉。M·比蒂 (M .Beattie) 认为, 这种亲子关系会由儿童对别人的情感极度敏感所显示, 在家庭之外则表现为人际关系不良。

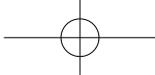
M. A. Fossum et al. believed that children, when being rejected or scolded, would blame themselves for family problems (financial difficulty, distress, health problems, fatigue, and parents' behaviors including rejection towards him/her). They would see themselves as having a negative impact on things and think they could change themselves to address such problems. They would shoulder all emotional responsibilities, and satisfy parents' some needs, while ignoring their own feelings. These children grew with unworthiness, inferiority and shamelessness. Since never getting unconditional love from parents, they thought love comes with a price. Meanwhile, these children would feel being abandoned for considering they did not have the ability to love. According to M. Beattie, this kind of parent-child relationship would be unveiled by extreme sensitivity of children to others' emotions and their bad interpersonal relationships outside the family.

4. 亲密恐惧

4. Fear of intimacy

亲密恐惧是指个体在与重要他人交流对自身有重大意义的想法或情感时, 由于焦虑所表现出的抑制性。性虐待与躯体忽视对亲密恐惧有正向作用, 而亲密恐惧会影响受虐者亲密关系的建立以及他们对亲密关系的满意程度。童年创伤被视为婚姻不幸的一项重要预测因素, 而近期的一项研究也表明, 儿童期虐待经历对大学生恋爱暴力的发生存在着较大影响。

Fear of intimacy means that people are prone to suppress ideas or emotions, which are



meaningful to themselves, when communicating with others because of anxiety. Sexual abuse and physical neglect are positively correlated to fear of intimacy. And such fear will influence the victim in establishment and satisfaction of intimate relationships. Childhood trauma is regarded as a vital predictive factor of marriage happiness. A recent study also proved that child abuse had a great impact on the occurrence of violence between college lovers.

(五) 精神障碍

(V) Mental disorder

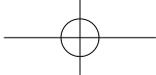
1. 抑郁

1. Depression

抑郁是受虐后最常见的精神障碍。早年的虐待经历会影响正性自我的形成，限制情感调节能力的发展，这使得受虐儿童在长大后往往表现为低自尊，并且在遭遇困境时缺乏适应现实的应对方式。不安全的依恋模式以及消极的认知方式可以作为中介变量解释儿童期虐待与成年早期抑郁的关系。近年来，神经生物学的相关研究也证实，童年期虐待可导致脑灰质结构、白质完整性与脑静息态功能的异常改变，干扰额叶和边缘系统的功能，进而影响个体认知及情感发育。此外，早期虐待经历所致的生理应激系统慢性失常（如 HPA 轴过度反应）作为应激敏感的基础，也可能对受虐者抑郁的发生产生一定影响。

Depression is the most commonly seen mental disorder after being abused. Abuse happening at early life stage will affect the development of positive ego and restrict the development of emotion regulation capability. As a result, the victim usually has low self-esteem after growing up and lacks practical coping strategies when facing challenges. Insecure attachment and negative cognition can be taken as mediating variables to explain the relationship between abuse in childhood and early depression in adulthood. In recent years, neurobiological studies proved that childhood abuse might lead to abnormal changes in cerebral gray matter, white matter integrity and cerebral resting-state functions, disturb functions of frontal lobe and limbic system, and then impact on individual's cognitive and emotional development. Additionally, chronic disorder of physiological stress system, caused by childhood abuse (HPA axis dysfunction), is the basis of stress sensitivity and may have a certain impact on the victim's depression.

此外，性虐待对儿童的影响是最强烈和持久的，即使儿童受虐时对这种行为的性质不能确定，或者因年龄小感受不大，而以后回忆起来伤害依然很大。Tebbutt 对遭受性虐待



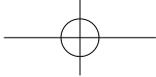
儿童进行的前瞻性研究发现：遭受性虐待儿童在事件发生后 5 年中，其悲伤、压抑、自尊心下降及行为问题没有明显改善。Brandon 研究发现儿童时期所受的情感虐待及性虐待与其成年后的抑郁症状水平有显著相关。有遭受虐待史的女性患广泛性焦虑、抑郁症、酒精依赖、药物依赖（非法药物）、反社会性行为及其他精神障碍明显高于未遭受性虐待史的女性，具有显著性差异，而遭受性虐待史的男性与未遭受性虐待史的男性相比无显著差异；Johnson 等研究发现遭受儿童虐待者人格障碍的发生率是未遭受虐待儿童的 4 倍。Cas-pi 和 Huang 等研究发现童年虐待可造成各种神经生物反应系统的改变，此时患者体内的相关基因，如 5-HTT 短 (s) 等位基因、MAOA - UVNTR 等发生变化，与环境交互作用导致发生焦虑、抑郁障碍及冲动行为。另一项研究结果表明，情感忽视能够通过不适当的自我图式使儿童产生更多焦虑和抑郁的消极情绪。

The Impacts of sexual abuse on children are powerful and longstanding. Even though the nature of such behavior was not confirmed or the victim did not have much feeling about it for the young age, he/she would be badly hurt when recall it in the future. A prospective study on victims of child sexual abuse by Tebbutt found that in 5 years after the incident, sadness, repression, low self-esteem and behavioral problems did not see significant improvements. According to Brandon's study, emotional abuse and sexual abuse in childhood are significantly correlated with severity of depression in adulthood. The rate of female victims of sexual abuse who are subject to generalized anxiety disorder (GAD), depression, alcohol dependence, drug dependence (illegal drugs), antisocial acts and other mental disorders is much higher than that of female who did not suffer from the incident. But in male, such difference is not so significant. According to studies of Johnson et al., the incidence rate of personality disorder in people who were exposed to child abuse quadruples that in people who did not. Cas-pi and Huang discovered that child abuse could change neurobiological response systems. As a result, patients' genes, including 5-HTT "short" (s) allele and MAOA-UVNTR would change accordingly. Interaction with the environment would then result in anxiety, depression and impulsive behaviors. Another study revealed that emotional neglect can make children feel more negative emotions like anxiety and depression through improper self-schema.

2. 创伤后应激障碍 (post—traumatic stress disorder , PTSD)

2. Post-traumatic stress disorder (PTSD)

创伤后应激障碍是应激相关疾病中最为典型的一种，表现为对创伤经历的反复体验，对创伤提示物的持久回避和长期的觉醒度增高。在童年期受虐者中，有 1 / 3 的个体会在



日后表现出创伤后应激障碍，在遇到应激事件时，有儿童期受虐经历的个体也更易发生 PTSD。值得注意的是，性虐待可以导致性格特征的变化，出现否认、压抑、分离、自我暗示甚至认同攻击者等病理性防御，这与传统意义上的灾难性事件存在明显差异，因此也有部分研究者主张将其界定为一种长期多重性创伤。

PTSD is the most typical stress related disease. The survivors experience intensive flashbacks, always avoid people, places, thoughts, or situations that may remind him or her of the trauma. They Show constant vigilance in a long term. One third of victims of childhood abuse will suffer from PTSD. And individuals with related experience are more likely to be subject to the disorders when confronted by stressful events. It is worth noting that sexual abuse is expected to change personalities and victims will activate pathological defense mechanisms, like denial, repression, separation, autosuggestion and identification with the aggressor. Since the trauma caused by sex abuse is different from traditional disasters, some researchers proposed it should be defined as a multiple long-term trauma.

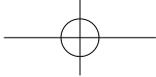
3. 人格障碍

3. Personality disorders

人格障碍是人格特质的病理性增强。ICD-10 和 DSM-IV 指出人格障碍具有三个要素：（1）早年开始，于童年或少年起病；（2）人格的一些方面过于突出或显著增强，导致牢固和持久的适应不良；（3）对本人带来痛苦或贻害周围。人格障碍分为多种亚型，如反社会型、分裂型、冲动型、边缘型、偏执型、强迫型、表演型、依赖型等等。

Personality disorder is pathologic enhancement of personality traits. According to DSM-IV and ICD-10, there are three elements: (1) it starts from an early age, usually during childhood or boyhood; (2) some personality traits are extremely highlighted or significantly enhanced, resulting in long-lasting maladaptation; (3) it harms the individual and surrounding people. Personality disorders have antisocial-, schizoid-, impulsive-, borderline-, paranoid-, obsessive-compulsive-, histrionic- and dependent-types.

以往许多研究发现，早期创伤可以导致各种成年精神卫生问题。近年一项社区人群的回溯性研究也证实了这一结论，这些社区样本均排除了 DSM-IV 轴 I 诊断障碍，提示在儿童期不论遭受何种虐待，都容易出现各型人格障碍，包括偏执型、自恋型、边缘型、反社会型、强迫型、被动攻击型、抑郁型人格障碍。也有研究发现儿童期遭受情感虐待、父母控制性强、无父母照顾均为成年精神疾病发病的直接原因，这一过程可能是由于儿童期遭受虐待的创



伤经历对人格形成造成了不良影响，加之不成熟的防御机制及低自尊在其中起中介作用。更有相关研究显示曾遭受儿童虐待地人的人格障碍发生率是无儿童虐待史的人的 4 倍；在被虐待的人中，16% 的人至少尝试过一次自杀；有儿童言语虐待史的人，成人后患边缘性人格、偏执型人格、自恋、强迫观念及冲动的危险较高。这些结论都显示出儿童虐待给儿童成长造成无法磨灭的伤害。

Based on previous studies, early trauma can lead to various mental health problems in adulthood. A recent retrospective study among communities also proved that conclusion. These samples did not have symptoms of DSM-IV Axis I, showing that a child exposed to any kinds of abuse was easy to suffer from paranoid personality disorder, narcissistic personality disorder, borderline personality disorder, antisocial personality disorder, obsessive-compulsive personality disorder, passive-aggressive personality disorder, or depressive personality disorder. Some studies also concluded that emotional abuse, excessive control from parents and absence of parental care were direct causes of mental diseases in adulthood. It could be explained as that childhood abuse affected personality development, with immature defense mechanisms and low self-esteem playing the medium role. According to some other studies, the incidence rate of personality disorder in people who were exposed to child abuse quadrupled that in people who were not. 16% victims of child abuse at least tried suicide once. People who suffered from verbal abuse are more likely to be subject to borderline, paranoid, narcissistic, obsessive-compulsive and impulsive personality disorders. All of these results unveil that child abuse will leave indelible harm on child growth.

第三节 长期后果

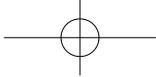
Section III Long-term Effects

一、身体健康后果

I. On Physical Health

事实上，儿童暴力造成的身体健康伤害，既有相对轻微的擦伤或割伤，也有严重的骨折、出血，甚至死亡。在大多数情况下，身体上的伤害是暂时的，经过医疗是可以愈合，但它给孩子造成的痛苦是长期且不应该被忽视。

The immediate physical effects of abuse or neglect can be relatively minor (bruises or cuts) or severe (broken bones, hemorrhage, or even death). In some cases, the physical effects are temporary; however, the pain and suffering they cause a child in a long term should not be ignored.



NSCAW 研究人员发现，儿童暴力会对儿童的身体健康产生长期的影响。他们通过对遭受过儿童暴力，并经过治疗至少 3 年后的孩子进行诊疗，发现接近 28% 的儿童有慢性健康问题。（Administration for Children and Families, Office of Planning, Research and Evaluation [ACF/OPRE], 2007）。

Child abuse can have a multitude of long-term effects on physical health. NSCAW researchers found that, at some point during the 3 years following a maltreatment investigation, 28 percent of children had a chronic health condition. (Administration for Children and Families, Office of Planning, Research and Evaluation [ACF/OPRE], 2007).

（一）头部创伤

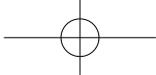
(I) Abusive head trauma

在儿童暴力中，头部是最常见的受伤部位，往往是由摇晃或钝性撞击引起的表面或颅内损伤，或者是脊髓和颈部损伤。这些损伤可能不会立即被发现，但在长期的“隐性创伤”下，加之可能重复受到的暴力冲击，会给孩子带来较大的隐患，会在之后的某个时间点，突发眼睛或脑出血，威胁到孩子的生命安全。

Abusive head trauma, an inflicted injury to the head and its content caused by shaking and blunt impact, is the most common cause of traumatic death for children. The injuries may not be immediately noticeable and may include bleeding in the eye or brain and damage to the spinal cord and neck, threatening his/her life.

而如果儿童在婴儿期就遭受到暴力致使头部受伤，会直接影响到儿童的大脑发育，造成大脑发育迟缓。相关研究表明，婴儿期的儿童暴力会导致儿童大脑的重要区域不能正常形成或生长，以致造成对认知、语言和学术能力出现长期的不利影响。（Tarullo, 2012）

Significant brain development takes place during infancy, and this important development is compromised in maltreated children. Child abuse have been shown to cause important regions of the brain to fail to form or grow properly, resulting in impaired development. The head trauma during infancy will affect the brain development directly, causing brain developmental retardation. According to relevant research, core function area of brain cannot not be formed or developed due to such traumas in infancy and which result in negative influence on cognitive, language, and academic abilities development. (Tarullo, 2012)



(二) 长期的身体健康欠佳

(II) Poor physical health

诸多研究表明，较之于正常环境下成长的儿童，遭受过暴力的儿童成年后更有可能患心血管疾病、肺和肝病、高血压、糖尿病、哮喘和肥胖症 (Felitti&Anda, 2009)。不同的儿童暴力类型可能会带来不同的健康问题，有研究显示，遭受忽视的儿童患糖尿病的风险更高，肺功能更差，而身体虐待则会增加患糖尿病和营养不良的风险 (Widom, Czaja, Bentley, &Johnson, 2012)。此外，儿童暴力也会增加青少年肥胖的可能性。一项纵向对比研究发现，与没有经历过暴力的儿童相比，经历过暴力伤害的儿童的身体指数增长速度明显更快 (Shin Miller, 2012)。

Several studies have shown a relationship between various forms of child maltreatment and poor health. Adults who experienced abuse during childhood are more likely to suffer from cardiovascular disease, lung and liver diseases, hypertension, diabetes, asthma and adiposis (Felitti & Anda, 2009). Specific physical health conditions are also connected to maltreatment type. One study showed that children who experienced neglect were at increased risk for diabetes, and poorer lung functioning, while physical abuse was shown to increase the risk for diabetes and malnutrition (Widom, Czaja, Bentley, &Johnson, 2012). Additionally, child maltreatment has been shown to increase adolescent obesity. A longitudinal study found that children who experienced neglect had body mass indexes that grew at significantly faster rate compared to children who had not experienced neglect (Shin & Miller, 2012).

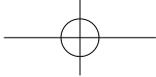
二、心理后果

II. On Psychological Health

儿童暴力带来的认知、情绪、行为、社会关系、精神障碍等心理伤害，如果不加以重视，可能会转化成终生的心理后果。

The immediate emotional effects of abuse in cognition, emotion, behaviors, social relations and mental disorder can transform into lifelong psychological consequences.

童年创伤和逆境，如身体或性虐待，是造成边缘性人格障碍、抑郁、焦虑和其他精神疾病的危险因素。一项使用 ACE 数据的研究发现，大约 54% 的抑郁症患者和 58% 试图自杀的女性，都与童年期的不良经历有关 (FelittiAnda, 2009)。



Experiencing childhood trauma and adversity, such as physical or sexual abuse, is a risk factor for borderline personality disorder, depression, anxiety, and other psychiatric diseases. One study using ACE data found that roughly 54 percent of cases of depression and 58 percent of suicide attempts in women were connected to adverse childhood experiences (Felitti & Anda, 2009).

儿童暴力也严重影响情绪调节的发展，受过暴力的儿童往往会出现情绪失调的现象，并且通常持续到青春期或成年期（Messmanforre, Walsh, Dilillo, 2010）。

Child maltreatment also negatively impacts the development of emotion regulation, which often persists into adolescence or adulthood (Messman-Morre, Walsh, & Dilillo, 2010).

同时，经历过暴力的孩子长大后更容易产生反社会特征。遭受过儿童暴力的孩子往往心理上会有一些的扭曲，研究显示，长期处于家庭暴力状态下的孩子，很大几率会形成边缘型人格障碍，或者产生对某些问题的偏执或依恋，从而在成人后有攻击性反社会行为（Perry, 2012）。

Children who have experienced violence are more likely to develop antisocial traits as they grow up. They might grow with psychological distortion. According to related studies, children living through/under family violence are at high risk of developing borderline personality disorder, or being paranoid about or dependent on some issues, resulting in aggressive antisocial acts in adulthood.

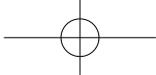
三、行为后果

III. On Behavior

并非所有儿童暴力的受害者都会形成行为上的问题。但是，行为后果相较于其它后果来说风险会更大，带来的不利影响范围也会更广。

Not all victims of child abuse will experience behavioral consequences. However, behavioral problems have more risky consequences, influencing a wider range.

据 NSCAW 报道，超过一半的青少年因儿童期的暴力伤害而面临行为问题的风险，数据表明，经历过儿童暴力的孩子超过一半在青少年期会出现滥用药物、旷课或怀孕、犯罪等行为（ACF/OPRE, 2012b）。也有研究显示，儿童期遭受性侵犯的孩子进入青春期后更有可能患上性病，而患病的风险随着儿童期性行为的严重程度而增加（Felitti Anda,



2009Messman-morre, Walsh, Dilillo, 2010) 。

According to NSCAW (The National Survey of Child and Adolescent Well-Bing), more than half of youth reported maltreatment is at risk for a behavioral problem. Data show that more than half of youth with reports of maltreatment are at risk of substance abuse, truancy, pregnancy or delinquency (ACF/OPRE, 2012b). Other studies suggest that sexually-abused children are more likely to contract a sexually transmitted disease as they reach adolescence, and the rate of risk increases according to the severity of the child sexual abuse experience(s) (Felitti & Anda, 2009; Messman-morre, Walsh, Dilillo, 2010).

同时，一些研究也已经证明了儿童暴力与未来青少年犯罪之间的相关性。遭受暴力的儿童参与犯罪活动的可能性是普通儿童的九倍（Gold, Wolan Sullivan Lewis, 2011）。

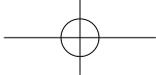
Several studies have documented the correlation between child abuse and future juvenile delinquency. Children who have experienced abuse are nine times more likely to become involved criminal activities (Gold, Wolan Sullivan, & Lewis, 2011).

多项研究表明，经历过虐待或忽视的儿童在其一生中，吸烟、酗酒或服用非法药物的可能性高于其他儿童。事实上。ACE 评分为 6 或以上（有六个或更多不良儿童体验）的男性儿童在生活中使用静脉药物的可能性增加了 40 倍以上（Felitti & Anda, 2009）。

Research consistently reflects an increased likelihood that children who have experienced abuse or neglect will smoke cigarettes, abuse alcohol, or take illicit drugs during their lifetime. In fact, male children with an ACE Score of 6 or more (having six or more adverse childhood experiences) had an increased likelihood—of more than 4000 percent—to use intravenous drugs later in life (Felitti & Anda, 2009).

在对实施家庭暴力的父母进行访谈中，研究者发现，虐待父母往往在自己的童年经历过虐待。来自 Longitudinal Study of Adolescent Health 的数据表明，经历过儿童暴力的女性成为实施家庭暴力的可能性高出未受过儿童暴力的女性 1-7%，成为人际暴力肇事者的可能性高出 8%-10%。经历过童年性暴力的男孩发生青少年暴力的可能性要高出 3-12%，发生 IPV 的可能性要高出 1-17%（向明科索，2007）

Abusive parents often have experienced abuse during their own childhoods. Data from the Longitudinal Study of Adolescent Health showed that girls who experienced childhood physical



abuse were 1-7 percent more likely to become perpetrators of family violence and over 10 percent more likely to be perpetrators of interpersonal violence (IPV). Boys who experienced childhood sexual violence were 3-12 percent more likely to commit youth violence and 1-17 percent more likely to commit IPV (Xiangming & Corso, 2007).

四、社会后果

IV. On Society

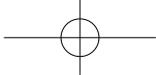
虽然我们所听闻的儿童暴力更多是发生在家庭和学校，但它带来的不良后果不只是局限于暴力发生的场域内，从经济成本的角度来衡量，整个社会都要为儿童暴力付出相应的“代价”。

While child abuse usually occurs within family and school, the impact does not end there. Society as whole pays a price for that.

美国 CDC 资助的一项研究表明，一年内因儿童暴力造成的伤害及相关死亡带来的经济损失高达 1240 亿美元。相较于现今社会普遍存在的两个主要健康问题，中风和 II 型糖尿病，社会每年在儿童暴力相关问题上的花费更高 (Xiangming, Brown, Florence, & Mercy, 2012)。另一方面，防止儿童暴力的相关儿童保护项目已经被证明会带来成本效益。由疾控中心资助的美国三 P 系统试验项目每花费 1 美元，对社会的益处成本比为 47 美元 (Mercy, Saul, Turner, McCarthy, 2011)。

The lifetime cost of child maltreatment and related fatalities in 1 year totals \$124 billion, according to a study funded by Centers for Disease Control and Prevention (CDC) □ USA. Child maltreatment is more costly on an annual basis than the two leading health concerns, stroke and type 2 diabetes (Xiangming, Brown, Florence, & Mercy, 2012). On the other hand, programs that prevent maltreatment have shown to be cost effective. The U.S. Triple P System Trial, funded by the CDC, has a benefit/cost ratio of \$47 in benefits to society for every \$1 in program costs (Mercy, Saul, Turner, McCarthy, 2011).

除了上述的“直接成本”之外，儿童暴力也会带来一些“间接成本”问题。“间接成本”指的是儿童暴力问题造成的长期经济后果。这些费用包括增加医疗保健系统的使用、青少年和成年犯罪活动、精神疾病、药物滥用、家庭暴力的处理等。据美国防止虐待儿童中心估计，防止儿童暴力的儿童保护策略可以节省纳税人每年 1040 亿美元。根据 Schuyler Center (2011) 的统计，每个家庭投入 1 美元的儿童保护项目，在纽约的投资回报率是 5.70



美元,项目内容包括对相关数据的收集和调查、有关减少虐待的报告、相关虐待家庭的登记、对贫困家庭的临时援助等。

There are indirect costs, more than the above-mentioned direct ones. Indirect costs represent the long-term economic consequences to society because of child abuse. These include costs associated with increased use of our health-care system, juvenile and adult criminal activity, mental illness, substance abuse, and domestic violence. Prevent Child Abuse America estimates that child abuse and neglect prevention strategies can save taxpayers \$104 billion each year. According to the Schuyler Center (2011), every \$1 spent on home visiting yields a \$5.70 return on investment in New York, including collection and investigation of related data, reduced confirmed reports of abuse, reduced family enrollment in Temporary Assistance for Needy Families.

中国虽然没有关于“儿童暴力”问题带来的“经济损失”统计,但类比美国的相关数据,中国社会“儿童暴力”的群体更为庞大,数量更多,由此而带来的“社会后果”也就更严重。

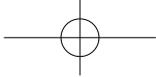
Although China has no statistics about “economic loss” brought by “child abuse,” it is safe to conclude that the societal consequences are more severe since the scale and number of victims are greater.

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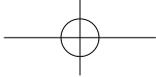
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第二篇 儿童保护个案管理的价值伦理与专业技术

Part II Values, Ethics and Professionalism of Child Protection Case Management

上篇： 第四章 儿童保护个案管理的基础知识

Subpart A: Chapter IV Basic Knowledge of Child Protection Case Management

第一节 儿童保护的个案管理的基本内容

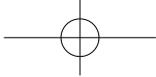
Section I Basic Content of Child Protection Case Management

一、个案管理

I. Case Management

20 世纪 70 年代后，西方国家的经济发展势头普遍由强转弱，出现了一个较长时期的滞涨局面。在经济发展减缓、政府财政危机、人口老龄化以及人们福利观念转变的背景下，公共财政支出的控制成为政府的主要议题。社会工作为应对不同领域中的多元服务体系、服务资源的相对有限、服务成效的不确定性，以及服务对象多重问题和需要的挑战，在此基础上将管理理念融入个案工作方法，形成了社会工作的个案管理。个案管理（Case Management）是介入社会工作的直接服务与间接服务之间的一种整合性服务方法。作为一种整合性的工作模式，个案管理多服务于那些经常面对多重问题，且自身无法有效地向外寻求帮助的案主。

After the 1970s, the economic development of western countries generally slowed down from a strong momentum, resulting in a long period of stagflation. Under the background of economic slowdown, government financial crisis, population aging and welfare concept changes, the control of public financial expenditure became the main issues of the government. In order to cope with the diversified service systems in different fields, the relatively limited service resources, the uncertain service effectiveness and the challenges caused by multiple problems and needs of service objects, social work integrated management concept into the case work method, thus



forming the case management of social work. Case Management is an integrated service method between direct and indirect care involved in social work. As an integrated working mode, case management mainly serves clients who often struggle in multiple problems and cannot effectively seek help from outside by themselves.

(一) 个案管理的概念及其发展溯源

(I) Concept and development trace of case management

个案管理的概念直接取译自 Case Management, 其中, case 指的是案主及其家庭, 具体是指遭遇多重问题困扰, 具有多重需要的服务对象。management 指的是管理, 关于管理的定义国内外有诸多的解释, 从泰勒关于管理学的定义, 到今天对管理内涵的不同诠释, 管理的概念得到了更多地丰富和发展。根据各个典型的管理的不同定义, 可以大致分为两大类, 一种是强调管理的过程甚于结果, 这类人物有泰勒、法约尔、罗宾斯、周三多, 他们侧重于管理过程的重要性, 试图寻找一种普遍适用的“过程”。第二类强调结果甚于过程, 这类人物有德鲁克、唐纳德, 他们认为管理首先的目的是实现结果, 具体到其所用的方法到底是否符合管理科学, 并不见得重要。

The concept of “个案管理” in Chinese is literally translated from the English term “Case Management”, in which case refers to the client and his/her family, specifically the service objects with multiple problems and needs. As for management, there are many explanations about its definition at home and abroad. From Taylor’s definition of management to different interpretations of the connotation of management now, the concept of management has been enriched and developed. According to different typical definitions of management, it can be roughly divided into two categories. One is to emphasize the process of management over its result. Such figures include Taylor, Fayol, Robbins and Zhou Sanduo, who focus on the importance of management process and try to find a universally applicable “process”. The second category emphasizes the result over the process. Such figures include Drucker and Donald, who believe that the primary purpose of management is to achieve the result, and it is not necessarily important whether the method used is in line with management science or not.

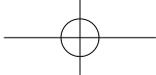
基于泰勒等人的不同理论, 我们在这里讲的管理本质上是一种实践, 而不是理论, 因此对管理的定义的理解应该从实践的角度出发将管理定义为两方面: 管理是一个过程, 包含着某种大家认可的行为, 比如计划、组织、领导和控制四项职能已经为人们普遍接受; 人们通过某种行为追寻一种满意的结果, 这种行为的方式多种多样, 核心是资源的配置。²⁷

27 李晓军 张宏岩. 管理领域几个概念的界定. [J] 延安大学学报: 社会科学版. 2011(05):80-83

Based on their different theories, the management in this book is essentially a kind of practice rather than a theory, so the management in this book should be defined as two aspects from the perspective of practice: management is a process that involves some accepted behaviors, such as four generally accepted functions of planning, organizing, leading and controlling; People pursue a satisfactory result through certain behaviors in various ways, the core of which is the allocation of resources.

序号 S/N	人物 Figure	定义 Definition
1	泰勒 Frederick Winslow Taylor	确切知道要别人去干什么，并注意他们用最好最经济的方法去干。 Knowing exactly what you want men to do, and then seeing that they do it in the best and cheapest way.
2	法约尔 Henri Fayol	管理是所有的人类组织（不论是家庭、企业或政府）都有的一种活动，这种活动由五项要素组成：计划、组织、指挥、协调和控制。管理就是实行计划、组织、指挥、协调和控制。 Management is an activity common to all human endeavors in business, government, and even in the home, which consists of five elements: planning, organizing, commanding, coordinating and controlling. Management is to carry out these five functions.
3	哈罗德·孔茨 Harold Koontz	管理就是设计和保持一种良好环境，使人在群体里高效率地完成既定目标。 Management is the process of designing and maintaining an environment in which individuals, working together in groups, efficiently accomplish selected aims.
4	小詹姆斯·唐纳利 James H. Donnelly, Jr.	管理就是由一个或更多的人来协调他人活动，以便收到个人单独活动所不能收到的效果而进行的各种活动。 Management consists of all kinds of activities by which one or more people coordinate others' activities in order to achieve results that individual activities cannot achieve.
5	彼得·德鲁克 Peter F. Drucker	管理是一种实践，其本质不在于“知”而在于“行”，其验证不在于逻辑，而在于成果；其唯一权威就是成就。 Management is practice. Its essence is not knowing but doing. Its test is not logic but results. Its only authority is performance.
6	罗宾斯 Stephen P. Robbins	管理这一术语是指和其他人一起并通过其他人来有效地完成工作的过程。 The term management refers to the process of getting things done, through other people, in an efficient and effective manner.

Li Xiaojun, Zhang Hongyan. Definition of Several Concepts About Management. [J] Journal of Yan'an University: Social Science. 2011(05): 80-83

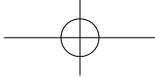


7	<p>周三多 Zhou Sanduo</p>	<p>管理是指组织为了达到个人无法实现的目标，通过其各项职能活动，合理分配、协调相关资源的过程。</p> <p>Management refers to the process of organizing and coordinating the relevant resources reasonably through the various functions and activities in order to achieve the goal that the individual cannot achieve.</p>
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在日趋复杂的案主问题和需求面前，资源的整合成为社会工作过程的重要组成部分，资源以人、财、物以及信息等形式呈现，包括在政府公共服务部门等正式支持系统以及案主个人网络中的人际关系主体（例如家人、亲属、朋友、邻居）等非正式支持系统中。在个案管理的过程中，成本控制、资源优化配置，从而避免浪费导致资源供给不足的情况发生。从整体看，个案管理以更加优化的资源整合为案主提供更加丰富的服务，从而维护案主的核心利益，满足需求。

In the face of clients' increasingly complex problems and demands, the integration of resources becomes an important part of social work process. Whether it is in formal support systems such as government's public service department or informal support systems such as the interpersonal relationship subjects (such as family members, relatives, friends and neighbors) in clients' personal network, resources involve personnel, property, objects and information. In the process of case management, cost control and optimal allocation of resources are carried out to avoid the shortage of resources caused by waste. As a whole, case management provides more abundant services for clients with more optimized resource integration, hammering at protecting their core interests and meeting their needs.

社会工作中个案管理的概念追溯，目前仍然争论不一，不过从个案管理的字义和内涵上讲，我们大致可以追溯至 1863 年的美国慈善委员会（Board of Charities），当时该组织通过协调公共救助金和妥善运用社会服务经费，以社会救济的形式帮助贫穷及身心有困难者。此后，睦邻之家（The Settlement House）及慈善组织会社（Charity Organization Society）等社区组织在处理个案的问题上从建立有效管理机制、整合协调服务，逐渐发展成联合多种专业的综合服务。20 世纪初，Mary Richmond 在《社会诊断》中特别强调资源协调的重要性，积极倡导社会服务机构之间合作（Interagency Cooperation）的实践，奠定了个案管理的雏形。二战后，美国社会对社会服务的需求有日益增加及复杂化的趋势。二十世纪六、七十年代的人权运动强调个人有获得社会福利的基本权利，社会服务领域的案角色也从负面、消极的求助者转变为主动积极地参与者甚至消费者，社会工作者和案主的关系由传统的单向服务转化为和案主一起计划、解决问题和寻找、整合资源。“个案管理（Case Management）”一词在 1970 年代首先出现于社会服务研究文献中。从上个世纪 80 年代起，个案管理成为美国社会工作实务中的一项

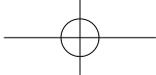


重要的服务模式。

There are still arguments on the origin of the concept of case management, but in terms of its literal meaning and connotation, it can be traced back roughly to the Board of Charities in 1863. At that time, the organization helped the poor and the physically and mentally disadvantaged people in the form of social relief through the coordination of public relief funds and the proper use of social service funds. Since then, community organizations such as The Settlement House and Charity Organization Society have gradually developed integrated services with multiple professions from establishing effective management mechanism and integrating coordination services in handling cases. In the early 20th century, Mary Richmond emphasized the importance of resource coordination in Social Diagnosis and actively advocated the practice of Interagency Cooperation, thus laying the rudiment of case management. After World War II, the demand for social services in the United States has been increasing and complicated. The human rights campaign of the 1960s and 1970s emphasized the fundamental rights of individuals to social welfare, and the role of client in social service also changed from a negative and passive supplicant to an active participant and even a consumer. The relationship between social workers and clients was transformed from traditional one-way service to planning, solving problems, finding and integrating resources with clients. The term “Case Management” first appeared in social service research literature in the 1970s. Since 1980s, case management has become an important service model in American social work practice.

随着个案管理的逐步发展与完善，人们原来对它的理解发生了改变，20 世纪 80 年代，许多服务对象和专业人员认为管理一词有限制控制的意思，并没有反映出服务对象积极参与，赋权的含义，所以主张用“服务协调”，“照顾协调”等，以便更好的理解个案管理中的协调与传输服务的功能。在《指南》中，我们不在“管理”、“协调”等概念上进行过多讨论，但会在定义中明确其“协调”的主体意涵。

With the gradual development and improvement of case management, people’s original understanding of it has changed. In the 1980s, many service objects and professionals thought that management meant limited control and did not reflect active participation and empowerment of service objects, so they advocated using “service coordination” and “care coordination” to better understand the function of coordination and transmission services in case management. In this book, we will not excessively discuss the concepts of “management” and “coordination”, but we will clarify the main implication of “coordination” in the definition.



(二) 个案管理的定义

(II) Definition of case management

目前, 个案管理的定义尚未统一, 不过我们仍然可以从概念及其具体含义上进行一个梳理。在社会工作领域, 学者们从对个案管理中认知到的不同重点出发, 对个案管理做出了不同的解读。从个案管理服务的适用性角度出发, Ballew & Mink 强调个案管理是“提供给那些正处于多重问题且需要多种助人者同时介入的案主的协助过程”, 它强调两个内容: 一是注重发展或强化一个资源网络; 二是除了增进案主使用资源的知识、技巧和态度外, 更重视强化案主个人获得资源及运用资源的能力。²⁸ 从服务成本控制的角度出发, Fisher 将个案管理视作“一套用来鉴定高成本病人的系统方法, 评定协调照顾的潜在机会, 发展治疗计划以改良品质和控制成本, 统筹病人的整体照顾, 以确保达成最适宜的结果”。²⁹ 从服务介入手法角度出发, 陈俊傲、陈丹群认为个案管理是“强调案主参与, 组织零散的服务资源, 以满足案主差异化需求的专业社会工作方法”。³⁰ 从广义的操作性来讲, 全美社会工作协会 (NASW) 对个案管理的定义为: 一种提供服务的方法, 是指由专业工作者评估案主及其家庭的需求, 并安排、协调、监督、评估及倡导一整套包含多种项目的服务, 以满足特定案主的复杂需求。1991 年, 《社会工作辞典》确定个案工作的基本定义, 个案管理是一种计划的过程, 由单一机构工作人员负责, 针对案主问题与需求, 提供资源整合与协调, 监督服务品质与成效的工作设计与资源管理服务。在这里, 将社会工作限定在社会工作的专业领域, 强调专业的社会工作者, 担任管理者的职能, 以服务机构为依托, 整合资源, 为有需要的案主提供服务。³¹

At present, the definition of case management has not been unified, but we can still sort out the concept and its specific meaning. In social work, scholars have made different interpretations on case management from different emphases on it. From the perspective of applicability of case

28 Julius R Ballew, George Mink, 著. 王玖, 李开敏, 陈雪真译. 个案管理 [M]. 台湾: 心理出版社股份有限公司, 1998

Authored by Julius R Ballew, George Mink, Translated by Wang Jiu, Li Kaimin, Chen Xuezhen. Case Management [M]. Taiwan: Psychological Publishing Co., Ltd., 1998

29 李昀馨. 长项视角下社会工作介入灾后救助中的个案管理研究 [J]. 社会福利, 2014(07)

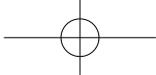
Li Yunyun. Case Study of Social Work Intervention in Post-Disaster Relief from the Long-term Perspective [J]. China Social Welfare, 2014(07)

30 陈俊傲, 陈丹群. 改进高校老年人社区照顾: 个案管理的引入 [J]. 西北农林科技大学学报 (社会科学版), 2010 (4) : 117-122.

Chen Jun'ao, Chen Danqun. Improving the Community Care of the Elderly in Colleges: Introduction of Case Management [J]. Journal of Northwest A&F University (Social Science Edition), 2010(4): 117-122.

31 许莉娅. 个案工作 (第二版) [M]. 高等教育出版社, 北京: 257

Xu Liya. Casework (Second Edition)[M]. Higher Education Press, Beijing: 257.



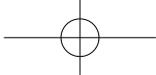
management services, Ballew and Mink highlight that case management is “an assistance process provided to clients who are experiencing multiple problems and need multiple helpers to intervene at the same time”. It emphasizes two aspects: one is to focus on developing or strengthening a resource network; second, in addition to enhancing the knowledge, skills and attitude of the client to use resources, more emphasis should be placed on strengthening the client’s personal ability to obtain and use resources. From the perspective of service cost control, Fisher views case management as “a systematic approach to identify high-cost patients, which assesses potential opportunities for coordinated care, develops treatment plans to improve quality and control costs, and coordinates overall patient care to ensure optimal outcomes.” From the perspective of service intervention technique, Chen Jun’ao and Chen Danqun believe that case management is “a professional social work method that highlights the participation of clients and organizes scattered service resources to meet the differentiated needs of clients”. From the perspective of generalized operability, NASW defines case management as: a method of service delivery in which professional workers assess the needs of the client and his or her family and arrange, coordinate, supervise, assess and advocate a comprehensive set of services comprising multiple programs to meet the complex needs of a particular client. In 1991, the Dictionary of Social Work established the basic definition of case work: Case management is a planning process, which is undertaken by staff of single institution to provide work design and resource management services for integrating and coordinating resources and supervising the quality and effectiveness of services according to the problems and needs of the clients. This book limits social work to its professional field and emphasizes that professional social workers should serve as managers and integrate resources to provide services for clients in need relying on service agencies.

我国台湾学者宋丽玉（1998）提出，个案管理的内涵是由个案管理者、案主需求和福利服务体系三部分组成。整个系统运转涵盖三项活动：

Song Liyu, a Chinese scholar from Taiwan, proposed in 1998 that the connotation of case management consists of three parts: case manager, client’s demand and welfare service system. The operation of the whole system covers three activities:

①个案管理者与案主需求：个案管理者对案主需求及所处情境予以评估后进行服务方案规划、对无法直接提供的服务则转介给相关机构。

(1) Case manager and client’s demand: Case manager evaluates the demand and situation of client and then makes service program planning and refers services that cannot be directly provided



to relevant agencies.

②个案管理者与福利服务体系：个案管理者通过服务方案的规划、联系及协调案主所需资源，为案主倡导、整合一个完整周全的服务网络，并督导该服务的进行。

(2) Case manager and welfare service system: Case manager advocates and integrates a complete and comprehensive service network for the client by planning service program as well as contacting and coordinating the resources needed by the client and supervises the service implementation.

③福利服务体系与案主需求：由于各福利服务机构往往有不同的规定、服务程序及资格要求，案主可能不知道如何应付才能获得服务；再者，当许多机构介入对案主的服务时，责任问题变得很难划分。个案管理的实施能够整合整个服务的效益，服务的完善与否可由可接受性 (Acceptability)、可及性 (Availability)、可近性 (Accessibility) 及责任感 (Accountability) 等四个要素加以评估，借以发挥服务的效果。³²

(3) Welfare service system and client's demand: As welfare service agencies often have different requirements, service procedures and qualification requirements, client may not know how to acquire services; Moreover, when many organizations are involved in services for client, it is difficult to allocate responsibility. The implementation of case management can integrate the efficiency of the whole service, and the service completeness can be assessed according to four factors: Acceptability, Availability, Accessibility, and Accountability, so as to exert service effect.

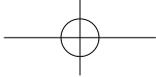
通常，社会工作者被认为是最好的个案管理者。NASW 主张，专业社工应全面地使用个案管理的输送服务。个案管理社工在福利服务输送过程中往往被视为辅导 / 咨询师 (Counselor)、倡导者 (Advocate) 和协调者 (Coordinator)，被要求在服务输送过程中发挥沟通、联系、协调、监督等作用，避免服务中断、孤立等情况的发生。³³

In general, social workers are considered the best case managers. NASW argues that professional social workers should make full use of delivery services of case management.

32 宋丽玉. 个案管理之内涵与工作模式——兼论个案管理模式在台湾社会工作领域之应用 [J]. 社会政策与社会工作学刊 (台湾), 1998 (1)

Song Liyu. Connotation and Working Mode of Case Management——Analysis on the Application of Case Management Mode in Taiwan's Social Work Field[J]. Social Policy and Social Work Journal (Taiwan), 1998(1)

33 赵环 孙国权. 刍议个案管理模式在禁毒社会工作中的应用. [J]. 社会工作, 2008 (08) : 4
Zhao Huan, Sun Guoquan. Discussion on the Application of Case Management Mode in Anti-drug Social Work [J]. Journal of Social Work, 2008(08): 4



Case management social worker is often regarded as Counselor, Advocate and Coordinator in the delivery of welfare services. They are required to play the role of communication, contact, coordination and supervision in service delivery to avoid service interruption and isolation.

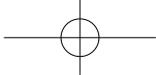
由以上诸多定义可以看出，个案管理强调的重点有以下 6 个方面：（1）一个来自于不同职业和机构的专业人员所组成的团队，提供满足案主长期性、综合性需求的“一揽子服务”。（2）一种对多重服务进行协调、整合的过程和总体措施。（3）服务的对象一般是有复合需求的案主，他们的问题较为复杂，需要服务的时期较长。（4）将多重的服务资源通过服务体系输送给案主，增强案主获得和使用资源的能力。（5）一定的服务效能与成本效益，通过提供持续性的服务，以确保对案主的服务质量。（6）社会支持网络资源的开发、协调与管理。³⁴ 概括来说，个案管理可说是介于社会工作直接服务的工作技巧与间接服务的一种整合性服务方法，或者说是一项“综融社会工作”，³⁵ 在 multidisciplinary 的协调和合作之下，以个案为中心，提供满足其多重需要的社会服务，最终达到符合成本效益原则和质量兼顾的目标。

As can be seen from the above definitions, case management emphasizes the following six aspects: (1) A group of professionals from different occupations and institutions provides “a package of services” to meet the client’s long-term and comprehensive needs. (2) A process and overall measure for coordinating and integrating multiple services. (3) The service object is generally the client with composite demand, whose problem is relatively complex and needs a long period of service. (4) Transfer various service resources to the client through service system to enhance the client’s ability to obtain and use resources. (5) Certain service efficiency and cost effectiveness, that is, to ensure service quality to the client through providing continuous service. (6) Development, coordination and management of social support network resources. In general, case management is an integrated service method between direct care skills and indirect care of social work, or a “generic social work”. With multi-disciplinary coordination and collaboration, case-centered social services are provided to meet the multiple needs of client, with a view to achieving the objective of combining cost-effectiveness and high quality.

34 全利民. 个案管理 --- 基于社区照顾的专业社会工作方法 [J]. 华东理工大学学报 (社会科学版),2006(2):29-33.

Tong Limin. Case Management---Professional Social Work Method Based on Community Care [J]. Journal of East China University of Science and Technology (Social Science Edition), 2006(2): 29-33.

35 赵环 孙国权. 刍议个案管理模式在禁毒社会工作中的应用 [J]. 社会工作, 2008 (08) : 4
Zhao Huan, Sun Guoquan. Discussion on the Application of Case Management Mode in Anti-drug Social Work [J]. Journal of Social Work, 2008(08): 4



(三) 个案管理的应用

(III) Application of case management

目前,个案管理被广泛地运用于老人服务、灾后救助、社区矫正、药物滥用、边缘青少年、精神病人康复护理、福利机构儿童照料、艾滋病患者等社会服务领域,并且随着个案管理方法与技术的发展不断扩展领域,日益成为多专业领域的实务指导方法。

At present, the case management is widely used in social services such as those for the elderly, disaster relief, community correction, drug abuse, the youth at risk, rehabilitation nursing for mental patients, childcare of welfare institutions, HIV/AIDS patients. With the development of the method and techniques of case management, it has become a practical guidance method in many professional fields.

(四) 个案管理的实务体系³⁶

(IV) Practical system of case management

(五) 个案管理服务模式产生的时代背景

(V) Historical background of the emergence of case management service mode

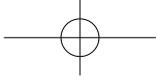
作为新兴的服务模式,个案管理建立在传统的个案工作方法的基础之上,融合多个学科背景,其核心价值在于响应新的时代命题。在“去机构化”趋势日益明显,服务对象日益复杂的多重需求以及服务资源的分散和服务成本的提高带来了控制成本的需要的大背景下,个案管理的出现为新命题提供了新的发展路径。

As an emerging service mode, case management is based on the traditional case work method and integrates multiple disciplinary backgrounds. Its core value is to respond to the calling of the new era. In the context of the increasingly obvious trend of “de-institutionalization”, the increasingly complex multiple demands of service objects, and the demand on cost control caused by decentralization of service resources and increase of service cost, the emergence of case management provides a new development path for new proposition.

1、“去机构化”

36 许莉娅. 个案工作(第二版).[M]. 高等教育出版社, 北京: 271-273

Xu Liya. *Casework* (Second Edition)[M]. Higher Education Press, Beijing: 271-273.



1. “De-institutionalization”

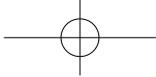
“去机构化”是20世纪60年代早期，首先在英国产生的、对照顾方式谋求改革的运动。自19世纪后半期开始，西方国家在实践过程中就发现一些大型的福利机构存在着大量问题。首先在福利机构中，人们的服务质量差，人权难以保证；其次，这种福利机构限制了人的自由，使他们与社会隔绝，缺乏正常的社会生活环境；最后大型福利机构给政府带来沉重的经济负担。大约自20世纪中期起，“去机构化”运动开始在西方社会兴起。英国政府开始推行社区照顾政策，关闭了大型隔离性的残疾人安置机构，将残疾人从机构中解放出来，鼓励非政府组织积极参与和促进非正规服务的发展，在社区里建了小型的、专业服务机构，建设以社区为基础的服务设施，以便他们更好的适应社区生活。在这种情况下，社区照顾，逐渐取代了大型机构在照顾服务体系中的主导地位，并以其人性化的服务理念、积极鼓励参与意识、使资源得到更好的利用等优点逐步推行。

De-institutionalization was a movement for seeking reform in care method originating from Britain in the early 1960s. Since the second half of the 19th century, western countries have found a lot of problems of some large welfare institutions in practice process. Firstly, the service quality of welfare institutions was poor and human rights could hardly be guaranteed; secondly, such welfare institutions restricted people's freedom, made them isolated from society and lacked normal social living environment; finally, large welfare institutions brought heavy economic burden to the government. Around the middle of the 20th century, the “de-institutionalization” movement emerged in western society. The British government began to implement community care policy and shut down large segregated settlement institutions for the disabled to free them from such institutions; Non-governmental organizations were encouraged to actively participate in and promote the development of informal services, and small and professional service institutions were established in communities to build community-based service facilities so that people can better adapt to community life. Under the circumstances, community care gradually replaced the dominant role of large institutions in care service system, and was gradually promoted with its humanized service concept, active encouragement for participation awareness and better utilization of resources.

2、服务对象日益复杂的多重需求

2. Increasingly complex multiple demands of service objects

随着社会政治经济的快速发展，各种社会问题日益增多，人类感受到的伤害与威胁日



益严重，各种发展障碍与人生挑战，如疾病、贫穷压迫、精神障碍、社会隔离、人际关系困扰等各种问题，影响越来越多的人群，人们对社会服务需求不再单一。对于那些有多重需求的案主来说，这种分散的专门性的服务方式大大增加了寻求帮助所花的人力财力与时间。如何能将案主的各种需求整合起来，引发了人们对个案工作的重新思考。为了在纷繁复杂的社会服务体系之中为案主配置所需要的资源，并确保服务质量，个案管理应运而生。

As the society, politics and economy rapidly develop, various social problems are increasing, and harm and threats to human beings is increasingly serious. All sorts of development obstacles and challenges, such as diseases, poverty oppression, mental disorders, social isolation, interpersonal disturbance, affect increasing people, thus people no longer only have a single demand for social services. For clients with multiple needs, this decentralized and specialized service model greatly increases manpower, financial resources and time required to seek help. How to integrate all kinds of client's needs has caused people to rethink the case work. In order to allocate the resources needed by clients in the complicated social service system and ensure the service quality, case management came into being.

3、服务资源的分散和服务成本的提高带来了控制成本的需要

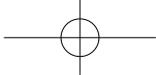
3. Decentralization of service resources and increase of service cost cause the demand on cost control

个案管理有助于实现服务资源最优化运用，随着社会政治经济的发展，社会服务资源呈多元化特点，除了政府的公共服务与社会救济，民间力量快速成长，非正式支持网络等多元的社会服务资源，在给社会服务提供更多空间的同时，也带来了资源流动的混乱和不确定性。一方面，不同的资源系统有特定的传送渠道，资源系统彼此之间的协调与衔接不好，势必造成资源的重复给予与服务遗漏现象。另一方面，多元的服务资源带给案主福利的同时，也带来了服务获取的复杂性，为了获得需求的满足，更多的服务对象陷入了在不同资源渠道中劳顿奔波的状态，在这种情况下，需要管理者帮助案主整合协调资源，提供打包的“一揽子”服务。³⁷

Case management helps to optimize the use of service resources. As the society, politics and economy develop, social service resources are diversified. In addition to government's public services and social relief, civilian force grows rapidly. Informal support network and other diverse social service resources bring confusion and uncertainty to resource redistribution while providing

37 许莉娅. 个案工作（第二版）.[M]. 高等教育出版社，北京：262

Xu Liya. *Casework* (Second Edition)[M]. Higher Education Press, Beijing: 262.



more space for social services. On the one hand, each resource system has its special transmission channel. Poor coordination and connections among resource systems can inevitably lead to repeated delivery of resources and omission of services. On the other hand, diversified service resources cause the complexity of service acquisition while benefiting clients. In order to meet the demand, more service objects are caught in the state of rushing in different resource channels. In this case, managers are required to help client integrate and coordinate resources to provide “a package of services”.

二、儿童保护中的个案管理

II. Case Management for Child Protection

(一) 工作定义

(I) Work definition

儿童保护的个案管理，是指由来自多元社会主体的儿童保护工作者依托儿童福利和保护体系，采取专业的社会工作方法与技术，为面临多重问题、困境和需要的案主，进行资源整合与协调，以最优的成本控制与最高的服务成效为标准提供连续性、重叠性的高质量服务的过程。

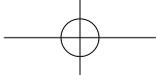
Child protection case management refers to that the child protection workers from diverse social subjects adopt professional social work methods and techniques to integrate and coordinate resources for clients facing multiple problems, dilemmas and needs relying on child welfare and protection system, so as to provide continuous and overlapping high-quality services with optimal cost control and highest service efficiency as the standards.

(二) 定义阐释

(II) Interpretation of definition

1、儿童保护的个案管理首先是一个过程，其次同样也是实务工作的一种路径。虽然在个案管理的发展过程中，许多专业人员和服务对象反对使用“管理”一词，因为它有控制意味，并未反映出让服务对象参与或得到充权，“服务协调”之类的词语更能体现个案管理过程中的主要工作，即把服务对象和服务联结到一起并监察进展情况。

1. Child protection case management is a process and a way of practical work. In the



development process of case management, many professionals and service objects oppose the use of the word “management”, because it implies control, and does not reflect the involvement of or the empowerment to clients. Words such as “service coordination” can better reflect the main tasks in the process of case management, which is to link client and service together and monitor the progress.

2、专业的社会工作方法与技术并非仅仅是个案、小组、社区等社会工作常用的服务模式，而是涉及多个学科、多个领域的与儿童保护和个案管理过程中相关的所有知识。因此，个案管理中的儿童保护工作者应该是一种“全才”，能够直接或者协调多面临的多种不确定性情况并解决问题。

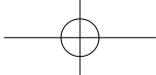
2. Professional social work methods and techniques not only are the service modes commonly used in social work such as cases, groups and communities, but also involve all the knowledge related to child protection and case management in multiple disciplines and fields. Therefore, child protection workers in case management should be “all-rounders” who can directly work out or coordinate various uncertain situations and solve problems.

3、定义中所指的“案主”是一个中性的带有服务性的词汇，特指需要服务的个人、群体及其组织。在儿童保护的过程中，受助儿童及其家庭都可以是我们的“案主”，其他在儿童保护过程中所出现的受助对象也可以是我们的“案主”，这些需要在实务工作中根据实际情况具体把握。

3. The “client” in the definition is a neutral word with serviceability, which refers to the individuals, groups and organizations in need of service. In the process of child protection, the child recipients and their families can be our “clients”, and so can other recipients in the process of children protection. It needs to be based on the actual situation.

4、最优的成本控制与最高的服务成效为标准并非是说为了节省成本可以简化工作流程或者降低服务质量，而是在坚持案主利益最大化的前提下对服务成本进行适度的控制，以最小的资源收获最大的服务效果。

4. Taking the optimal cost control and highest service efficiency as the standards doesn't mean that working process can be simplified or service quality can be lowered in order to save costs, but to moderately control service cost under the premise of maximizing the client's interests, so as to maximize service effect with the minimum resources.



5、连续性、重叠性具有不同但相互联系的意涵。连续性是指体现在个案管理过程中工作程序的完整性和不间断性，重叠性是指在个案管理过程中，需要根据实际情况不断对已有的材料和方案进行回顾、评估，以保证服务适应案主实际需要，产生最大服务成效。

5. Continuity and superposition have different but interrelated implications. Continuity refers to the integrity and connection of working procedures in case management process, while superposition refers to the need to review and evaluate existing materials and programs according to the actual situation in this process, so as to ensure that services can meet the actual needs of client and generate the maximum service effect.

第二节 中国儿童保护机构及其工作者的职责

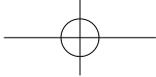
Section II Roles and Responsibilities of Child Protection Agencies and Professionals in China

多元共存的社会格局下，儿童可能面临着来自不同施暴者、不同施暴形式和手段的不同伤害。因此，儿童保护工作也需要多元力量的共同参与。一般的，儿童保护工作者指在中国目前的儿童福利和保护体系下的多元社会主体部分，即专业的社会工作者、社会组织（专业的社工机构、基金会等）、儿童福利院及其工作人员、儿童青少年领域的研究人员、政府相关单位的工作人员、司法工作者、志愿者等所有参与儿童保护的个体、群体及其组织等等全部有关的力量。

Under the social pattern of pluralistic coexistence, children may be confronted with diverse harm from different perpetrators, forms and means of violence. Therefore, child protection requires the participation of multiple forces. Generally, child protection worker refers to the main body of pluralistic society under China's current child welfare and protection system, namely all relevant forces including individuals, groups and organizations involved in child protection, such as professional social workers, social organizations (professional social work agencies, foundations, etc.), children's welfare associations and their staff, and researchers specializing in child and adolescent studies, staff of relevant government units, judicial workers and volunteers.

在开展儿童保护工作过程中，要求参与儿童保护的各部门能够为儿童安全和保护工作负责，并且要积极调动各自部门的所有资源和力量保护儿童的法律权益和健康发展，各司其职，共同推动儿童保护工作的有效开展。

In the process of carrying out child protection, all units involved are required to be



responsible for children's safety and protection work, actively mobilize all resources and strength of their respective units to protect children's legal rights and interests as well as healthy development, and perform their respective duties to jointly promote the effective development of child protection.

实际上，儿童保护最基本也是最重要的力量是父母，除此之外，以下机构和人员也为儿童保护提供自己的力量：

In fact, the most basic and important force of child protection is parents. In addition, the following organizations and personnel also contribute to child protection:

一、教育局或学校

I. Bureau of Education or School

1、主动回应所有与儿童暴力事件相关的案件，以便为所有疑似案例存档、转介。

1. Actively respond to all cases related to violence against children, so as to file and refer all suspected cases.

2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员。

2. After discovering suspected case, the liaison of women's federation at the corresponding level must be notified within 24 hours.

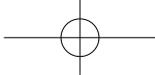
3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议，针对儿童的情况在会上提供与自己部门职责相关的服务意见。

3. Appoint and dispatch regular child protection liaisons of the unit to attend service planning meetings on suspected cases and provide service opinions related to the unit's responsibilities according to children's situation.

4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.

5、支持妇联对中、高等风险案例的协调服务，帮助共同确定的个案服务计划落实到位。



5. Support the coordination services of women's federation on cases with moderate and high risk and help implement co-determined case service plans.

6、支持个案管理跟踪服务和信息搜集，护送受过伤害的儿童回归社区。

6. Support tracking service and information collection of case management, and escort child victims back to the community.

7、通过加强校园管理制度，保护面临风险的儿童在校安全和隐私。

7. Protect the safety and privacy of children at risk in school by strengthening school management system.

8、完善寄宿管理制度，保证儿童的住宿安全（如：给所有宿舍安排生活老师）。

8. Improve the boarding management system to ensure the safety of children's accommodation (e.g., arrange life teachers for all dormitories).

二、居委会或村委会

II. Neighborhood Committee or Village Committee

1、及时发现并主动回应所有与儿童暴力事件相关的案件。

1. Timely discover and actively respond to all cases related to violence against children.

2、根据案例风险等级、性质和个案服务协调方的邀请，派出儿童保护联络员。

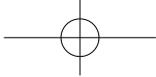
2. Send child protection liaisons according to risk level and nature of the case and invitation of case service coordinator.

3、参加儿童个案服务计划会议，提供与社区现实情况相关的服务意见。

3. Participate in child protection case service planning meetings and provide service opinions related to the actual situation of community.

4、支持妇联对案例的协调服务，参与个案服务计划落实到位。

4. Support the coordination service of women's federation on cases and participate in the implementation of case service plans.



5、通过与儿童保护联络员协作，支持个案跟踪服务和信息收集，护送受过伤害的儿童回归社区。

5. Support tracking service and information collection of case management, and escort child victims back to the community through collaboration with child protection liaisons.

6、通过与儿童保护联络员协作，支持对个案管理的监督和监测，尤其重视有关儿童在社区中的安全和长期安置状况。

6. Support supervision and monitoring of case management through collaboration with child protection liaisons, with particular emphasis on the safety and long-term placement of children in community.

三、群团组织：妇联和共青团

III. Mass Organizations: Women's Federation and Communist Youth League

我国的儿童保护职责分散到不同的部门和人民团体中，这其中，妇联和共青团是儿童保护工作的主体。

China's child protection responsibilities are decentralized to different units and mass organizations, among which the women's federation and the Communist Youth League constitute the main body of child protection.

1、咨询专家，建立儿童保护专业体系。

1. Consult experts to establish a professional system for child protection.

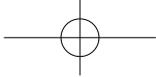
2、组织培训部门儿童保护工作者，专业人员提供专业保护。

2. Organize and train child protection workers of the unit to provide professional protection.

3、与其他部门组成固定的儿童保护小组，不定期组织会议，听取儿童保护的相关意见和建议。

3. Form a permanent child protection group with other units and organize meetings from time to time to listen to relevant opinions and suggestions on child protection.

4、主动发现、接收与儿童暴力相关的案件，对相应信息进行结案、存档。



4. Actively discover and accept cases related to violence against children and conclude and file relevant information.

5、发现疑似案例后，24 小时内提供紧急保护，并提供持续服务。

5. Provide emergency protection and continuous services within 24 hours after the identification of suspected cases.

6、开展专业评估与问题诊断，制定服务方案并加以实施。

6. Carry out professional assessment and problem diagnosis, as well as formulate and implement service plans.

7、提供长期保护机制，形成有效保护体系。

7. Provide long-term protection mechanism and form an effective protection system.

四、专业社会组织中的社会工作者

IV. Social Workers in Professional Social Organizations

在儿童保护工作中，社会工作者的角色比较宽泛，包括各部门（妇联、共青团、民政部）的工作人员，也包括各社会组织力量，他们有专业的社会工作理念、价值、理论、工作方法。

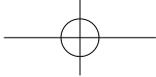
In child protection work, social workers play a relatively extensive role, including the staff of various units (women's federation, Communist Youth League and civil affairs department) and social organizations. They boast professional concepts, values, theories and working methods of social work.

1、及时发现并受理与儿童暴力相关的案件。

1. Timely identify and accept cases related to violence against children.

2、依托妇联、共青团、民政部门等力量，对受暴儿童进行专业评估，链接整合多方资源，共同提供保护。

2. Rely on women's federation, Communist Youth League and civil affairs departments to carry out professional assessment on children subject to violence, as well as connect and integrate multiple resources to jointly provide protection.



3、在专业价值、理论、伦理指导下，提供专业服务工作。

3. Provide professional services under the guidance of professional values, theories and ethics.

4、指定服务方案与实施。

4. Specify service plans and implementation.

5、提供个案管理工作。

5. Provide case management work.

6、有效促成长期保护机制和儿童保护体系的形成。

6. Effectively promote the formation of long-term protection mechanism and child protection system.

五、公安局或派出所

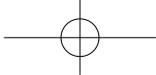
V. Public Security Bureau or Police Station

公安局承担着管理社会治安，维护公共秩序，预防、制止违法犯罪活动，保护人民合法权益不受侵犯的职能，能有效直接提供儿童保护。在开展儿童保护工作中，公安局（派出所）承担以下职能：

The public security bureau is responsible for administrating public security, maintaining public order, preventing and stopping illegal and criminal activities, and protecting people's legitimate rights and interests from being violated, thus being able to effectively and directly provide child protection. In carrying out child protection work, the public security bureau (police station) undertakes the following functions:

1、主动回应所有与儿童暴力事件相关的治安和刑事案件，以便为所有疑似案例存档、转介。虽然儿童信息要对外保密，但需要通报给儿童保护机制的协调部门（即妇联），以便及时回应和进一步干预儿童暴力案件，应根据部门职责立刻干预，切实保障的人身安全。

1. Proactively respond to all public security and criminal cases related to violence against children, so as to file and refer all suspected cases. Although children's information should be kept



confidential, it should be reported to coordinating units of child protection mechanism (namely the women's federation), so as to timely respond and further intervene violence cases against children. When children are confronted with apparent violence, it is required to intervene immediately according to the unit's responsibilities to ensure children's personal safety.

2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员，在接到案情的第一时间及时出警。

2. After identifying suspected case, the liaison of the women's federation at the corresponding level must be notified within 24 hours, and the police should be dispatched immediately upon receiving the case.

3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议（多学科专家小组），针对儿童的情况为会议提供与自己部门职责相关的服务意见。

3. Appoint and dispatch regular child protection liaisons of the unit to attend service planning meetings on suspected cases (multidisciplinary expert group) and provide service opinions related to the unit's responsibilities according to children's situation.

4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.

5、及时提供与公安机关相关的所有服务和援助，保证儿童保护机制的实施。

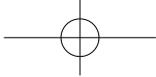
5. Provide all services and assistance related to public security organs in a timely manner to ensure the implementation of child protection mechanism.

6、特别注意回应、调查所有与儿童性暴力相关的案例并依法处理。

6. Pay special attention to the response and investigation of all cases related to sexual violence against children, and deal with them in accordance with the law.

7、根据邀请和需求，派出相关人员参加儿童保护机制联络会议

7. Send relevant personnel to attend liaison meetings on child protection mechanism according to invitation and demand



六、司法局

VI. Bureau of Justice

司法局是我国基层社会治安综合治理机构体系中的重要部门，处在预防和减少犯罪的第一线。在儿童保护工作中，司法部门也是不可缺少的重要力量。

Bureau of Justice is a vital unit in the comprehensive governance system of social security at the primary level in China, which is at the forefront of crime prevention and reduction. Judicial department is also an indispensable force in child protection.

1、主动回应所有与儿童暴力事件相关的案件，以便为所有疑似案例存档、转介。

1. Actively respond to all cases related to violence against children, so as to file and refer all suspected cases.

2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员。

2. After identifying suspected case, the liaison of the women's federation at the corresponding level must be notified within 24 hours.

3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议，针对儿童的情况在会上提供与自己部门职责相关的服务意见。

3. Appoint and send regular child protection liaisons of the unit to attend service planning meetings on suspected cases and provide service opinions related to the unit's responsibilities according to children's situation.

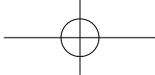
4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.

5、及时提供规定司法部门承担的服务和援助，保证儿童保护机制的实施。

5. Provide timely services and assistance undertaken by judicial departments to ensure the implementation of child protection mechanism.

6、为遭受暴力的儿童和家庭提供法律援助，帮助他们维护合法权益结合工作职责，



促进面临高风险或即时风险的儿童得到临时的安全庇护。

6. Provide legal assistance for children and families suffering from violence, so as to help them protect their legitimate rights and interests and provide temporary safe shelter for children at high or immediate risk in combination with the unit's responsibilities.

7、立即回应（转介）和保护面临即时风险儿童，保障儿童人身安全根据邀请和需求，派出相关人员参加儿童保护机制联席会议。

7. Immediately respond to (refer) and protect children at immediate risk to ensure children's personal safety and send relevant personnel to attend joint meetings on child protection mechanism according to invitation and demand.

七、地方法院

VII . Local Court

1、主动回应所有与儿童暴力事件相关的案件，以便为所有疑似案例存档、转介。

1. Actively respond to all cases related to violence against children, so as to file and refer all suspected cases.

2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员。

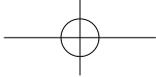
2. After discovering suspected case, the liaison of the women's federation at the corresponding level must be notified within 24 hours.

3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议，针对儿童的情况在会上提供与自己部门职责相关的服务意见。

3. Appoint and send regular child protection liaisons of the unit to attend service planning meetings on suspected cases and provide service opinions related to the unit's responsibilities according to children's situation.

4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.



5、及时提供与法院相关的所有服务，保证儿童保护机制的实施。

5. Provide all court-related services in a timely manner to ensure the implementation of child protection mechanism.

6、确保儿童接受青少年法庭审理或类似的服务，即儿童友好、对外保密的服务。

6. Ensure that children accept juvenile court proceedings or similar services, i.e. child-friendly and confidential services.

7、支持和促进民政部门的工作（例如监护权转移），确保面临高风险或即时风险的儿童能够得到临时的安全。

7. Support and facilitate the work of civil affairs authorities (e.g., transfer of guardianship) to ensure the temporary safety of children at high or immediate risk.

8、从法律角度主动创新工作方法，探索高危儿童监护权转移的操作性、对受伤害儿童赔偿的执行力度等法律实践措施。

8. Take the initiative to innovate in working methods from the legal perspective and explore the maneuverability of guardianship transfer of children at high risk, the enforcement of compensation for child victims, and other legal practices.

9、立即回应（转介）和保护面临即时风险儿童，保障儿童人身安全根据邀请和需求，派出相关人员参加儿童保护机制联席会议。

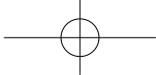
9. Immediately respond to (refer) and protect children at immediate risk to ensure children's personal safety and send relevant personnel to attend joint meetings on child protection mechanism according to invitation and demand.

八、民政局

VIII . Bureau of Civil Affairs

1、主动回应所有与儿童暴力事件相关的案件，以便为所有疑似案例存档、转介。

1. Actively respond to all cases related to violence against children, so as to file and refer all suspected cases.



2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员。

2. After identifying suspected case, the liaison of the women's federation at the corresponding level must be notified within 24 hours.

3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议，针对儿童的情况在会上提供与自己部门职责相关的服务意见。

3. Appoint and send regular child protection liaisons of the unit to attend service planning meetings on suspected cases and provide service opinions related to the unit's responsibilities according to children's situation.

4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.

5、政策规定，为符合条件的家庭及时提供服务和社会救助（如：低保、社会保障等）。

5. Provide timely services and social assistance (such as subsistence allowance and social security) to eligible families according to the policy.

6、依托现有资源（救助站、福利院等），为面临高风险和即时伤害的儿童提供或协调暂时的安全庇护（不等于监护权转移）。

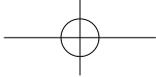
6. Provide or coordinate temporary safety shelter (not equal to transfer of guardianship) for children facing high risk and immediate harm based on existing resources (rescue stations, welfare houses, etc.).

7、主动在民政职责框架下创新保障儿童安全和利益的方法。

7. Take the initiative to innovate methods to ensure the safety and interests of children under the frame of responsibilities of civil administration.

8、根据邀请和需求，派出相关人员参加儿童保护机制联络会议

8. Send relevant personnel to attend liaison meetings on child protection mechanism according to invitation and demand.



九、卫生局

IX . Health Bureau

1、主动回应所有与儿童暴力事件相关的案件，以便为所有疑似案例存档、转介。

1. Actively respond to all cases related to violence against children, so as to file and refer all suspected cases.

2、发现疑似案例后，24 小时内必须通知相应级别的妇联联络员。

2. After identifying suspected case, the liaison of the women's federation at the corresponding level must be notified within 24 hours.

3、任命并派出部门固定的儿童保护联络员参加疑似案例的服务计划会议，针对儿童的情况在会上提供与自己部门职责相关的服务意见。

3. Appoint and send regular child protection liaisons of the unit to attend service planning meetings on suspected cases and provide service opinions related to the unit's responsibilities according to the situation of children.

4、支持妇联对案例的协调服务，帮助个案服务计划有效开展。

4. Support the coordination service of women's federation on cases and help the effective implementation of case service plans.

5、及时提供卫生部门相关的所有服务和援助，保证儿童保护机制的实施。

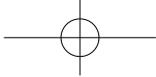
5. Provide all health services and assistance in a timely manner to ensure the implementation of child protection mechanism.

6、为受害儿童提供保密性的身体检查。

6. Provide confidential physical examination for child victims.

7、根据邀请和需求，派出相关人员参加儿童保护机制联络会议。

7. Send relevant personnel to attend liaison meetings on child protection mechanism



according to invitation and demand.

第三节 儿童保护个案管理的理论及其运用

Section III Child Protection Case Management: Theories and Practice

一、儿童保护与发展的相关理论

I. Theories of Child Protection and Development

在此部分，我们将对有关于儿童发展的一些理论进行介绍，本节在内容设计时，考虑到了《指南》受众的基本情况和应用范围，以社会化理论为契领，对儿童发展及其保护涉及到的分支理论进行了阐释，囿于篇幅及其理论之间的交叉性，所选取的人物和理论基本上各有所长，对于一些单纯解释性且与《指南》的指导性并不完全适应的符号互动论及其社会角色理论的介绍不再单独呈现。希望《指南》中呈现的所有理论能够儿童保护工作者对儿童青少年的发展有更深刻的了解进而采取更加积极的应对思想。

This section introduces some theories related to child development. Considering the basic facts about the audience of the Guide and its scope of application, the socialization theory will be highlighted and guide the elucidation of the branch theories about child development and protection. Overall, each of the selected characters and theories will have their respective strengths due to the limited length of this section and the overlap between the theories. Some theories that are purely explanatory and do not fully fit into the guiding nature of the Guide, such as the symbol interaction theory and social role theory, will not be singled out for discussion. It is hoped that all the theories that the Guide comes up with will enable those involved in child protection to have a deeper understanding of child development and then respond more positively.

(一) 社会化理论³⁸

(I) Socialization theory

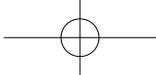
1、社会化的含义

1. The meaning of socialization

社会化概念的内涵有一个从狭义到广义的发展过程，即研究对象由少年儿童扩展到成

38 郑航生. 社会学概论新修(第四版). [M].

Zheng Hangsheng. A Revised Introduction to Sociology (4th Edition)[M].



年人，研究取向由“生物人向社会人的转变”扩展到“个体的成长与社会运行发展之间的关系”，研究基本单位“个体”的内涵由个人扩大到群体。

“Socialization” was first a narrow concept focusing only on children. Later it developed into a broad one that also covered adults. The research focus expanded from “the transformation of biological people to social people” to “the relationship between individual growth and social development”. “Individual”, the basic unit in research, was extended to cover the group.

2、社会化的定义

2. The definition of socialization

综上所述，所谓社会化，是指个体在与社会的互动过程中，逐渐养成独特的个性和人格，从生物人转变成社会人，并通过社会文化的内化和角色知识的学习，逐渐适应社会生活的过程。在此过程中，社会文化得以积累和延续，社会结构得以维持和发展，人的个性得以健全和完善。社会化是一个贯穿人生始终的长期过程。

To sum up, socialization refers to the process in which an individual develops his unique personality in the interaction with society, changes from a biological person to a social person, and adapts to social life through the internalization of social culture and the acquisition of knowledge about roles. In this process, social culture accumulates and continues, social structure is maintained and develops, and man's personality improves. Socialization is a long-term, lifetime process.

3、社会化的类型

3. The types of socialization

(1) 初始社会化

(1) Initial socialization

初始社会化是发生在生命早期的社会化。其主要任务是向儿童传授语言和其他认知本领，使其内化社会文化规范和价值标准，能够正确理解社会关于各种角色的期望和要求。初始社会化主要发生在儿童时期，是整个社会化过程的基础。

Initial socialization is socialization that occurs in the early stages of life. Its main task is to teach children languages and other cognitive skills so that they can internalize sociocultural norms and value standards and correctly understand the expectations and requirements of society

for various roles. Initial socialization occurs in childhood. It's the basis of the whole socialization process.

(2) 预期社会化

2) Anticipatory socialization

预期社会化是这样一种社会化形式：人们在此过程中学习的不是现在要扮演的角色，而是将来要扮演的角色。比如学生在大学里的学习过程。预期社会化大量地发生在青年时期。

Anticipatory socialization is a form of socialization in which people learn not the role they want to play now, but the role they want to play in the future., for example the learning process of students at universities. Anticipatory socialization occurs largely in youth.

(3) 发展社会化

(3) Developmental socialization

发展社会化是相对于初始社会化而言的，并且是在初始社会化的基础上进行的，亦称继续社会化。它指的是成年人为了适应新形势提出的角色要求而进行的学习过程。比如改革开放之后，政府官员都要重新学习市场经济知识。

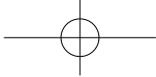
Developmental socialization is distinct from initial socialization. It occurs on the basis of initial socialization and is therefore also called continuous socialization. It refers to the learning process in which adults meet the role requirements in new situations. For example, government officials must reconsider market economy after the reform and opening up policy was implemented.

(4) 逆向社会化

(4) Reversal socialization

现在社会学家普遍认为社会化是一个双向过程。晚辈传授文化规范知识给长辈 就是逆向社会化。

Sociologists now generally believe that socialization is a two-way process. Reversal socialization occurs when the younger generation imparts knowledge of cultural norms to the elder generation.



(5) 再社会化

(5) Re-socialization

再社会化是指全面放弃原已习得的价值标准和行为规范，重新确立新的价值标准和行为规范。例如改造罪犯、新兵入伍、移民等。

Re-socialization refers to the complete abandonment of previously learned value standards and codes of conduct and the establishment of new value standards and codes of conduct, for example, the rehabilitation of the offender, joining the army, immigration, etc.

4、关于社会化的若干理论

4. Several theories about socialization

(1) 自我意识和人格发展理论

(1) Self-awareness and theory of personality development

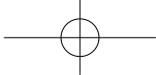
社会化的最终结果就是形成每个人独特的“人格”。社会生活中的“人格”和“人品”指的是一个人的道德素质，我们这里所说的“人格”是一个社会心理学术语，是指个体心理特质和行为特征的总和。而自我意识是个体关于“我是谁”的看法和判断，是人格的核心组成部分。人格和自我意识是怎么形成的呢？

The final result of socialization is the formation of each individual's unique "personality". "Personality" and "moral standing" in social life refer to a person's moral quality. What we call "personality" here is a social psychology term referring to the sum of individual psychological and behavioral characteristics. Self-awareness is the individual's opinion and judgment about "Who am I". It's a core component of personality. How did personality and self-consciousness come into being?

① 库利的“镜中我”理论

① Cooley's "Looking-Glass Self" theory

美国社会学家库利（1864--1929）是最早将“自我”概念引入社会学研究的人之一。库利认为，自我或人格是社会的产物，是通过社会互动而产生的。他将自我意识的形成分成三个阶段：1. 我们设想自己在他人面前的行为方式；2. 在做出行为之后，设想或理解他



人对自己行为的评价；3. 根据自己对他人评价的想象来评价自己的行为，并据此做出下一步反应。在这样一个循环往复的过程中，逐渐形成了每个人的自我意识和人格。库利非常形象地将通过观察别人对自己行为的反应而形成的自我概念称为“镜中我”，即每个人的自我观念其实是他人这面“镜子”的反射。库利还注意到初级群体在个性发展和个体社会化过程中的重要作用。

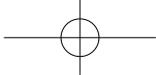
American sociologist Cooley (1864--1929) was one of the first to introduce the concept of “self” into sociological research. Cooley believes that self or personality is the product of society that results from social interaction. He divides the formation of self-awareness into three stages: 1. We envisage how we behave in front of others; 2. After we act, we imagine or understand others’ evaluation of our behavior; 3. We evaluate our own behavior based on our assessment of others’ evaluation and make the next response accordingly. Each person’s self-awareness and personality are gradually formed in this cyclic process. Cooley very vividly calls the self-concept formed by observing others’ reactions to our own behavior “looking-glass self”, that is, everyone’s concept of self is actually a reflection in the “mirror” of others. Cooley also noted the important role of primary groups in personality development and individual socialization.

② 米德的“角色扮演”理论

② Mead’s Role-Playing theory

乔治·米德 (1863--1931), 库利同时代的美国社会学家, 也曾研究过自我意识的形成。米德是社会学中符号互动论的代表人物之一, 他的自我意识观点也带有符号互动论的色彩。米德认为自我意识是随着符号使用能力发展起来的。人出生之初是没有自我意识的, 随着符号使用能力的提高, 人开始将“我”作为一个符号来思考, 自我意识随之产生。米德将“自我”分为“主我”和“客我”。主我是自我的、能动的, “主我”为自我和人格的发展提供动力。“客我”是内化了的社会要求和期待, 是在社会互动过程中发展起来的。“主我”与“客我”是相互建构的。自我的发展过程就是“主我”与“客我”之间连续不断的互动过程。米德认为, 社会化的实质是“角色扮演”, 即学会理解他人对角色的期待、并按照这种期待从事角色行为的能力。米德认为, 社会化过程可以分为三个阶段: 模仿阶段、嬉戏阶段、博弈阶段。社会化过程就是一个从智能扮演有限的特定的角色到能够扮演普通的“一般化他人”的角色的演进过程。

George Mead (1863--1931), an American sociologist at the time of Cooley, also studied the formation of self-awareness. Mead is one of the representative figures in symbolic interaction



theory in sociology, and his view on self-awareness reflects symbolic interaction theory. Mead believes that self-awareness develops as the ability to use symbols grows. People are not self-conscious at birth. As the ability to use symbols increases, they begin to think of “I” as a symbol, hence giving rise to self-awareness. Mead divides “self” into “I” and “me”. “I” is the active individual. It provides power for the development of self and personality. “Me” is an internalized social requirement and expectation developed in the process of social interaction. “I” and “me” are mutually constructive. Self-development is a continuous interactive process between “I” and “me”. Mead believes that the core of socialization is “role play”—the ability to understand others’ expectations of roles and to act in accordance with such expectations. According to Mead, socialization can be divided into three stages: imitation stage, playful stage and game stage. The socialization process is an evolution process from intelligently playing a limited specific role to being able to play the common role of “generalized others”.

(2) 社会化的生命周期

(2) The life cycle of socialization

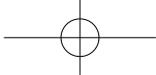
生命周期，即一个人从生到死的整个过程。在现代社会中，生命周期一般被划分为儿童期、青年期、成年期、老年期等四个阶段。在每个阶段，人的身心发展状况有很大的差别，社会化也有不同的特点。根据不同的学者，会有不同的论断，这部分将在之后的理论中进行详细论述。

Life cycle is the whole process of a person from birth to death. In modern society, the life cycle is generally divided into four stages: childhood, adolescence, adulthood, and senescence. People’s physical and mental development is very different, and socialization displays different characteristics in different stages. Scholars are divided on this, which will be discussed in detail in the following theories.

儿童在幼年时期遭受的暴力会强烈影响其社会化进程，社会化理论能为受暴力儿童融入社会、健康成长提供有效的依据和指导。

The violence that children suffer in their childhood will strongly influence their socialization process. The socialization theory can provide effective basis and guidance for the integration of abused children into society and for their healthy growth.

(二) 生命历程理论



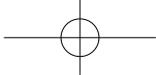
(II) The theory of life course

生命历程理论作为一种主要的研究范式出现在上世纪 60 年代，以美国埃尔德（G. Elder）教授为代表的生命历程研究在社会科学界得到迅速发展。生命历程理论将个体看作是在一生中按照一定顺序不断地扮演社会角色和参与生命事件的主体，试图通过描述个体重要事件的生命轨迹及转折的结构和顺序，将生命的个体意义与社会意义相联系起来，而时间维度是寻找这种联结的重要方向，该研究范式形成了一整套完善的纵贯性调查数据的收集方法和分析技术手段。该理论核心内容可概括为：五条原则、四个基本原理、时间观。

As a major research paradigm, life course theory came around in the 1960s. The research on life course represented by Professor G. Elder in the United States developed rapidly in the field of social sciences. The theory of life course regards individuals as subjects who continuously play social roles and participate in social events in a certain order in their life. It attempts to connect the individual meaning of life with the social meaning by describing the life track and the structure and sequence of turning points of individual important events. The time dimension is an important way of finding this connection. The research paradigm forms a complete set of methods and techniques for the collection and analysis of longitudinal and latitudinal survey data. The core content of this theory can be summarized as follows: five principles, four basic principles and the concept of time.

(1) 五条原则：埃尔德在《大萧条的孩子们》提出了生命历程理论的五条原则：①人的成长与衰老是一个终身的过程；②个人的生命历程嵌入于他们一生所经历的历史时代和地理区间之中，并为其所塑造；③生命转轨与事件的经历与后果随着它们在生命历程时间段的不同位置而有所不同；④人的生命具有社会性和相互依赖性，社会与历史对个人生命的影响往往以关系网络为载体；⑤个人通过其在历史与社会环境所提供的机遇与限制下的选择与行动来建构自己的生命历程。

(1) Five principles: Elder puts forward five principles of the theory of life course in *Children in the Great Depression*: ① growth and aging is a lifelong process; ② people's life course is embedded in the historical eras and geographical locations they live in, which frame it; ③ the experience and consequences of life transition and events vary with their different positions in the life course; ④ people's life is social and interdependent. The influence of society and history on personal life is often based on the relationship network; ⑤ individuals construct their own life course through their choices and actions under the opportunities and constraints provided by history and the social environment.



(2) 四个基本原理: ①历史时间和地方, 认为个人的生命历程根植于和受限于历史时间和地方背景, 侧重同龄群体效应和地理效应。②生活的时序性, 认为人生是由轨迹 (trajectory)、转变 (transition)、持续 (duration) 组成的连续轨迹, 强调了生命事件对于个人的影响程度及与时间的关系。③重视相互联系的生命, 认为个体行为具有社会背景, 社会和历史通过社会网络对个人产生影响。④关注个人能动性, 认为每一个人都可以在历史和社会环境提供的机会和制约下通过选择和行动来构建其生命历程。

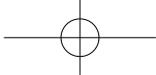
(2) Four basic principles: ① Historical time and place. It is believed that an individual's life course is rooted in and limited by historical time and local background and that it tends to manifest group effect and geographical effect of the same age group. ② The time sequence of life, which considers that life is a continuous track composed of trajectory, transition and duration, emphasizing the influence of life events on individuals and the relationship with time. ③ It attaches importance to interrelated life, thinking that individual behavior has social background and that society and history influence individuals through the social network. ④ It focuses on personal initiative, believing that everyone can build their life course through choices made and actions taken under the opportunities and constraints provided by history and the social environment.

(3) 时间观: 用轨迹、转折点、持续期来描述变迁社会中的个体发展。轨迹是个体生命事件发生的先后秩序, 反映个体较长期生命模式; 转折点是个体生命事件发生变化时间和方向; 持续期是生命事件从一个状态转向另一个状态的时间跨度。其中, 转折点的研究显得尤为重要, 它可帮我们理解生命轨迹的延续性和断裂性及内外部因素对生命历程的影响。³⁹

(3) The concept of time describes individual development in a changing society with trajectories, transitions and durations. Trajectory is the sequence of individual life events and reflects the longer-term life pattern of individuals. Transition is the time and direction of individual life events. Duration is the time span during which a life event changes from one state to another. Among them, the study on transition is particularly important. It can help us understand the continuity and fracture of life track and the influence of internal and external factors on life course.

在儿童的发展过程中, 重大事件的发生将会作为一个转折点影响其相当生命时期中的状态。童年时期的暴力、性侵犯等创伤很有可能打乱儿童的正常发展顺序, 产生大量的负面影响, 影响一生的发展。

39 刘望保. 生命历程理论及其在长期空间行为研究中的应用 [J] 人文地理, 2015 (02): 1-6
Liu Wangbao. Life Course Theory and Its Application in Long-Term Spatial Behavior Research [J] Human Geography, 2015(02):1-6.



In the development of children, the occurrence of major events will serve as a turning point that influences the state of their life. Traumas such as childhood violence and sexual assault are likely to disrupt children's normal development, produce a large number of negative effects, and affect the development of the whole life.

(三) 埃里克森“人生八阶段”理论⁴⁰

(III) Erikson's eight stages of life theory

埃里克森 (Erik Homburger Erikson) 是美国著名的精神病医生，是美国现代最有名望的精神分析理论家之一，也是新精神分析学派的重要代表人物。在他的代表作《儿童期与社会》中，埃里克森提出了著名的人格发展阶段理论。

Erik Homburger Erikson is a famous American psychiatrist, one of the most famous psychoanalytic theorists in modern America, and an important representative of the Neopsychoanalytic School. In his representative work *Childhood and Society*, Erikson puts forward the famous theory of Stages of Psychosocial Development.

在儿童发展阶段，为了能够使得儿童保护工作覆盖全面，我们选取前五个阶段进行解读。

To make child protection work comprehensive in the child development stage, we will interpret only the first five stages.

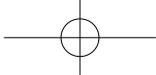
第一阶段：婴儿期（0—18月）

The first stage: infancy (0-18 months)

在婴儿期（0—18月），埃里克森在人类生命循环中第一个阶段。主要发展的危机（机会），是在变成一个令人信任的人或者令人不信任的人之间。信任的发展包括变得对别人信任和发展出一种自己值得信任的感觉，现实发展必须经历母亲健康的爱和照顾。儿童学习去信任一位母亲，母亲确实很规律地照顾他们，基本的需求持续性得到了满足，这种信任感的出现使得接下来的发展变得很容易。后来，随着他们的运动技能的发展以及儿童被给予了探索周围环境的自由，他们也学习去相信自己以及自己的身体，尤其是当他们开始

40 引用参考于罗尔夫·E 缪斯 (Rolf E. Muuss) 【美】. 周华珍 等译. 青春期理论 (第六版) .[M] 上海社会科学院出版社, 上海, 2014:50-69

Muuss, Rolf E.Theories of Adolescence (6th Edition)[M].Zhou Huazhen, et al.(trans.) Shanghai: Shanghai Academy of Social Sciences Press, 2014: 50-69.



去控制，比如抓、握能够得着的东西和后来的爬、立、走等身体运动。令人信任的婴儿，已发展成为日后发展自信、乐观的第一种要求条件。

Infancy (0-18 months) is the first stage of the human life cycle according to Erikson. The main development crisis (opportunity) is between becoming a trustworthy person or an untrustworthy person. The development of trust includes putting trust in others and developing a sense of being trustworthy. The actual development relies on the mother's healthy love and care. The child learns to trust its mother. The mother does take care of them regularly. The basic needs are continuously met. The emergence of this trust makes the following development easy. Later, with the development of their sports skills and the grant of freedom to explore the surrounding environment, they also learn to believe in themselves and their bodies, especially when they start to control, such as grasping and holding what they can get and body movements like climbing, standing, and walking that they subsequently develop. Trusted babies have developed into the first requirement for self-confidence and optimism in the future.

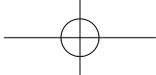
第二阶段：儿童早期：18个月——3岁

The second stage: early childhood (18 months-3 years old)

在人类生命循环第二阶段（儿童早期：18个月——3岁）的问题是变成一个自主的、有创造性的个体还是一个依赖性强的、受到束缚的以及充满自我怀疑的感到羞耻的个体，这个阶段大约在18个月到三岁半之间下降，在这个阶段，即使儿童仍然在许多方面依赖别人，但是他们开始经历一种自由选择的自主。

The question in the second phase of the human life cycle (early childhood: 18 months-3 years old) is whether to become an independent, creative individual or a dependent, bound and self-suspicious ashamed individual. This phase occurs between 18 months and 3 and half years old. Children in this stage begin to make choices independently even though they still depend on others for many things.

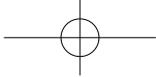
现在他们发展了机动能力和以他们自己的权利将他们自己看为独立实体的智慧能力，他们意识到他们不同于自己的母亲和父亲，这种新获得自主感，常常以一种夸张的方式被运用，这可能导致社会冲突，这种为了自主战斗，常常表现在固执的拒绝，脾气发怒中，一个重要的任务是要开始自我控制的，掌握在这个过程中，尤其重要的是身体浪费产品的控制。在这个阶段出现的信念是，“我想成为什么，我就是什么”，这反映了儿童新的自主感，在这个阶段普遍地获得的和谐的品质，是自豪、控制、自我确信，自主、自我肯定



以及形成自己的意志，这导致了一种信念，“我是一个可能自由的选择，并且可以引导我自己发展和未来独立的人”。这个阶段不协调的结果是羞耻、自我怀疑、依赖、自我意识以及一种温顺的顺从，这种顺从来自太多的束缚、不公平的惩罚以及父母处理他们孩子的自主萌芽的无能。青春期认同危机从这些早期的未解决的自主问题中复苏和成长起来的，因为自主对于同一性的发展来说，是一个最基本的成分，因此青少年从家庭中获得独立的斗争，就变得越来越重要。这个阶段同时也作为早期自我决定尝试的一种重述而发挥作用，青少年可能变得自我意识和缺少自主，以至于他们会害怕别人看到他们在一种暴露和易受伤害的状况情况，他们可能会质疑他们的自我价值以及整个童年经历的可靠性，这样他们就不能形成一个适当的统一性；另一方面，当孩子在自主性未趋于成熟之时，就已经进入青春期，他们可能因此无礼而不以为耻地违抗父母老师其他权威。

Now they have developed mobility and the intellectual ability to regard themselves as independent entities with their own rights. They realize that they are different from their parents. This newly acquired sense of autonomy is often applied in an exaggerated way, which may lead to social conflicts. This fight for autonomy is often manifested in point-blank refusal and anger. An important task is to start self-control. In this process, it is especially important to control the waste of products by the body. The questions that are asked at this stage are “What do I want to be? Who am I?” which reflect the new sense of autonomy of children. The harmonious qualities that are universally obtained at this stage are pride, control, self-confidence, autonomy, self-affirmation and free will, which lead to the belief that “I am a person who is free to choose, to develop and to be independent.” Incongruity in this phase can result in shame, self-doubt, dependence, self-awareness and unquestioning obedience. This kind of obedience is the result of too many restraints, unfair punishments and parents’ inability to deal with their children’s sprouting autonomy. Identity crisis in adolescence recovers and grows from these early unresolved autonomy issues, because autonomy is a basic component for the development of identity. In this sense, it is important for adolescents to fight for independence from the family. This phase also serves as a restatement of early self-determination attempts. Adolescents may become self-aware and lack autonomy to the extent that they fear others may find them exposed and vulnerable. They may question their self-worth and the reliability of their childhood experiences and consequently fail to achieve a satisfying degree of unity. On the other hand, children in puberty may rudely defy their parents, teachers and other authorities without knowing they are wrong when autonomy is still in the early stages of development.

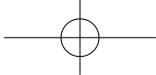
第三阶段：学前期（3—6岁）



The third stage: preschool period (3-6 years old)

在生命第三阶段的社会心理学冲突是一种主动性感觉 VS 一种内疚感觉的发展。一场冲突出现在是通过活动、好奇心和探索积极地入侵世界，还是由于害怕和内疚而静止不动这两者之间。大约从三岁半到 6 岁之间的儿童一般可以表现出较多活力，这是一种力量、好奇心、高层次活动和剩余能量的感觉。在玩耍活动中，儿童更加自由和进取地活动并且发展出更大范围的互动。在主动性发展的过程中，目标设定出现了，并且活动渐渐地是一个目标指导的。这也是语言迅速发展的时期。在这个阶段的早期，儿童会无止境地问许多“什么”的问题。由于新的词语、概念和基本理解是以这种方式获得的，因此，这些问题基本上是学习工具。此外，我们还能观察到对物体控制的进步，尤其是在玩具上。孩子基本上不是因为破坏而是出于好奇心，他们会把东西拆开来看看里面是什么。然而，如果这种好奇心被解释为破坏性，如果儿童受到惩罚并且感到内疚，主动性就会减弱。儿童也将探索和控制他们自己和朋友的身体，并且这种探索性的行为涉及对性器官的好奇心。就性探索而言，社会批判和惩罚可能会促进内疚感觉的发展。包括对他人身体的探索在内的侵略行为常常伴随在玩耍活动和游戏中与他人合作的一种初级的形式。如果能成功地控制这个阶段的危机，一种意图和主动性的感觉会出现，这将在青春期后期成为好奇心、野心和不同角色实验的基础，这就像儿童的玩耍活动常常反映不同角色的期望一样。这种“性”上的自我形象和在埃里克森称为男性的主宰和女性追赶主动性之间的区分成为性的同一性危机或者青春期探索的重要先决条件。因为主动采取措施的能力培养了一个人对可能成为什么和在生活中一个人的未来角色的期望，它促进了青春期一种同一性的发展。

The social psychosocial conflict in the third stage of life is between the sense of initiative VS the sense of guilt, or indecision about whether actively participating in the world through exploratory activities out of curiosity or staying still out of fear and guilt. Children between the ages of three and half and six are generally more energetic. They feel powerful, curious, elevated, and empowered. Children who are playing participate more freely and enterprisingly and engage in a wider range of interactions. Goal setting takes place in the development of initiative and one common goal tends to guide the activities. This is also a period of rapid language development. In the early stages of this period, children will ask an endless stream of questions beginning with “what”. Since new words, concepts and basic understandings are acquired in this way, these questions are basically learning tools. In addition, we can observe progress in controlling objects, especially toys. Children will take things apart to see what is inside—out of curiosity rather than the intent to destroy. However, if this curiosity is interpreted as being destructive and children feel guilty after being punished, their initiative will decline. Children will also explore and control the



bodies of themselves and those of their friends, and this exploratory behavior involves curiosity about sexual organs. As far as sexual exploration is concerned, social criticism and punishment may sharpen the sense of guilt. Aggressive behavior, including exploration of others' bodies, is often accompanied by a primary form of cooperation with others in play and games. If the crisis at this stage can be successfully controlled, a feeling of intention and initiative will appear and become the basis of curiosity, ambition and experiments of different roles in late adolescence—similar to the fact that the play of children often reflects the expectations of different roles. This self-image of “sex” and the distinction between what Erikson calls male dominance and the pursuit of initiative on the part of women becomes an important prerequisite for sexual identity crisis or adolescent exploration. The ability to take active measures cultivates one's expectation of what one may become and one's future role in life. It promotes the development of an identity in adolescence.

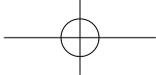
如果父母限制、反对和惩罚这种刚刚发展起来的主动性，一种不协调的结果很可能产生，比如让儿童因为将玩具拆开或者探索他自己的或别人的身体而感觉内疚。如果儿童的探索和主动性遭了严重的训斥和惩罚，结果可能是一种更加永久内疚而致的不活动性，恐惧而致的抑制、角色抑制、角色固定以及对成人的过度依赖。由于这些品质会干扰青春期间同一性的形成，这个阶段的一种负面的结果将促使青春期间同一性扩散的出现。

If parents restrict, oppose and punish this newly developed initiative, an uncoordinated result is likely to occur, such as making children feel guilty about taking toys apart or exploring their own or others' bodies. If children are severely reprimanded and punished for their explorations and initiative, the result may be more permanent guilt-induced inactivity, fear-induced inhibition, role inhibition, role fixation and excessive dependence on adults. As these qualities will interfere with the formation of identity during puberty, a negative result of this stage will lead to identity diffusion during puberty.

第四阶段：学龄期（6—12岁）

The fourth stage: school age (6-12 years old)

第四阶段的任务是一种勤奋感的发展 VS 自卑感的出现。埃里克森认为在入学和青春期间的这段时间成为了一段学习和掌握在社会中需要的基本技能的时间。儿童现在获得了许多基本的知识，更重要的是，他们学习去为他们的工作而骄傲，并且获得了一种做好本职工作的态度。这段时间因此被描述为生命中的学徒阶段。儿童必须通过生产东西和做

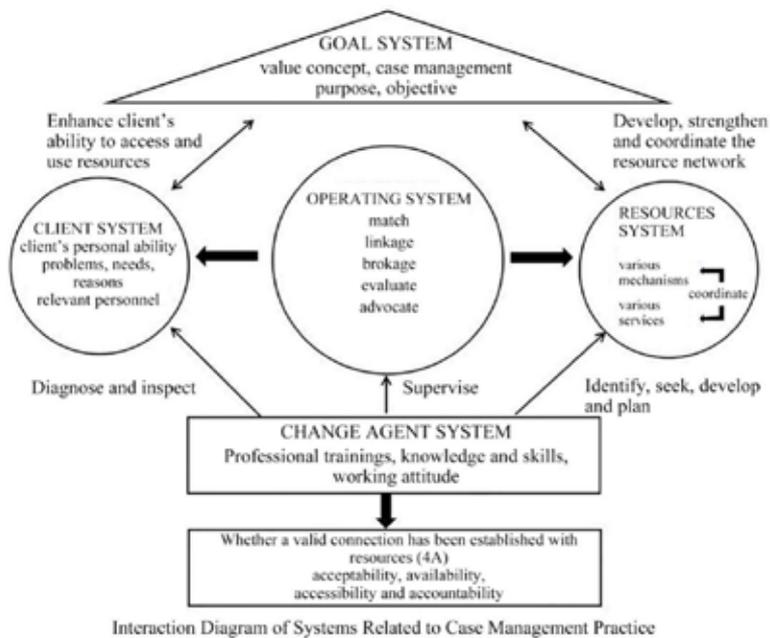
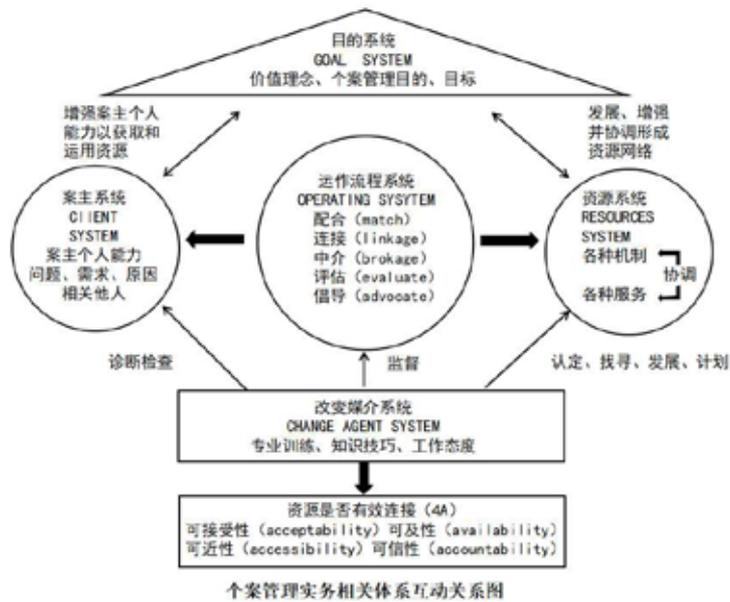


好工作来赢得赞赏、认同和一种成功的感受。变得勤奋的一个重要要素是“对那些知道事情并且知道如何做事的人的正面认识”。更早时间的自由玩耍现在从属于规则和更加结构化的活动。儿童必须学习遵守和尊重规则并在团队努力和公平游戏中对合作的观念非常忠实。通过团队活动、游戏和合作性的游戏，儿童学习去预见他人的行为、角色和感受。

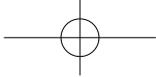
The task of the fourth stage is the development of a sense of diligence VS the appearance of a sense of inferiority. Erikson believes that the period between school entrance and puberty is a time to learn and master the basic skills needed in society. Children in this stage have acquired a lot of basic knowledge. More importantly, they learn to take pride in their work and adopt a responsible attitude towards work. This period of time is thus described as apprenticeship in life. Children must produce things and do a good job to be praised and approved and gain the sense of success. An important factor in becoming diligent is “a positive understanding of those who know and know how to do things”. Earlier free play is now more structured and subject to rules. Children must learn to observe and respect rules and stick to the concept of cooperation in teamwork and fair play. Through team activities, games and cooperative games, children learn to foresee other people's behaviors, roles and feelings.

在这个学徒阶段出现的信念是：“我将学习什么，我就是什么”，或者更加以结果为导向：“我能学习什么并使它发生作用，我就是什么”。如果勤奋感成功地建立起来，儿童将需要成功，也想要成功，并且会努力完成任务以获得工作做好而带来的认同。儿童将发展出一种责任感，一种工作者和工作参与的感觉以及一种以勤奋为基础的要做好的态度和对成功的一种愿望。这个阶段对同一性形成作出的贡献是“具有凭借着技能，学会如何实现，以及在实现的过程中一个人应做什么的能力”，那就是事前对任务的一种认同和一种学习和控制的意愿以及一种能胜任的感觉。

The beliefs that emerge during this apprenticeship are “What I learn determines who I am” or “What I learn and use determine who I am,” which is more result-oriented. If the sense of diligence is successfully established, children will need to succeed and want to succeed, and will strive to accomplish their tasks in order to obtain recognition of his excellence in work. Children will develop a sense of responsibility, a sense of participator and participation, a dutiful attitude based on diligence and a desire for success. The contribution of this stage to the formation of identity is “the ability to learn how to achieve and what one should do in the process of achieving it by virtue of skills”. It's a prior recognition of the task, a willingness to learn and control, and a sense of competence.



如果儿童在获得一种成功感觉的工作中和一种对工作做好的愿望中失败，他们将不再勤奋而且会有一种无用的感觉。这样的孩子将不能体会到喜悦的感觉和那种由于工作做得好所带来的自豪感。相反地，他们可能会被能力不足和自卑的感觉所困扰，并且他们相信他们不会成为什么。因此，这就将出现工作瘫痪和一种无用感，这将很可能促使在下一个阶段的自我扩散。



If children fail in a job that gives them a sense of success and a desire to do a good job, they will no longer be diligent and will feel useless. Such children will not be able to experience the joy and the sense of pride brought about by good work. On the contrary, they may be troubled by the feeling of incompetence and inferiority, and they believe they will not achieve anything. This will lead to job paralysis and a sense of uselessness, which will probably promote self-diffusion in the next stage.

第五阶段：青年期（12——18岁）

The fifth stage: youth (12-18 years old)

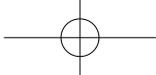
青春期已经被埃里克森称为人类生命循环的一段时间，在这期间个体必须建立一种个人的同一性感，并且避免角色扩散和同一性困惑危险。同一性的成果意味个体评估强项和弱点，并且决定他将如何处理它们。青少年必须对同一性问题找到一种答案：“我从哪里？”“我是谁？”“我想成为什么？”

According to Erikson, adolescence is a period of the human life cycle during which individuals must establish a sense of personal identity and avoid the danger of role diffusion and identity confusion. The results of identity mean that an individual evaluates his strengths and weaknesses and decides how he will deal with them. Teenagers must find an answer to the question of identity: “Where am I from?” “Who am I?” “What do I want to be?”

对同一性的寻求包括了一种有意义的自我概念的建立，在这个过程中，过去、现在和未来将会一起形成一个团结的整体。在一定的历史阶段，家庭、社会传统将不复存在，未来也难以预知，身份认同的建立将极其困难，在社会转型期，老一代无法为年轻一代提供角色模范，这些模范无法引导着青少年形成稳定的、一致的符合社会定义的角色及其价值观，青少年可能因为对个人的不合适而拒绝他们或不再遵循他们，同龄群体将在帮助个体建立“我是谁”的阶段中所发挥重要作用。

对这个问题的回答依赖于来自其他人的社会反馈，这些人为青少年提供他们的观点和对他们的评价。

The search for identity includes the establishment of a meaningful self-concept, in which process the past, present and future will form a united whole. Therefore, family and social traditions no longer exist at a certain historical stage. When the future is unpredictable, it is even more difficult to realize identity. In an age of rapid social change, the elder generation no longer



provides sufficient role models for the younger generation. The answer to this question depends on social feedback from other people, who offer teenagers their opinions and evaluations of them.

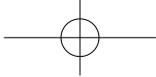
除此之外，埃里克森认为在此阶段，随着身体的快速成长、生殖器的成熟和性意识的觉醒，青少年会遭遇到围绕同一性和自我定义问题的“心理危机”。这个阶段常常会坠入情网，这是一种找寻同一性的方式，在一种爱情关系中被分享的个人反馈可以帮助个人定义和修正自己的自我定义，并且鼓励他们去澄清和反省对自我的个人定义，这种爱情需要正确引导和看待，并直接影响后期的发展。

In addition, Erikson believes that with the rapid growth of the body, the maturity of the genitals and the awakening of sexual consciousness at this stage, teenagers encounter not only an internal “physiological evolution” that hinders the easy formation of a new body shape, but also a “psychological crisis” over identity and self-definition. They often fall into love at this stage. This is a way to find identity. Personal feedback shared in a love relationship can help individuals define and revise their self-definition and encourage them to clarify and reflect on their self-definition. This kind of love needs to be correctly guided and viewed for it directly affects development in subsequent stages.

一个和谐的或者积极的同一性危机的结果依赖于年轻人是否愿意接受他自己的过去，并且建立先前的经历的连续性。为了完成他自己的过去，并且建立先前的经历的连续性。为了完成同一性的寻求，青少年必须对“我是谁？”的问题找到答案并且必须建立一些对未来的取向，要对待“我将去哪里？”和“我将成为什么？”这样的问题。青少年必须发展一种对一套价值观的信念 - 宗教信仰、职业目标、一种生命哲学。

A harmonious or positive result of identity crisis depends on whether young people are willing to accept their past and secure continuity of previous experiences. To complete his past, teenagers must maintain continuity of previous experiences. To conduct the search for identity, teenagers must find the answer to the question of “Who am I?” and develop an orientation towards the future by answering questions such as “Where am I going?” and “What will I be?” Teenagers must develop beliefs in a set of values-religious beliefs, career goals, and a philosophy of life.

那些在寻求同一性中失败的青少年将经历自我质疑、角色扩散和角色混乱，这样的人可能会陷入一种自我毁灭的单方面的偏见或活动中。他将继续病态地听从他人的观点或者他会变得极端，不再关心别人想什么，而且还可能会退出或者为了缓解角色扩散所制造的焦虑而转向毒品或酒精自我扩散和个人的困惑，当它们变成永久之后，将在慢性的病态

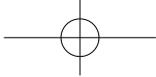


中和在反常的性格解体中被观察到。在最近几十年中，青少年尝试自杀的事件在增长且被较好地记录了下来，这似乎与被广泛报告的同一性扩散是差不多的。

Adolescents who fail to seek identity will experience self-doubt, role diffusion, and role confusion. Such individuals may display a unilateral self-destructive bias or undertake activity of a similar nature. They will continue to morbidly endorse other people's views or become extreme, no longer caring about what others think. They may also quit or turn to drugs or alcohol for self-diffusion and dissipation of personal confusion in order to ease the anxiety caused by role diffusion. When they become permanent, they will be observed in the chronic morbid state and abnormal personality disintegration. Suicide attempts by teenagers have kept increasing and have been well documented in recent decades. This seems to be similar to the widely reported spread of identity.

在儿童成长过程中，儿童保护能够干预最重要的阶段主要是前五个阶段，埃里克森看来，“人的发展是一个生物与社会事件所引起的进化过程，发展中包括成熟和偶然事件所带来的影响。”人的心理发展持续一生，其发展阶段的顺序由遗传决定，但是每一阶段能否顺利度过却是由环境决定的。每一阶段都有其特殊的矛盾冲突，解决这些矛盾的过程也就是儿童心理发展不断社会化的过程。他指出，“后一阶段发展任务的完成依赖于早期任务、冲突的解决。”前一阶段的危机解决后会向下一阶段转化，自我就获得发展。否则，自我的发展就会受到阻碍。总之，“个体解决危机的方式会对个体自我概念、社会见解产生持久性的深刻影响”。

The most important stages of child growth in which child protection can intervene are mainly the first five stages. According to Erikson, "Human development is an evolutionary process caused by biological and social events, and development includes the effects of mature and accidental events." The psychological development of a person is a lifetime process. The sequence of its development stages is hereditary, but the success or failure of each stage depends on the environment. Each stage has its own special contradictions and conflicts. The process of solving these contradictions is also the process of continuous socialization of children's psychological development. He points out that "the completion of development tasks in the following stage depends on the completion of earlier tasks and the resolution of earlier conflicts." After the crisis of the previous stage is resolved, it will evolve, and self-development will occur. Otherwise, self-development will be hindered. In short, "the way individuals solve crises will have a lasting and profound impact on individual self-concept and their insights into society."



(四) 标签理论

(IV) Labeling theory

标签理论是由美国犯罪学家和社会学家塔德温·勒默特和霍华德·贝克尔系统提出的，其理论渊源可以追溯到美国著名社会学家乔治·米德、芝加哥学派的犯罪学家坦南鲍姆。标签理论的主要内容有三个要点：即对以社会界定的视角重释越轨行为的成因、标签的张贴是有选择性的以及越轨行为的养成是一个互动的过程。⁴¹ 在社会学意义上，越轨行为也称离轨行为或偏离行为，是指社会成员（包括社会个体、社会群体、社会组织）偏离或违反现存社会规范的行为。越轨行为有三种类型：违法行为、违警行为、违规行为。⁴²

Labeling Theory was systematically proposed by American criminologists and sociologists Edwin M. Lemert and Howard Becker. Its theoretical origin can be traced back to famous American sociologist George Meade and criminologist Tannenbaum of the Chicago School of criminology. Labeling Theory has three main points to make: reinterpreting the causes of deviant behavior from a socially defined perspective, labeling is selective, and the development of deviant behavior is an interactive process. In sociological terms, deviant behavior is also called aberrant behavior or diverging behavior, which refers to the behavior of members in community (including individuals, groups and organizations) who deviate from or violate existing social norms. There are three types of deviant behavior: illegal behavior, violation of police regulations, and irregular behavior.

1、以社会界定的视角重释越轨行为的成因

1. Reinterpreting the causes of deviant behavior from a socially defined perspective

标签理论认为越轨是由社会造成的，社会情境以及促成某种行为的“社会因素”是越轨行为形成的主要原因。行为本身并无“越轨”的特质，而是人们通过社会规范的界定之后，那些不符合社会规范的行为就成为越轨行为。

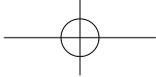
Labeling Theory holds that deviance is caused by society, and social context and “social factors” that contribute to one behavior are at the root of deviance. Behavior itself is not “deviant”.

41 陈彧. 标签理论对社会工作的启示 [J]. 社会工作半月刊 (理论), 2008 (01)

Chen Yu. The Enlightenment of Labeling Theory to Social Work [J]. *Social Work* (theoretical edition), 2008 (01).

42 甘世云. 青少年网络越轨行为的理论阐释及其对策 [J]. 河北青年管理干部学院学报, 2008 (01): 28-30

Gan Shiyun. Theoretical Interpretation of Juvenile Network Deviant Behavior and Countermeasures [J]. *Journal of Hebei Youth Management Cadre College*, 2008(01): 28-30.



It acquires the characteristics of deviance when it does not comply with socially defined norms.

这一理论的基本观点认为；犯罪人是由社会制造的，犯罪人的产生过程，是一个社区对有不良行为的少年给予消极反应，使其对这种消极反应产生认同，从而逐渐走上犯罪道路的互动过程。如，最初有轻微不良行为的少年儿童，由于对社区加给他们的坏名声（消极反应）产生认同而变得越来越坏，产生了与社会成员的期望（他们的本意是要控制少年儿童，防止他们进一步变坏）相反的戏剧性结果。

The basic view of this theory is that criminals are created by society, and the birth of criminals is an interactive process in which the community responds negatively to juvenile delinquency and teenagers identify with this negative reaction and gradually embark on the path of crime. For example, adolescents who initially exhibited minor bad behaviors deteriorate in character after their identification with their bad reputation (negative reaction) imposed by the community. This is a dramatic result contrary to the expectations of members of society (their original intention is to control adolescents and prevent their character from deteriorating).

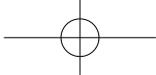
贝克尔 (Howard Becker) 认为，“社会通过创造新的准则而创造了越轨行为。”社会团体制定了规范，并把破坏规范的人界定为越轨行为者，再以标签将他们公开地标示为“越轨者”，从而促使越轨者踏上“越轨生涯”。因此，标签理论认为越轨行为的成因来自于社会反映，越轨行为是在社会建构过程中被有效地界定出来的。

Howard Becker believes that “new norms established in society spawn deviant behavior.” Social organizations establish norms and define those who break the norms as transgressors, openly labeling them as “transgressor” and preparing “a deviant career” for them. Labeling Theory therefore holds that the cause of deviant behavior lies in social reaction, and deviant behavior is effectively defined in the process of social construction.

2、标签的张贴是有选择性的

2. Labeling is selective

关于贴“标签”的过程，勒默特指出；每个人实际上都会在某一时刻、某一地点以一种越轨的方式行事。这类行动中大部分是暂时的、出于好奇微不足道的或易于掩饰的，这种大量存在而未被发现的越轨即所谓原初越轨。原初越轨是未被当局任何人认出，因而也是未受惩罚的越轨。这种越轨是人人具有的。一个歌星或企业家向收税人隐瞒真实收入，一个小孩偶尔受同伴怂恿在集市上偷了一点东西，某中学生出于好奇看了一次“三级片”，



诸如此类的行为都是初发性越轨。

Regarding the process of labeling, Edwin M. Lemert points out that everyone actually acts in a deviant way at a certain time in a certain place. Most of these actions are temporary, trivial or easy to hide. Undiscovered deviance that exists in large quantities is the so-called primary deviance. Primary deviance is not detected by anyone. It's therefore unpunished deviance. This kind of deviance is common to all. Primary deviance occurs when a singer or entrepreneur conceals their real income from the tax collector, a child occasionally steals something on the market at the instigation of his partners, or a middle school student watches a pornographic movie out of curiosity.

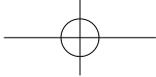
3、越轨行为的养成是一个互动的过程

3. The development of deviant behavior is an interactive process

越轨者从初级越轨 (Primary Deviance) 到次级越轨 (Secondary Deviance), 再到最后的“越轨生涯”是一个互动的过程。这个互动的过程大致分为三个步骤: 第一步是“重要他人”对初级越轨行为的觉察; 第二步是“重要他人”对越轨行为的公布于众并张贴相应的“越轨行为”的标签, 这种标签成为越轨者“最有力的身份”(Master Status), 并且取代了他所有的其它角色; 第三步是越轨者在“贬黜仪式”的被迫接受“镜中我”的“自我形象”, “自行应验的预言”(Self—fulfilling Prophecy), 复发越轨行为, 并加入越轨群体。一旦经历了这三个步骤, 越轨者就无法放弃其越轨的方式, 并由此开始了他的“越轨生涯”(Deviant Career), 即完全接受了越轨亚文化中的越轨认同与生活方式。⁴³ 简言之, 初发性越轨可能不被人觉察, 当事人不会认为自己越轨, 也极少引起别人的看法。但是, 假若这些行为被某些重要的人比如父母亲、朋友、雇主、校长、甚至警察和法庭发现并公布于众, 情况就会发生急剧的变化。犯有过失的人, 更确切地说是那些不幸被发现的初始越轨者, 就不得不面对证人, 通过所谓的“贬黜仪式”而受到指挥、训斥、责骂甚至惩罚。更重要的是, 这个人被别人贴上了“越轨”这一标签, 从而产生新的自我概念, 对别人的看法予以认同, 并且开始做出相应的举动, 表现为复发性越轨。这一标签的被证实, 又使越轨者向习惯性越轨发展。概言之, 一旦某个正常人被打上了“越轨者”的耻辱标记, 他的个人经历就会发生意义重大的变化, 他常常被迫与其他越轨者为伍。结果是, 本来目的是要消除越轨行为的那些惩戒和制裁措施, 却起到了强化越轨行为的消极后果。

43 陈彧. 标签理论对社会工作的启示 [J]. 社会工作下半月 (理论), 2008 (01)

Chen Yu. The Enlightenment of Labeling Theory to Social Work [J]. *Social Work* (theoretical edition), 2008 (01).

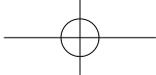


The wrongdoer's transition from Primary Deviance to Secondary Deviance and ultimately to Deviant Career is an interactive process. This interactive process is roughly divided into three stages: At the first stage, "important others" detect primary deviant behavior; at the second stage, important others disclose and label "deviant behavior"—this label indicates the "master status" of the transgressor and replaces all his other roles; at the third stage, the transgressor is forced to accept the "self-image" and "self-fulfilling prophecy" of the "looking-glass self" during the "demotion ceremony"—he relapses into deviant behavior and joins a deviant group. Once the transgressor completes these three stages, he will find it hard to quit his deviant approaches. He starts out on a deviant career, willingly accepting identification with deviance and lifestyle in the deviance subculture. In short, primary deviance may occur unnoticed. The people concerned do not consider themselves deviant and rarely draw criticism from others. However, if these behaviors are discovered and made public by important people such as parents, friends, employers, principals, or even the police and the court of law, things would change dramatically. Those who are guilty of neglect, or more precisely those unfortunate people who are discovered to display primary deviance, will have to face witnesses. They will be commanded, reprimanded, scolded and even punished in the so-called "demotion ceremony." More importantly, this person labeled as "deviant" by others develops a new self-concept, agreeing with others, starting to behave accordingly, and exhibiting recurrent deviant behavior. The confirmation of this label develops habitual deviance in the transgressor. In a word, once the stigma of "deviance" is attached to a normal person, his personal experience will undergo significant changes and he is often forced to associate with other transgressors. As a result, the disciplinary and sanctioning measures originally intended to eliminate deviant behavior come to have the negative effect of reinforcing deviant behavior.

尽管标签理论不能对所有的越轨行为都做出合理解释，而且这种理论忽略了越轨者本人主观上的所作所为，但是不可否认，标签论的独特视角使我们看到了越轨行为形成过程中至关重要的一些环节，尤其重要的是，这种理论指出了人们对越轨者的认定和处理过程中混杂了社会和执法者的偏见，并使一些人成了这种偏见的受害者。⁴⁴

Although Labeling Theory cannot adequately explain all deviant behaviors and it ignores the subjective behavior of the transgressor himself, there is no denying the fact that the unique perspective of Labeling Theory enables us to see some crucial links in the development of deviant behaviors. What's

44 黄汀. 从标签理论反思大学生思想政治工作方式 [J]. 云梦学刊 (岳阳),2007(5):89-92
Huang Ting. Rethinking Approaches to Ideological and Political Education of College Students from the Perspective of Labeling Theory [J]. Journal of Yunmeng (Yueyang), 2007(5):89-92.



more, this theory points out that the identification and handling of deviant behaviors are influenced by the prejudices of society and law enforcers, to which some have fallen victim.

对于受暴儿童，尤其是遭受性侵害的儿童而言，其在本身受到的伤害之外，还往往会遭受社会不公正待遇，外界往往会给其贴上标签，甚至有部分群体还会受到道德批判。消除社会标签，给孩子一个健康发展的环境，是儿童用保护工作的重要任务。

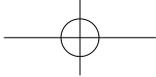
Children who are victims of violence, especially sexual abuse, often suffer from social injustice in addition to the harm they have suffered. The public often labels them, and some groups are even subject to the criticism of moral defenders. Removing social labels and giving children a healthy development environment are important tasks in child protection.

(五) 社会认知理论

(V) Social cognitive theory

社会认知是一个复杂的且需要从多方面去考虑的概念，这已被许多心理学家所接受。社会认知理论产生了如同情、无私、自我中心主义、自我认识、角色承担、社会能力以及社会规则和规范等构想。它不能被认为是一个单一的理论或一个可以准确界定的概念范畴。相反，社会认知最恰当的理解是一个由微型理论、构想和子模型组成的具有多样性的组合。这些微型理论、构想和子模型各自追求独立的目标，强调不同的或至少是独立的取向且依据不同的方法论。社会认知理论是对几种趋向的整合，结合并嫁接了从认知与道德发展理论中以及从所累积的社会总发展的经验性知识中所获得的深刻见解。

Many psychologists accept that social cognition is a complex concept that needs to be considered from many aspects. Social Cognitive Theory has produced such ideas as sympathy, selflessness, egocentrism, self-awareness, role commitment, social ability, and social rules and norms. It cannot be regarded as a single theory or a conceptual category that can be accurately defined. On the contrary, social cognition is most appropriately understood as a diversified combination of micro-theories, ideas and sub-models. Each of these micro-theories, ideas and sub-models pursues an independent goal, emphasizing different or at least independent orientations and relying on different methodologies. Social Cognitive Theory is an integration of several trends, combining and grafting profound insights gained from cognitive and moral development theories and accumulated empirical knowledge of overall social development.



社会认知理论主要来源于皮亚杰的认知发展理论、劳伦斯·科尔伯格的道德判断理论以及班杜拉的社会学习理论。在对儿童保护相关理论整理的过程中，我们发现社会认知理论的前沿论述有助于我们更好地了解儿童认知发展的一般性规律，囿于篇幅和理论的深浅程度，我们将对这些理论按照发展沿革和理论渊源进行适当篇幅的论述和整理。

Social Cognitive Theory is mainly derived from Piaget's Cognitive Development Theory, Lawrence Kohlberg's Moral Judgment Theory, Robert Selman's Interpersonal Understanding Theory and Bandura's Social Learning Theory. While sorting out the theories related to child protection, we find that the leading-edge discussions of Social Cognitive Theory can help us better understand the general laws of children's cognitive development. Considering the limited length of this part and the gap between the difficulties of theories, we will devote an amount of space to the discussion and organization of these theories that appropriately suits their development history and theoretical origins.

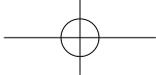
1、劳伦斯·科尔伯格的道德判断理论

2. Lawrence Kohlberg's Moral Judgment Theory

儿童的道德批判理论最早由皮亚杰在《儿童的道德判断》一书中提出，认为儿童道德判断的发展与认知的发展遵循着相同的模式，道德判断总是以认知发展到一定的水平为基础。道德推理的发展依赖于诸如此类的认知技能：对现实的理解，对经历的组合与评价，理解和接受他人观点的能力，以及青春期的抽象思维能力。囿于篇幅，我们不在这里过多介绍皮亚杰在此间所做的诸多贡献，将焦点转向与皮亚杰在道德判断研究领域齐名的科尔伯格。

The theory of children's moral criticism was first proposed by Piaget in Children's Moral Judgment. It holds that the development of children's moral judgment follows the same pattern that the development of cognition follows. Moral judgment is always based on the certain development of cognition. The development of moral reasoning depends on such cognitive skills as the understanding of reality, the combination and evaluation of experiences, the ability to understand and accept the views of others, and the ability to do abstract thinking in adolescence. For lack of space, we will not bother to talk about Piaget's many contributions here. Instead, we will focus on Kohlberg, who is as famous as Piaget in research on moral judgment.

通过哲学根基的构建，再加上受到皮亚杰道德发展的认知发展性探究的启发，科尔伯格和他的同事通过纵向的、跨文化的、社会阶层的以及教育的研究来拓展结构认知法。从



这些研究发现中，比皮亚杰的理论更具包容性更为系统化的道德判断理论诞生了。

Inspired by Piaget's explorations of cognitive development in moral development, Kohlberg and his colleagues expanded the structural cognitive approach through longitudinal, cross-cultural, social and educational research on a theoretical basis. A moral judgment theory that is more inclusive and systematic than that of Piaget is born in these academic endeavors.

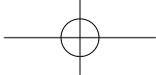
科尔伯格的理论区分了道德发展的三个基本水平：前规范或前道德水平，规范或道德水平，以及后规范和自觉水平。道德发展始于年幼的孩子表现为难以区分、自私自利、以自我为中心。随着个体经历了一系列的顺序阶段的道德思考，道德发展不断成熟，水平越来越高，则渐渐以社会为中心在一些个体中，道德判断有可能既考虑到普世价值又考虑到正义的伦理原则。科尔伯格又把每一个基本水平细化为两个段，从而创造出一个高度区分且详细说明的道德发展六阶段理论。每一个道德推理阶段都呈现出一种独特的道德哲学，这种道德哲学可以应用于教育、社会组织和政治组织甚至对处于不同道德判断阶段的成年人而言，也可作为道德取向的类型。

Kohlberg's theory distinguishes between three basic levels of moral development: pre-norm or pre-moral level, standard or moral level, and post-norm or self-conscious level. Moral development begins in early childhood. It is characterized by being indistinguishable, selfish, and self-centered. As individuals experience a series of sequential moral thinking, moral development matures. In some individuals, it becomes society-centered, considering both universal values and the ethical principle of justice. Kohlberg further divides each basic level into two segments, creating a highly differentiated and detailed theory of six-stage moral development. Each stage of moral reasoning develops a unique moral philosophy, which can be applied to education, social organizations and political organizations. It can even serve as a type of moral orientation for adults in different stages of moral judgment.

(1) 水平一：道德推理的前规范或前道德水平

(1) Level 1: The pre-norm or pre-moral level of moral reasoning

这个水平在儿童时期最为普遍，关注的是某一行为给自身带来的外在具体的结果。它通常包含年龄为 4—10 岁的儿童，但是部分青少年甚至成年人也会有这种特征。处于该水平的孩子，依据社会参照群体定义的“善”和“恶”作出反应。虽然这些孩子常常表现良好，但他们的道德架构却依旧处于未开发和未区分状态。事实上，前规范水平孩子道德判断中的推理不同于进步到较高水平的孩子，道德抉择主要都是以自我为中心的、贪图享乐的以



及建立在谋求自我利益、畏惧惩罚、渴望奖励或谋求物质利益的基础之上的。

This level is most common in childhood, focusing on the specific external results brought about by a certain behavior. It usually occurs in children aged 4-10, but some teenagers and even adults also display this characteristic. Children at this level respond by the “good” and “bad” standards defined by reference social groups. Although these children often perform well, their moral framework still remains in an undeveloped and undifferentiated state. In fact, the moral judgment reasoning in children at the pre-norm level is different from that of children who have advanced to a higher level. Moral choices are mainly self-centered, pleasure-seeking and based on the pursuit of self-interest, fear of punishment, desire for rewards or the quest for material benefits.

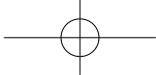
水平一，阶段 1：他律道德

Stage 1 of Level 1: heteronomous morality

这是道德推理的最低水平，听从指令的主要动机是避免惩罚和获得奖励。“好”和“坏”是通过遵从还是违背权威与规则来界定的。最初，事实上，科尔伯格称这个阶段为“服从和惩罚倾向”阶段。这些孩子的意识建立在对惩罚怀有的原始的、自我的恐惧的基础之上。阶段 1 的孩子明显表现出对强大力量的屈从并极力避免惹上麻烦。他们不明白人类价值和人类生活，他们凭他人所能提供的利益、物质贡献或者他人的社会地位来评价一个人。例如你应该听爸爸的话，因为他是大人，或者为了挽救重要人的生命，你应该去行窃。孩子评价“对”或“错”的依据，行为所造成的具体物质损失，而不是行为的潜在动机。

This is the lowest level of moral reasoning. The main motivation for obeying instructions is to avoid punishment and get rewards. “Good” and “Bad” are defined by obeying or violating authority and rules. In fact, Kohlberg initially called this the “obedience and punishment tendency” stage. These children’s consciousness is based on their primitive, inborn fear of punishment. Children in Stage 1 exhibit obvious submission to powerful forces and try to avoid trouble. They do not understand human values and human life. They judge a person by the benefits, material contributions or social status of others. For example, you should listen to your father because he is an adult, or in order to save the lives of important people, you can steal. The basis on which children make judgments as to what is “right” and what is “wrong” is the specific material loss caused by behavior rather than the potential motivation for the behavior.

水平一，阶段 2：个人主义、工具性道德



Stage 2 of Level 1: individualism and instrumental morality

在此阶段，孩子能够区分物质上的损失和心理上的动机。然而，他们依旧把个人需求同他们所认为的是非对错相混淆。阶段 2 反映的是享乐取向。道德上正确的行为，取决于个人欲望的满足。因此这个阶段使得个人难以在相冲突的观点中加以抉择，也难以确立优先项。利用他人获取所想要的奖赏，成为了主要的动。例如为得到尽可能多的礼物，在节日来临前表现得好一点。互惠的理念也开始出现。最后，在某些环境下，当对自身有利时，他人的需求也列入考虑的范围。互惠依赖于权力和喜好的互换，而不是处于对忠诚和正义的考虑。这种主流哲学似乎就是：“你给我挠背，我就给你挠背。”公平、互惠、互享确实存在，但仅仅存在于实用和功利的条件下。处于阶段 2 的研究主体并不足以使他们的思维脱离自我为中心，从而不能客观地考虑他人的处境。

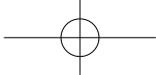
At this stage, children can distinguish material loss from psychological motives. However, they still confuse their personal needs with what they think is right or wrong. Stage 2 reflects the orientation towards hedonism. Whether it's morally correct depends on the satisfaction of individual desires. This stage therefore makes it difficult for individuals to make a choice among conflicting perspectives and to establish priorities. Obtaining the desired reward by using others has become the main motive, children who behave better than before prior to a festival to get as many gifts as possible, for example. The concept of reciprocity also begins to emerge. Finally, when it is beneficial to oneself in some circumstances, the needs of others are also taken into account. Reciprocity depends on the exchange of power and preferences, rather than considerations of loyalty and justice. This mainstream philosophy seems to be at the root of “if you scratch my back, I will scratch yours.” Fairness, reciprocity and mutual benefit do exist—only out of consideration for practicality and utilitarianism. The research subjects in Stage 2 are unable to break away from self-centeredness. As a result, they cannot objectively consider the situation that others are in.

(2) 水平二：规范或道德水平

(2) Level 2: standard or moral level

在此阶段，孩子开始去关注外在社会期望的满足。孩子的道德取向，建立在接受已有的社会秩序和清楚地认识他人权利的基础之上。科尔伯格把该阶段的孩子描述为：顺从社会规范，强烈要求维持、支持和合理化已有社会秩序。

Children at this stage begin to care about external social expectations. Children's moral orientation is based on the acceptance of the existing social order and a clear understanding of the



rights of others. According to Kohlberg, children at this stage follow social norms and demand to maintain, support and rationalize the existing social order.

水平二，阶段 3：人际间的规范道德

Stage 3 of Level 2: interpersonal ethics

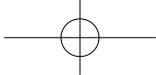
该阶段处于规范水平，以社会为中心的取向替代了以自我为中心的取向：这是一个基础性的方向转变。科尔伯格称阶段 3 为“乖孩子”阶段，即道德发展中的“寻求认可”倾向。黄金法则“己所不欲，勿施于人”常常成为道德判断的准则。他们能够区分需求与道德，但对区分社会认可和是非对错仍感到困惑。不辜负他人的期望变得比“善”本身更重要。良好的行为变成了那些能取悦或帮助他人的行为。而孩子表现良好不是因为他做了应该做的事，而是因为赢得了他人的认可。由于这个时候道德是由个人与社会群体之间的纽带来界定的，如果从重要的人那里赢得了认可，他所做的行为就是对的，反之，就是错的。

This stage is at the standard level where the society-centered orientation has replaced the self-centered orientation. This is a fundamental change of direction. Kohlberg terms Stage 3 the “Good Boy” Stage where children show the tendency towards “seeking approval” in moral development. The golden rule “Do not do to others what you do not want to do to yourself” often becomes the criterion of moral judgment. They can distinguish between needs and morality but are confused about the distinction between social recognition and the criterion for “right” and “wrong”. To live up to the expectations of others becomes more important than “goodness” itself. Good behaviors become those that please or help others. The reason that a child behaves well is not because he has done what he should do, but because he has won the approval of others. What one does is considered right if it is approved by important people; otherwise, it is considered wrong since morality is defined by the ties between individuals and social groups at this stage.

水平二，阶段 4：社会系统道德

Stage 4 of Level 2: social system morality

阶段 4 的道德特征是高度信任法律、规则、责任和合法权威。个体视已有社会秩序为重要的价值。道德规范和对职责的关注与情感认同区分开来。然而阶段 4 的正义原则不是抽象的，而是具体的。如“你不应该...”。个体服从并尊重法律来避免合法权威的惩罚。个体也认识到他人拥有合法权利，触犯法律便会产生罪恶感。因此，无论是自身的罪恶感还是对合法审查的畏惧，都可以激发道德行为。该阶段的道德取向包括信任既存权威、遵守



法律、履行义务、尊重权威以及不惜一切代价维护社会秩序。

Morality at Stage 4 is characterized by a high degree of trust in law, rules, responsibilities and legitimate authority. Individuals regard the existing social order as an important value. Morality rules and attention to duties are distinguished from emotional identification. However, the principle of justice in Stage 4 is concrete. For example, “You shouldn’t have...” Individuals obey and respect the law to avoid punishment by legal authority. Individuals also realize that other people have legal rights and will feel guilty if they violate the law. Therefore, both the sense of guilt and the fear of legal censorship can stimulate moral behavior. The moral orientation at this stage includes trusting existing authority, abiding by laws, fulfilling obligations, respecting authority and maintaining social order at all costs.

(3) 水平三：后规范或自觉水平

(3) Level 3: Post-norm or self-conscious level

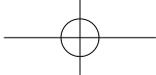
自觉的个体认为最重要的关注点是自择的道德原则。在此高级水平，解决道德问题的方法，不再建立在自利需求的基础上，也不再顺从他人或社会结构，而是依靠自决、普世的正义原则。这种原则的有效性甚至超越了既存的法律、社会规范或个人的社会参照群体。在道德推理的最高水平，道德判断和道德行为两者之间比前几个水平都更具内在相称性。

Self-conscious individuals believe that their most important concern is the moral principle of self-choice. At this high level, the methods to solve moral problems are no longer based on self-interest, nor are they subject to others or social structures. They rely on the principle of self-determination and universal justice. The validity of this principle even surpasses existing laws, social norms or individuals’ social reference groups. Moral judgment and moral behavior at the highest level of moral reasoning are more intrinsically proportional than the previous levels.

水平三，阶段 5：人权与社会福利道德

Stage 5 of Level 3: human rights and social welfare ethics

该规范水平道德推理依据的是基石性原则，如个人权利、平等、人的尊严、契约性同意以及相互责任。科尔伯格称这个阶段为道德思考的原则阶段—以形式能力、抽象能力、运演思考能力为基础。道德行为反映了对较大社会群体福利的关注和对社会尊重的渴望。个体相信法律应该保护人权、服务于较大社会群体，所以必须改变不平等或不公平的法律。约束行为的法律、法则，仅仅是共同认可的社会契约，法律自身并不是“善”。与处于阶



段 4 的个体相反，后规范思维者认为法律是可以修订的，并且是为了改变自身而存在的，只要这些改变反映共识且遵社会效用的理性思考和商议。

Moral reasoning at this norm level is based on generally accepted principles such as individual rights, equality, human dignity, contractual consent and mutual responsibility. Kohlberg calls this stage the principled stage of moral thinking —based on formal ability, abstract ability and operational thinking ability. Moral behavior reflects the concern for the welfare of large social groups and the desire for social respect. Individuals believe that laws should protect human rights and serve large social groups. Therefore, unequal or unfair laws must be amended. The laws and regulations governing behavior are just mutually recognized social contracts. The law itself does not represent “goodness”. Contrary to the individuals in Stage 4, post-norm thinkers believe that laws can be revised and exist for the purpose of change, as long as these changes reflect consensus and follow rational thinking and deliberation on social utility.

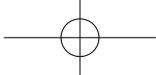
水平三，阶段 6：普世道德、可逆道德和规范性的普遍道德原则

Stage 6 of Level 3: universal morality, reversible morality and normative universal moral principles

在此最具有原则性的道德推理阶段，道德呈现为一种意识，这种意识奠基在自择的伦理原则上，这些原则是生命、平等和尊严的最高价值。规则的约束力只局限于规则反映伦理原则的范围内。触犯了这些伦理原则的规则必须被废止并甘愿接受惩罚。阶段 6 的正义概念超越了任一特定的既存的社会规则。阶段 6 的研究主体的伦理原则，以持续性、逻辑综合性和普遍性为原则。

In this most principled stage of moral reasoning, morality is shown as a consciousness based on self-selected ethical principles which safeguard life, equality and dignity. Rules are valid only when they reflect ethical principles. Rules that violate these ethical principles must be abolished and be willing to accept punishment. The concept of justice in Stage 6 goes beyond any particular existing social rule. The ethical principles of the research subjects in Stage 6 must feature continuity, logical comprehensiveness and universality.

受普遍伦理原则统治的个体可能会践行“公民抵抗”，不是出于对法律的不尊重，而是出于对高于既存法律的道德尊重。不公平的法律将会被废止，因为阶段 6 的道德不是以合法性为基准，而是以正义的伦理原则和对个人权利的尊重为基准。当践行“公民抵抗”时，个体甘愿接受惩罚，从而向社会表明正义原则、人权和人的尊严比法律更为重要。例如曼



德拉、马丁路德金、五四运动

Individuals governed by universal ethical principles may practice “civil resistance”, not out of disrespect for the law, but out of respect for morality that is higher than existing laws. Unfair laws will be abolished because morality at Stage 6 is not based on legality, but on just ethical principles and respect for individual rights. When practicing “civil resistance”, individuals are willing to accept punishment, demonstrating that the principle of justice, human rights and human dignity are more important than the law, Mandela, Martin Luther King and the May 4th Movement, for example.

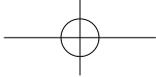
科尔伯格的道德批判理论被广泛地应用于学校教育之中，尤其是思政教育。他认为，学校比法律和政府更能体现价值中立，即教会孩子如何更好地道德生活。公立教育具有发展正义理念的使命，学校开展无形的道德课程，即体现在教师形形色色的奖励和惩罚行为之中。学生学会了讲礼貌、勤洗手、不打扰邻居、不打架斗殴。这些潜藏的何种行为会受到奖励、何种行为会受到处罚的道德假设实际已经存在于教师的潜意识中，甚至教师自己也没有意识到这种行为对明确的道德价值所具有的巩固功能。因此，学校的道德教育关键在于教师如何鼓励孩子去践行美德，更多的是以身作则。

Kohlberg’s theory of moral criticism is widely used in school education, especially ideological and political education. He believes that schools are more value-neutral than laws and governments—they teach children how to live a better moral life. Public education must undertake the mission of developing the concept of justice. Schools should offer intangible moral courses—the various rewards and punishments that teachers receive. Students learn to be polite, wash their hands, do not disturb their neighbors, and do not exchange blows. The ethical assumption as to which of these hidden behaviors will be rewarded and which will be punished actually exists in the teacher’s subconscious. Sometimes even teachers will fail to notice that such behaviors can underpin specific moral values. Therefore, the key to moral education in schools lies in how teachers encourage their children to practice virtue. More importantly, they should live what they teach.

2、班杜拉的社会学习理论

4. Bandura’s social learning theory

社会学习理论由一系列的理论构成，其中有赫尔的驱动减少理论，斯金纳的加强理论，弗洛伊德的精神分析理论。社会学习理论致力于整合这些不同的观点，将精神分析理论与



行为主义理论相结合。模仿、示范、观察学习，尤其是双向影响的理论（从服务到孩子，也从孩子到父母）成为了社会学习理论的基石。班杜拉认为，从婴儿到成人的改变是一个动态的过程，社会行为分析方法不仅可以分析儿童、同样可以分析青少年以及成人。在他看来，儿童、青少年以及成人之间没有什么根本不同。社会学习理论以其对儿童和青少年发展的独特贡献，是在过去四五十年里最为常用的一种发展理论。

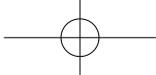
Social Learning Theory consists of a series of theories, including Hull's theory of drive reduction, Skinner's theory of reinforcement and Freud's theory of psychoanalysis. Social Learning Theory strives to integrate these different viewpoints, combining the theory of psychoanalysis with behaviorism theory. Imitation, demonstration, observational learning, and especially the theory of two-way influence (from service to children and from children to parents) have become the cornerstone of social learning theory. Bandura believes that the change from baby to adult is a dynamic process. The methods of social behavior analysis can be applied to not only children, but also teenagers and adults. In his view, there is no fundamental difference between children, teenagers and adults. Social Learning Theory, with its unique contribution to the development of children and adolescents, is one of the most commonly used development theories in the past forty or fifty years.

(1) 社会认知理论的主要原则

(1) The main principles of Social Cognitive Theory

社会影响可以呈现不同的形式：示范、观察模范模仿、替代性强化和实际性强化、惩罚，而且内在自我管理功能和认知过程的重要性也越来越受重视。社会学习理论不再使用发展阶段或者是年龄相关变化的概念。它已经正如名称所暗示，更多的是“学习理论”而非“发展理论”。它详细地阐述了些社会认知理论的主要原则，这些原则用来描述行为的决定因素。这些原则同样适用于小孩、青少年和成人的发展。不同年龄段只会在社会期望、社会压力、同龄示范和其他社会因素对他们有不同影响的情况下行为举止有所不同。

Social influence can take different forms: demonstration, observational imitation of the model, alternative and actual reinforcement, and punishment. The importance of internal self-management functions and cognitive processes are receiving ever-increasing attention. Social Learning Theory no longer applies the concept of development stages or age-related changes. As the name implies, it is more a “learning theory” than a “development theory”. It elaborates in detail the main principles of Social Cognitive Theory, which are used to describe the determinants of behavior. These principles also apply to the development of children, teenagers and adults.



The behaviors of different age groups will only show difference when social expectations, social pressures, peer demonstrations and other social factors have effects on them.

a. 替代性强化学习

a. Alternative intensive learning

替代性强化学习是一种观察学习的过程，行为主义认为学习反应模式保持取决于直接外在的强化，社会学习理论提出替代性强化，认为替代性强化不取决于观察者的行动，而是取决于从模仿中观察到的积极的或者消极的结果。从社会学习理论的角度来看，大众媒体为青少年提供了丰富的替代性学习经历，而在这其中青少年只能作为被动的观察者。

Alternative intensive learning is a process of observational learning. Behaviorism holds that the maintenance of learning response model depends on direct external reinforcement. Social Learning Theory puts forward alternative reinforcement. It holds that alternative reinforcement does not depend on the actions of observers, but on positive or negative results observed in imitation. From the perspective of Social Learning Theory, mass media provide teenagers with rich alternative learning experiences, in which teenagers can only act as passive observers.

观察学习分为四个过程：注意过程、保持过程、行为再现过程、动机过程。

Observational learning is divided into four processes: attention process, retention process, behavior reproduction process and motivation process.

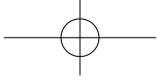
(3) 自我管理能力、自我反思能力、自我效能以及自我强化

(3) Self-management ability, self-reflection ability, self-efficacy and self-reinforcement

1) 自我管理能力

1) Self-management ability

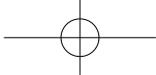
在童年的早期，孩子们的社会化进程通过父母的示范、解释和介绍而被引导。随着这个进程的发展，这些外部的控制逐渐被内在的控制所取代，所以随着时间的发展，个人在达到青春期的时候会发展出自我管理能力。自我管理能力包括设定目标时的自我要求，实现目标过程中的自我激发和自我指导，在评估错误、缺点、困难时的自我评价。自我管理意味着个体可以通过外部世界的暗示和反馈，以及内在的认知和评估管理自己的行为。



Children's socialization process in early childhood is guided by parents' demonstration, explanation and introduction. With the development of this process, these external controls

阶段	年龄	冲突	人格发展任务	发展障碍者的心理特征
婴儿期	0-18个月左右	基本的信任感对基本的不信任感	发展信任感，克服不信任感	面对新环境时会焦虑不安
儿童早期	18个月到3岁	自主对羞怯与怀疑	培养自主感，克服羞怯与怀疑	缺乏信心，行动畏首畏尾
学前期	3~6岁	主动对内疚	培养主动感，克服内疚感	畏惧退缩，缺少自我价值感
学龄期	6~12岁	勤奋对自卑感	培养勤奋感，克服自卑感	缺乏生活基本能力，充满失败感
青年期	12~18岁	同一性对角色混乱	建立同一性，防止角色混乱	生活无目的、无方向感，时而感到彷徨迷失
成年早期	18~24岁	亲密对孤独	发展亲密感，避免孤独感	与社会疏离时感到寂寞孤独
成年中期	24~50岁	繁殖感对停滞感	获得繁殖感，避免停滞感	不关心别人与社会，缺少生活意义
成年晚期	50岁以后	完善对绝望	获得完善感，避免绝望与沮丧	悔恨旧事，徒呼负负

Stage	Age	Conflict	Personality Development Task	Psychological Characteristics of People with Developmental Disabilities
Infancy	0-18 months or so	Basic trust vs. basic mistrust	Develop trust and overcome mistrust	Anxious when in a new environment
Early childhood	18 months-3 years old	Autonomy vs. shyness and doubt	Develop a sense of autonomy and overcome shyness and doubt	Lack of confidence and timidity in actions
Preschool period	3-6 years old	Initiative vs. guilt	Develop a sense of initiative and overcome guilt	Fear and withdrawal, lack of sense of self-worth
School age	6-12 years old	Diligence vs. inferiority complex	Cultivate a sense of diligence and overcome inferiority complex	Lack of basic life skills, a sense of failure
Adolescence	12-18 years old	Identity vs. role confusion	Establish identity to prevent role confusion	Life is aimless and without a purpose; sometimes feel lost
Early adulthood	18-24 years old	Intimacy vs. loneliness	Develop intimacy and avoid loneliness	Feel lonely when alienated from society
Middle adulthood	24-50 years old	Reproduction vs. stagnation	Get a sense of reproduction and avoid stagnation	Lack of concern for others and society; meaningless life
Late adulthood	50 years old and above	Perfection vs. despair	Get a sense of perfection and avoid despair and frustration	Remorse for things past in vain



are gradually replaced by internal controls. With the lapse of time, individuals develop self-management ability when reaching puberty. Self-management ability includes requirements for goal setting, self-motivation and self-guidance in the process of achieving goals, and self-evaluation in the assessment of errors, shortcomings and difficulties. Self-management ability means that individuals can manage their own behaviors through the hints and feedback from the outside world, as well as internal cognition and evaluation.

2) 自我反思能力

2) Self-reflection ability

青少年通过考虑“如果”怎么样，将会怎么样去规范他们的行为，青少年能够想象到各种结局和后果，“如果我做……那么就有可能发生……”而并不需要他们直接去尝试。对有潜在危险或可预见危险的行为比如超速行驶、无保护的滥交、滥用药物或酗酒等而言，这就显得非常重要。

Teenagers regulate their behavior by considering consequences in certain circumstances. Teenagers can imagine all kinds of outcomes and consequences. They ask the question of “if I ... then ...” and do not try personally. This is very important for behaviors with potential or foreseeable risks such as speeding, unprotected promiscuity, drug abuse or alcohol abuse.

3) 自我效能

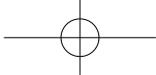
3) Self-efficacy

自我效能可以被定义为自己在做某事或学习新事物中的自信（或缺乏自信）。“自我效能信念决定人们如何感受、思考、激发自己及采取行动”，当个体遭遇障碍时，自我效能概念就决定他们将作出何种选择、他们的努力与坚持程度等。

Self-efficacy can be defined as self-confidence (or lack of self-confidence) in doing something or learning something new. “Self-efficacy beliefs determine how people feel, think, motivate themselves and take actions.” When individuals encounter obstacles, the concept of self-efficacy determines their choices, efforts, degree of persistence, etc.

4) 自我强化

4) Self-reinforcement



自我强化意味着如果认为自己高质量地完成了工作，学习者就会实际地奖赏自己。如果青少年干得不错，就可以教导他们用正面回馈（自豪、满意、成功感等）去奖励他们自己；如果工作做得很糟糕，就可以教导他们用负面情感（沮丧、羞耻等）惩罚自己。成熟的青少年要能够对自己良好的工作表现满意——即提供自我强化——尽管严格的老师或性急的父亲可能会挑三拣四。

Self-reinforcement means that learners will actually reward themselves if they think they have done a good job. If teenagers do well, they can be taught to reward themselves with positive feedback (pride, satisfaction, sense of success, etc.); if the work is badly done, they can be taught to punish themselves with negative emotions (depression, shame, etc.). Mature teenagers should be able to be satisfied with their good performance—that is, to provide self-reinforcement—although strict teachers or impatient fathers may be choosy.

二、个案管理的相关理论

II. Theories of Case Management

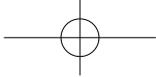
本节的主要设计是将个案管理的两大理论生态系统理论与社会支持网络理论进行介绍，尤其是前者生态系统理论对儿童保护过程中所涉及到的各类支持系统和资源进行了整合，在社会支持网络理论的补充下将更好地指导儿童保护工作者的个案管理实际应用。社会资本理论是社会支持网络理论中的一个分支理论，社会资本的概念及其理论框架同样对个案管理工作提供了理论支持，因此一并介绍。

The main task of this section is to introduce the two major theories on case management: ecosystem theory and social support network theory. Ecosystem theory integrates all kinds of support systems and resources involved in child protection and, with the support of social support network theory, can better guide the practical case management of child protection workers. Social capital theory is a branch of social support network theory. The concept of social capital and its theoretical framework also provide theoretical support for case management, so both are introduced here.

（一）生态系统理论

(I) Ecosystems theory

生态系统理论（ecosystems theory）是在生态学与系统理论上整合发展起来的，用以考察人类行为与社会环境交互关系的综合性理论，该理论把人类成长生存于其中的社



会环境（如家庭、机构、团体、社区等）看作是一种社会性的生态系统，强调生态环境（人的生存系统）对于分析和理解人类行为的重要性，注重人与环境间各系统的相互作用及其对人类行为的重大影响，它注重把人放在环境系统中加以考察，注意描述人的生态系统如何同人相互作用并影响人的行为揭示了家庭、社会系统对于个人成长的重要影响。

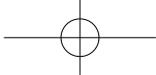
Ecosystems Theory is a comprehensive theory developed on the basis of ecology and systems theory to examine the interaction between human behavior and the social environment. The theory regards the social environment (such as family, institution, group, community, etc.) in which human growth takes place as a social ecosystem and emphasizes the importance of the ecological environment (human survival system) to analyzing and understanding human behavior. It's concerned with the interaction between human beings and various systems in the environment and their great influence on human behavior. It places human beings in the environmental system before investigating them and describes how human ecosystems interact with human beings and influence human behavior, revealing the important influence of family and social systems on personal growth.

1、尤瑞·布朗芬布伦纳的人类发展生态学视角

1. Urie Bronfenbrenner's ecological perspective on human development

生态系统的代表人物之一尤瑞·布朗芬布伦纳通过明确四个主要的生态环境水平或系统，他对环境进行了定义，而这四项构成了一个包含相辅相成、动态变化的内嵌结构模型。这些内嵌结构的概念名称是：微系统（Micro-system）、中系统（Meso-system）、外系统（Exo-system）以及宏系统（Macro-system）。四者从近到远彼此包含，像俄罗斯套娃一样能够嵌入彼此。这些结构系统在本质上是相互作用的，各自发挥影响力的类型也是相互的。婴儿只能意识到他或她的直接环境，即微系统。青少年已经掌握如上能力，能够在直接的个人体验之外进行推理，并能够考虑到“原则”和“理想”，外系统和宏系统也就随之变得越来越重要。

Urie Bronfenbrenner, one of the representatives of the ecosystems theory, defines the environment by defining the four main levels or systems of the ecological environment, which constitute an embedded structural model with complementary and dynamic changes. The names of these embedded structures are: Micro-system, Meso-system, Exo-system and Macro-system. The four can be embedded in each other, just like matryoshka dolls. These structural systems are interactive in nature, and their influences are also mutual. A baby can only be aware of his or her



immediate environment, the microsystem. Teenagers have acquired the above abilities. They can reason beyond direct personal experience and take into account “principles” and “ideals”. As a result, external systems and macro systems become more and more important.

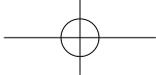
(1) 微系统

(1) Micro-system

尤瑞·布朗芬布伦纳认为，微系统是最密切关的社会环境背景和最直接接触的物理环境背景，微系统是发展中的个人在特定的面对面的背景环境中，所经历的一种关于活动、角色及人际关系的模式。具体而言，微系统的例子有，首先是家庭和家人，然后是操场、学校、同龄人群体、夏令营等。对中国的现实来说，青少年在学校的更长时间。更详尽来看，一个儿童的微系统中包括人际关系中熟悉、亲密的社交网络，而人际关系中包含面对面的直接交互作用。它们发生在那些与儿童保持着长期关系或对儿童的生活具有影响力的人们身上。

Urie Bronfenbrenner believes that microsystems are the most closely related social background and the most direct physical background. Microsystems are a model of activities, roles and interpersonal relationships experienced by developing individuals in a specific face-to-face background. Specifically, microsystems include family, playgrounds, schools, peer groups, summer camps, etc. In China, teenagers spend more time in school. More specifically, a child's microsystem includes familiar and intimate social networks in interpersonal relationships, and interpersonal relationships include direct face-to-face interactions. They exist in people who have long-term relationships with children or have influence on their lives.

微系统处于永恒的变化状态中，毕竟每个人的年龄不断增长，更何况不断变化的生活体验对个人有着持续影响。然而，从生态学视角来看，这些变化不仅仅值得研究儿童的成熟和发展，意味着与儿童相互影响的其他人（父母、同龄人、老师等）的重要转变以及构成儿童微系统的具体环境的转变。个人可能搬入或搬离重要的环境背景和社会背景，比如搬家、转学；而且，随着儿童加入运动队或参与兴趣活动，某个微系统的重要性就会减弱或增强。此外，儿童也因为发展机能和社会环境相互影响的作用而不断变化着。青春期间的同龄人微系统变得各不相同、更有影响力，并能在地位、声望、友谊、受欢迎程度、被接受程度方面提供更大社会回报。然而，同龄人系统也能通过鼓励或推崇不利行为带来极大的消极影响，这些不利行为包括欺骗、偷窃、吸烟、饮酒、吸毒及不负责任的性行为。有利健康的微系统形成的基础是互惠关系，家长对儿童提出合理要求的同时，儿童从履行



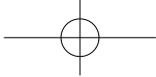
家长这些合理要求当中获益，以家长 - 儿童关系为例，当互惠关系被打破，微系统的质量会下降，这就导致出现信息差、探索难的微系统与之相反，如果微系统中信息量充分，它就能够通过提供机会来强化学习和发展，能为这些机会提出并解答问题、鼓励探索与试验并提供指引。

Microsystems are in an eternal state of change. After all, everyone grows. What's more, changing life experiences have a continuous impact on individuals. However, from the perspective of ecology, these changes are not only useful for studying the maturity and development of children, but also mean the important changes of other people (parents, peers, teachers, etc.) who interact with children and the changes in the specific environment that make up children's microsystem. Individuals may move into or out of important environments and societies, such as moving and transferring schools. Moreover, as children join sports teams or develop interest in activities, the importance of a microsystem will be weakened or enhanced. In addition, children are constantly changing due to the interaction between development function and the social environment. During puberty, the microsystems of peers become different and more influential, and can yield greater social returns in terms of status, prestige, friendship, popularity and acceptance. However, peer systems can also cause great negative effects by encouraging or praising unfavorable behaviors such as cheating, stealing, smoking, drinking, drug abuse and irresponsible sexual behaviors. Reciprocal relationships are the basis of healthy microsystems. While parents make reasonable demands on children, children benefit from fulfilling these reasonable demands. Take for example the parent-child relationship, when reciprocal relationships are broken, the quality of microsystems will decline, which leads to poorly informed microsystems that are difficult to explore. On the contrary, if there is sufficient information in microsystems, it can provide opportunities to strengthen learning and development, raise and answer questions, encourage exploration and testing, and provide guidance for these opportunities.

(2) 中系统

(2) Meso-system

交互影响的许多微系统构成中系统。生态学角度的基本假设为：一个人某一微系统中发生的事件与他或她所在的其他微系统中发生的事件相互关联并相互影响。中系统指个体所处的两个或以上相互重叠、相互影响的微系统间所发生的连结历程，例如，家庭和学校的关系、学校和工作场所之间的关系，等等。中系统的相互作用指儿童同时充当的多重角色，如在家里是儿子或女儿的角色、在同龄人当中是朋友角色、在学校是学生的角色、在体育



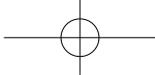
场是运动员角色、在工作场所是劳动者角色、在亲密关系中则是恋爱对象的角色。这些社会角色意味着另一其他人发挥着互补角色作用，例如父亲或母亲、老师、教练、老板及爱人等。中系统分析能够检测相互作用的质量、频率和影响，例如家庭中的生活体验和对学校的适应能力之间的相互影响。如家庭和学校的沟通机制都是有效、相互的，并且小学生家长参与学校和孩子所做决策，那么学生的学习成绩较好，并展示出更大的主动性和独立性，即使是在稍后读高中的青春期阶段也是如此，研究发现，家庭 / 学校相互作用进程的影响力实际上比社会经济定位更大。

The many microsystems that interact with each other constitute a meso-system. The basic assumption from an ecological point of view is that the events occurring in one micro-system of a person are interrelated to and influence the events occurring in other micro-systems where he or she is in. The meso-system refers to the connection process between two or more overlapping and interacting microsystems in which individuals are in including the relationship between family and school, the relationship between school and workplace. Interaction in a meso-system refers to the multiple roles children play simultaneously, such as the role of son or daughter at home, the role of friend among peers, the role of student in the school, the role of athlete in the stadium, the role of worker in the workplace and the role of object of love in intimate relationships. These social roles mean that another person plays a complementary role, such as father or mother, teacher, coach, boss and lover. Meso-system analysis can detect the quality, frequency and impact of interactions, such as the interaction between life in the family and the ability to adapt to schools. If the mechanism for communication between the family and the school is effective and mutual and the parents of primary school students participate in school activities and children's decision-making, the student's academic performance would improve and they would show greater initiative and independence. This is also the case with adolescence at high school. Studies have found that the influence of the family/school interaction process is actually greater than socioeconomic definition.

(3) 外系统

(3) Exo-system

更大规模的社区结构，尤其是它政策制定的政治和经济主体为尤瑞布朗芬布伦纳所指的外系统概念提供了无数示例。用一系列的俄罗斯套娃作比喻，外系统包括更末端的环境影响。尽管儿童不直接参与外系统的决策制定，这些决策对儿童的生活却会产生直接或有时候是间接（经由家长或学校）的影响。外系统的三个最重要影响包括父母一方或双方与其工作场所之间的关系、父母的朋友圈、邻居 / 社区对家庭功能的影响。包含一部分儿童



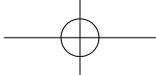
外系统的其他社会背景和机制，还包括学校和邻里之间关系、大众媒体、当地政府、交通系统、教会、民间团体、工业，等等。

The larger community structure, especially its policy-making political and economic subjects, provides numerous examples of the concept of exo-system referred to by Urie Bronfenbrenner. Like matryoshka dolls, the external system includes more endmost environmental impacts. Although children do not directly participate in decision-making in the exo-system, these decisions will have direct or sometimes indirect (via parents or schools) effects on children's lives. The three most important influences of the exo-system include the relationship between one or both parents and their workplace, the interpersonal circle of parents, and the influence of neighbors/communities on family functions. Other social backgrounds and mechanisms include the relationship between schools and neighbors, mass media, local government, transportation system, churches, non-governmental organizations, industries, etc.

虐待儿童和忽视儿童方面的研究指出，外系统变量是重要的原因，住房紧缺、失业、长期贫困这些外环境因素都在家长的控制范围之外，但却能增加虐待和忽视儿童的可能性。外系统中也包含预防性的因素，例如，支持性的亲戚网能够降低虐待和忽视儿童的可能性。对大多数儿童来讲，主要的外环境变量是制定学校政策的教育系统。教育局决定儿童就读什么学校、学校能够提供什么课程和课外活动。为了平衡预算，教育局可能会关闭图书馆、降低美术和音乐方面的预算，或减少课外活动，尽管这些对绝大多数的儿童来说非常重要。当地政府是否开办或关闭一家青少年活动中心，也会影响儿童是否能够获得休闲资源。

Research on child abuse and neglect points out that exo-system variables are important reasons. External environmental factors such as housing shortage, unemployment and long-term poverty are beyond parents' control, but they can increase the possibility of child abuse and neglect. Exo-systems also include preventive factors. For example, supportive relative networks can reduce the possibility of child abuse and neglect. For most children, the main external environment variable is the education system that formulates school policies. The Education Bureau decides what schools to be provided for children and what courses and extracurricular activities to be offered by schools. To balance the budget, the Education Bureau may close the library, reduce the budget for arts and music, or reduce extracurricular activities, although these are very important to the vast majority of children. Whether the local government opens or closes a youth activity center will also affect children's access to leisure resources.

(4) 宏系统



(4) Macro-system

宏系统不直接影响儿童个体的生活，然而，它包含了人类发展生态学的总体社会平面图。宏系统包括作为核心的文化、政治、社会、司法、宗教、经济和教育价值观念，还有最重要的公共政策。总而言之，宏系统可被视作整个社会蓝图。

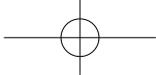
A macro-system does not directly affect the life of individual children. However, it contains the overall social plan of human development ecology. The macro-system includes core cultural, political, social, judicial, religious, economic and educational values, as well as the most important public policies. In a word, a macro-system can be regarded as the blueprint of the whole society.

通过法律和经济手段，宏系统界定青少年范围对青春期和成人期进行区分。尽管当地习俗和国家立法（外系统）能改变一些标准，但如果没有战争带来的暴力革命或侵略，宏系统的变化非常缓慢。然而，工业化、城市化、民主化、税收改革、公民权利和权利平等的立法、儿童权利保护、妇女工作、妇女解放运动都是缓慢但重要的宏系统变化。

The macro-system defines the scope of adolescence and distinguishes between adolescence and adulthood through legal and economic means. Although local customs and state legislation (exo-systems) can change some standards, the macro-system will change very slowly unless there is violence or invasion resulting from war. However, industrialization, urbanization, democratization, tax reform, legislation on civil rights and equal rights, protection of children's rights, women's work and women's liberation movement are slow but important changes in the macro-system.

布朗的生态系统模型还包含了时间的维度或历时系统，把时间作为研究个体成长中心理变化的参照体系。他强调将时间和环境相结合来考察儿童发展的动态过程。布朗的时间系统关注人生的每一个过渡点，他将转变分为两类：正常的（如入学、青春期、参加工作、结婚、退休）和非正常的（如家庭中有人去世或病重、离异、迁居、彩票中奖），布朗将这种环境的变化称为“生态转变”。

Brown's ecosystem model also includes the dimension of time or diachronic system and uses time as a reference to studying psychological changes in individual growth. He emphasizes the combination of time and the environment to examine the dynamic process of child development. Brown's time system focuses on every transition in life. He organizes transition into two categories: normal (such as schooling, puberty, working, marriage and retirement) and abnormal (such as death or serious illness of someone in the family, divorce, relocation and winning the



lottery). Brown calls this environmental change “ecological transition”.

2、扎斯特罗的生态系统模型⁴⁵

2. Zastrow's ecosystem model

查尔斯·扎斯特罗的生态系统的三种基本类型—微观系统、中观系统、宏观系统。他的微观系统即是指构成并影响个体成长的生理、心理及社会因素。中观系统是指小规模的群体，包括家庭、职群体或其他社会群体。宏观系统是指比小规模群体更大一些的社会系统，包括文化、社区、机构和组织。

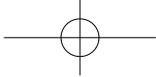
Charles Zastrow's ecosystem includes three basis systems: micro-system, meso-system and macro-system. His micro-system refers to the physiological, psychological and social factors that constitute and influence the growth of individuals. The meso-system refers to small-scale groups, including families, professional groups or other social groups. The macro-system refers to a social system larger than small groups, including culture, communities, institutions and organizations.

扎斯特罗强调，在三个社会生态系统的互动中，有两个方面是至重要的第一，社会工作者需要了解每一系统的正常成长标识，包括那些正常发生在一个人生命成长阶段中的生物的、心理的、情感的、智力的和社会发展的重要事件，只有这样们才能鉴别系统发展的正常与非正常情况，以决定谁是真正需要干预的对象。第二，社会工作者必须了解每个系统是如何对其他系统发生影响的因此，社会工作者看问题不应仅限于其中的某一个系统而忽视了其他系统的影响，而要注意各种生态系统及其要素之间的相互影响。

Zastrow emphasizes that in the interaction of the three social ecosystems, two aspects are the most important. Social workers need to understand the normal growth signs of each system, including important biological, psychological, emotional, intellectual and social events that occur normally in the life of a person. Only in this way can we identify the normal and abnormal system developments to determine the real object that needs intervention. Second, social workers must understand how each system affects other systems. Therefore, social workers should not look at only one of these systems and ignore the impact of other systems. They should also pay attention to the interaction between various ecosystems and their elements.

生态系统理论社会工作实务的焦点在于强调增强人们适应环境的能力，消除环境中阻碍人们成长和发展的因素，增加社会资源，促使环境更好地满足人们的需要。因此，社会

⁴⁵ 参考引用：许莉娅. 个案工作（第二版）. [M]. 北京：高等教育出版社，2013：266
Xu Liya. *Casework* (Second Edition) [M]. Beijing: Higher Education Press, 2013: 266.



工作实务的任务主要是帮助案主提高与其环境的调和程度，提高环境的品质和对案主的社会支持，帮助案主解决生活中的问题，增强人的社会适应能力。

The focus of social work according to the ecosystem theory is to strengthen people's ability to adapt to the environment, eliminate environmental factors that hinder people's growth and development, increase social resources, and enable the environment to better meet people's needs. Therefore, the main task of social work is to help the client improve the degree of harmony with his environment, improve the quality of the environment and social support for the client, help the client solve problems in life, and enhance people's ability to adapt to society.

(二) 社会支持网络理论

(II) Social support network theory

在众多社会工作指导性理论中，社会支持网络理论是实际应用比较广泛的客观性理论。社会支持网络理论是从现代社会系统理论发展出来的理论分支，这一理论把社会支持与社会系统概念联系起来，把个体与各种社会关系的交往视为一种相互关联的网络，在这个网络中，个体获得各种正式或非正式的社会支持，从而获取社会资源。

Social support network theory is an objective theory widely applied in practice among the many guiding theories on social work. Social support network theory is a theoretical branch developed in the theory of modern social system. This theory links social support with the concept of social system and regards the interaction between individuals and various social relations as an interrelated network, in which individuals obtain various formal or informal social supports in order to obtain resources.

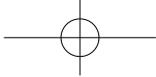
1、社会支持：人们在互动中形成并能够提供工具性和表达性资源的社会结构⁴⁶

1. Social support: a social structure that people form in interactions and that can provide instrumental and expressive resources.

在社会学研究中，社会支持具有三种含义：(1) 个人拥有的与重要他人(如家人、朋友、同僚)之间直接或间接联系中在出现危机时可以发挥援助功能的社会关系，即社会互动关

46 周湘斌 常英 . 社会支持网络理论在社会工作实践中的应用性探讨 .[J] 中国农业大学学报 (社会科学版).2005(02):80-84

Zhou Xiangbin, Chang Ying. Application of Social Support Network Theory in Social Work Practice [J] Journal of China Agricultural University (Social Science Edition). 2005(02): 80-84.



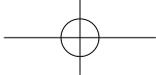
系。这一界定将支持作为资源交换的互动过程。这种资源不一定是物质的，也包括精神的、情感的，以及信息的；（2）个人对自己与他人联系的认知，即个人主观感受到的来自他人的关怀、鼓励、表扬等。这种观点强调当事人对他人提供的援助的满足感；（3）他人表现出的具有支持或援助意味的具体行为，即外在于被支持者的社会性活动。社会工作更强调社会支持的功能性作用，认为给社会工作对象提供工具性援助或表达性援助的来源。如林南给出的社会支持的定义：“意识到的和实际的由社区、社会网络和亲密伙伴提供的工具性或表达性的资源。”虽然这个定义综合了社会学的三种含义，但是不同的是，它突出了社会工作对社会支持所具有的动态式理解，即社会支持在社会互动过程中应给予社会工作对象资源和动力的帮助，满足需要和解决问题，而不仅仅是社会互动状态分析。

In sociological research, social support has three connotations: (1) social relations that individuals have and can play a role in assisting others (such as family members, friends and colleagues) in times of crisis, i.e. social interaction relations. This definition regards support as an interactive process of resource exchange. This kind of resource is not necessarily material, but also spiritual, emotional and informational. (2) Individual's cognition of their connection with others, or care, encouragement and praise from others that the individual feels. This view emphasizes the degree of satisfaction with the assistance provided by others; (3) The specific behaviors of support or assistance that others exhibit or the social activities outside the person supported. Social work places more emphasis on the functional role of social support and considers it the source of instrumental or expressive aid to target of social work. For example, Lin Nan defines social support as “anticipated and actual instrumental or expressive resources provided by communities, social networks and close partners.” Although this definition integrates the three dimensions of sociology, the difference is that it highlights social work's dynamic understanding of social support, i.e. social support should give social work objects resources and motivation to help meet their needs and solve their problems in social interaction instead of an analysis of social interaction.

2、社会网络：人与人之间复杂的社会关系及其可能发生连锁反应的支持系统

2. Social network: the complex social relations between people and the support system that may cause chain reactions.

社会网络一般是指个体间的社会关系构成的相对稳定的体系，是一群人之间的一组独特联系。1908年，社会学家齐美尔提出“网络”概念，社会网络的互动形式开始被研究者关注。格兰诺维特提出的“弱关系”理论则将社会网络分析推广到了社会研究的各个领域。



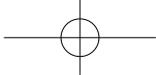
Social network generally refers to a relatively stable system of social relations among individuals. It is a group of unique connections among a group of people. In 1908, sociologist Zimmer put forward the concept of “network”. After that, the interaction of social networks began to draw the attention of researchers. Granovetter’s theory of Weak Relations extends social network analysis to all fields of social research.

社会工作关于社会网络的理解更强调网络的建构性和通过网络给予人们必要的社会支持。网络就是连接在有特定含义的两个点之间的系统或方式。社会工作者关注的是案主的网络和构成一种案主模式的代理连接。社会工作在运用社会网络概念时，不仅用网络方式来分析案主的社会关系状况，而且通过介入网络来帮助案主建立社会支持性关系，从而发现、发掘并获得潜在于案主社会关系中的社会资源。

The understanding of social work about social network emphasizes the construction of network and gives people necessary social support through network. A network is a system or way of connecting two points with a specific meaning. Social workers are concerned with the network of clients and the proxy connections that constitute a client model. When social work applies the concept of social network, it not only analyzes the social relations of the client by means of network, but also helps the client establish supportive social relations by intervening in the network, thus identifying, exploring and obtaining the social resources in the social relations of the client.

能够提供支持的资源网络有两大类：非正式（或自然）的资源网络和正式的资源网络。非正式的资源网络主要包括家庭、朋友、邻居、同事、亲戚等，此网络可以提供给人们物质与精神的帮助和具体的服务，还可以帮助人们获取正式的社会支持资源。正式的资源网络包括社会的群团组织，例如单位、专业团体、群众组织、协会等满足福利、权利需要的网络和社会性的资源，例如学校、医院、派出所、社会服务机构等适应社会公共生与活动建立的满足短期或特别需要的网络。

There are two types of resource networks that can provide support: informal (or natural) resource networks and formal resource networks. Informal resource networks mainly include families, friends, neighbors, colleagues, relatives, etc. This network can provide people with material and spiritual help and specific services, as well as formal supportive social resources. Formal resource networks include social organizations such as units, professional organizations, mass organizations, associations and other networks that meet the needs of welfare and rights and social resources such as schools, hospitals, police stations, social service institutions and other



networks that meet the short-term or special needs.

社会支持网络的理论为社会工作个案管理模式提供了动员社会资源的框架和网络分析的方法，个案管理的功能就是帮助案主整合、动员社会支持资源激活、链接静止的网络资源，调整具有伤害性、破坏性、压力性等负面支持的网络资源为正面的支持的网络资源，并帮助案主提升使用资源的能力。⁴⁷

The theory of social support network provides a framework for mobilizing social resources and a method of network analysis for the case management model of social work. The function of case management is to help clients integrate and mobilize social support resources to activate and link static network resources, covert harmful, destructive and stressful network resources with negative support into positive supportive network resources, and help clients improve the ability to use resources.

（三）社会资本理论

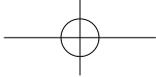
(III) Social capital theory

社会资本理论认为资源既可以通过占有也可以通过网络关系获得。在此基础上林南提出了著名的社会网络三大假设，并且指出社会资源数量和质量与网络成员社会地位的高低、网络属性的异质性呈正相关性，与网络关系力量呈负相关性，社会资源嵌于社会网络之中，并可以以社会网络为媒体来间接摄取。资源与资本存在一定差异，法国社会学家布迪厄将社会网络的概念提升到社会资本高度，他认为存在于社会网络之中的社会资本的获取跟网络的规模、异质性以及资源数量息息相关。布迪厄将资本划分为经济资本与文化资本，讨论了两种资本与权力地位的关系，认为它们可以决定社会的空间结构，改变团体与个人的人生际遇和轨迹。

The theory of social capital holds that resources can be obtained through both possession and network relations. On this basis, Lin Nan put forward three famous social network hypotheses, and pointed out that the quantity and quality of social resources are positively correlated with the social status of network members and the heterogeneity of network attributes. They are negatively correlated with the strength of network relationships. Social resources are embedded in social networks and can be indirectly obtained by the vehicle of social networks. There are certain differences between resources and capital. French sociologist Bourdieu elevated the concept

47 许莉娅. 个案工作（第二版）.[M]. 北京：高等教育出版社，2013:267

Xu Liya. *Casework* (Second Edition) [M]. Beijing: Higher Education Press, 2013: 267.



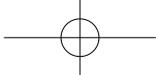
of social network to the level of social capital. He believes that the acquisition of social capital existing in social networks is closely related to the scale, heterogeneity and quantity of resources of the network. Bourdieu divides capital into economic capital and cultural capital and discusses the relationship between the two kinds of capital and power status, believing that they can determine the spatial structure of society and change the life experiences and trajectories of groups and individuals.

布迪厄认为，社会资本是实际的或者潜在的资源集合体，那些资源是同对某种持久性的网络的占有密不可分的，这一网络是大家共同熟悉的、得到公认的，而且是一种体制化的网络。这一网络从集体性拥有资本的角度为每个会员提供支持，提供为他们赢的声望的凭证，而对于声望则可以有着各种各样的理解。

Bourdieu believes that social capital is a collection of actual or potential resources, which are inseparable from the possession of a certain persistent network. This network is commonly known, recognized and institutionalized. This network provides support to each member from the perspective of collective ownership of capital, offering evidence for the reputation they have won while reserving various interpretations of the concept.

社会资本有如下特点：（1）社会资本是一种从中可以吸取某种资源的、持续性的社会网络关系。（2）社会资本是一种体制化的网络关系，是在特定的工作关系、群体关系、组织关系中存在的，它要通过某种制度性的关系来加强。（3）社会资本具有潜在性和现实性，只有当社会网络被行动者利用时，它才能以某种能量发挥资本在实践中的作用，这时它就是现实的，反之，它就仅仅是静态的网络关系，是潜在的。（4）社会资本作为一种网络资源，每一个被联系在其中的社会成员都可以从中受益，但受益的程度要依每个人实践能力的大小而有所区别。

Social capital has the following characteristics: (1) Social capital is a sustainable social network relation from which some resources can be derived. (2) Social capital is an institutionalized network relationship that exists in specific working relationships, group relationships and organizational relationships. It should be strengthened through certain institutional relationships. (3) Social capital is potential and real. Only when a social network is used can it perform the function of capital in practice in a big way. It is real at this point but static and potential under other circumstances. (4) As a network resource, social capital can benefit every member in society who is connected with it, but the degree of benefit depends on the practical ability of each individual.



林南在与布迪厄对话中提出了基于互动论基础上的社会资本理论体系框架，社会资本理论的三个任务：一是资源的价值怎样发生。有价值的资源是怎样被分布到社会之中以及怎样成为嵌入性资源的？二是个体行动怎样通过互动与社会网络有差异地取得结构化的嵌入性资源和机会结构？三是通过什么样的行动过程把这种社会资源动员起来。概括起来就是：资源、社会结构和个体行动。

In a dialog with Bourdieu, Lin Nan put forward the framework of the theory of social capital based on interaction theory. Social capital theory has three tasks. First, how is the value of resources generated? How valuable resources are distributed in society and become embedded resources? Second, how can individual actions obtain structured, embedded resources and opportunity structures through interaction and social networks? Third, what processes must be adopted to mobilize these social resources? To sum up: resources, social structure and individual actions.

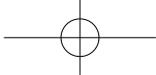
资源是社会资本概念的中心，既包括个人资源也包括集体资源，既包括物质财产也包括象征性资源。

Resources are the center of the concept of social capital, including both individual resources and collective resources, material property and symbolic resources.

社会结构包括四个基本要素：地位，它表现了个体行动者对资源的占有；权威，它体现了地位之间的关系，是控制和取得资源的权力；规则，它制约和引导在一定地位上的行动者或代理人怎样取得有价值的资源；代理人，占据着那些蕴含着资源地位的人。

Social structure includes four basic elements: status, which reflects the possession of resources by individuals; authority, which reflects the relationship between status and is the power to control and obtain resources; rules, which restrict and guide individuals or agents in a certain position as to how to obtain valuable resources; agents are people who occupy positions that come with resources.

重视个体行动是因为社会资本是取得回报的投资活动。最真实的活动者是个体，只有从个体及其活动出发，才能把握社会资本作为投资活动的实质，此外，个体及其行动也可以作为社会资源的资源。一方面，社会资源通过个体的占有而形成各种资源的联结，只有通过个体才能抓住这些联结，一方面，嵌入社会网络中的资源只有受到为了得到回报而积极努力的行动者的动员才能成为现实的社会资本。



Emphasis is placed on individual action because social capital is an investment activity that pursues profit. The most real doer is the individual. Only by starting with the individual and his activities can we grasp the essence of social capital as an investment activity. In addition, the individual and his actions can also be used as social capital resources. On the one hand, social resources form the connections of various resources through the possession of individuals. Only through individuals can these connections be grasped. On the other hand, resources embedded in social networks can become real social capital only if they are mobilized by doers who actively strive for returns.

这三个基本点的关系是：资源是投资活动的对象；社会结构是投资活动的场所；个体及其行动是投资者及其活动。社会资本是面对资源争取回报的投资行动，是运动变化的投资过程，它不再是一种单纯的客观对象而是一种实践。

The relationship among these three basic points is: resources are the objects of investment activities; social structure is the place for investment activities; individuals and their actions are investors and investment activities. Social capital is an investment action to strive for returns using resources and a changing investment process. It is no longer an object but a practice.

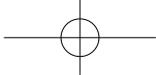
社会资本理论与社会支持网络理论一脉相承，都重视资源的整合，只不过社会资本理论采取了更加经济化的视角探究更加丰富的资本概念。社会资本理论将资源、社会结构和个体行动整合在一起，在个案管理的一般性过程，社会工作者将视角重新聚焦在案主个人，在制度性的结构化环境中寻求资源的支持，以期推进个人的行动。

The theory of social capital and the social support network theory have a lot in common, both attaching importance to the integration of resources. The only difference is that the theory of social capital adopts a more economical perspective on abundant capital. Social capital theory integrates resources, social structure and individual actions. In the general process of case management, social workers refocus their perspective on the individual and seek the support of resources in an institutional and structured environment in order to promote individual actions.

三、个案管理的介入模式

III. Intervention Model of Case Management

在本节将对所提供的介入模式进行详尽的介绍，阐释每个模式的理论架构与主旨，以及他们运用在不同人群包括非自愿案主与儿童，与各自的优势与限制。考虑到本《指南》



的应用范围较广，所涉及的人群不仅是儿童，并且也涉及到相关的成人等，因此在具体的介绍中将以一般实务工作框架介绍为主，以更加全面的方式供儿童保护工作者使用。

In this section, all the intervention models will be introduced in detail, as well as the theoretical framework and theme of each model and their respective strengths and limitations when applied to different groups such as involuntary clients and children. Considering the wide scope of application of this Guide, the people involved are not only children, but also related adults, etc. Therefore, the introduction will focus on the general practical work framework and strive to guide child protection workers in a more comprehensive way.

（一）任务中心模式

(I) Task-centered model

1、定义、主旨与基本假设

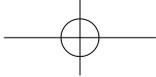
1. Definition, purpose and basic assumptions

任务中心系统是社工所发展的社会工作模式。任务中心模式是一种短期治疗模式，是在有限的时间内实现由案主自己选定的明确目标，帮助案主解决实际问题。此工作模式的主要焦点在于案主关注的问题、着重任务以及双方共同负责三项。

The task-centered system is a social work model developed by social worker. The task-centered model is a short-term treatment model, in which the client selects a goal in a limited time to solve practical problems. The main focus of this model is on the issues of concern to the client, priority tasks and the responsibility of both.

任务中心模式的中心议题认为每个人都具有解决问题的能力，它帮助人在困难的处境中找到有效的方式应对面临的问题，一个人遇到问题，并不意味着他没有解决问题的能力，而是因为个人能力暂时缺失引发问题。所以由案主指认所要处理的问题是相当重要，此模式透过案主指认优先处理之事务，以及案主与工作者的合伙关系，以增权案主。

The central theme of the task-centered model is that everyone has the ability to solve problems. It helps people find effective ways to deal with the problems they face in difficult situations. The emergence of problem does not mean that he does not have the ability to solve it. He just temporarily lacks the ability. Therefore, it is very important for the client to identify the issues to be dealt with. This model empowers the client by identifying the priority matters and the



partnership between the client and the workers.

2、任务执行的顺序

2. Order of task execution

任务执行顺序是采用系统性的方法来安排行动计划。这要求工作者有足够的弹性，以适应不同的个案环境。

The order of task execution is an action plan arranged using a systematic method. This requires workers to be flexible enough to adapt to different case environments.

任务执行顺序（TIS）是由独立的步骤所组成：

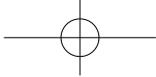
The task execution sequence (TIS) consists of independent steps:

- ①提升案主完成任务的承诺。
- ① highlighting the client's commitment to complete tasks.
- ②计划完成任务的细节。
- ② detailing the plan
- ③分析并解决可能面临的阻碍。
- ③ analyzing and solving possible problems.
- ④让案主预演或练习在完成任务过程中所要做到的行为。
- ④ letting the client rehearse or practice.
- ⑤摘要任务计划。
- ⑤ summarizing the task plan.

3、持续性的焦点关注

3. Sustainable focus

任务中心模式的优势是可以通过任务完成和系统性的形式，将焦点放在儿童的改变。



在每一次会谈开始时，儿童保护工作者都以回顾儿童先前承诺的经验开始。当儿童表示成功时，工作者表达祝贺，肯定他们的能力和进展，并表示欣赏。

The advantage of the task-centered model is that it can focus on children's changes through task completion and in systematic forms. At the beginning of each meeting, child protection workers can begin by reviewing the experience previously promised by children. When children indicate success, workers express congratulations, affirm their abilities and progress, and show appreciation.

在回顾过程中，即使是任务只完成了一部分，也必须重视努力后达到的成果。

In the process of review, even if the task is only partially completed, they must show appreciation for the results achieved.

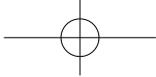
4、任务未完成的原因

4. Reasons for failed tasks

在现实中，有的时候进展未必会完全按照计划推进。任务未完成的原因有两大类，一类是与特定任务有关，另一个是与目标问题有关。

In reality, progress sometimes may not occur according to plan. There are two main reasons why a task is not completed: one reason is related to the specific task and the other is related to the target problem.

任务未完成或执行力低的原因	
Reasons for Failed Tasks or Inefficiency	
与特定任务有关	与目标问题有关
Related to specific tasks	Related to target problems
1. 发生紧急或者危机事件	1. 问题归因认知不清
1. Emergency or crisis	1. Unclear attribution
2. 缺乏承诺	2. 冲突的期望 / 需求
2. Lack of commitment	2. Conflicting expectations/needs
3. 缺乏技巧 / 资源	3. 案主对结果未清楚察觉
3. Lack of skills/resources	3. Failure to be aware of the result on the part of the client
4. 任务说明不够充分明确	4. 对改变的希望过低
4. Unclear task description	4. Low expectation for change



5. 有害的信念

5. Harmful beliefs

6. 缺乏支持

6. Lack of support

7. 环境因素

7. Environmental factors

8. 对社工的反应

8. Response to social workers

5、回顾与追踪

5. Review and follow-up

(1) 确认任务后，案主同意每一次会谈要有时间检视任务执行的情形，并将他们完成的任务和目标问题改变的范围文件化。

(1) After confirming the task, the client agrees that there should be enough time in each meeting to review the implementation of the task and that the changes in tasks and the objectives they have attained should be documented.

(2) 回顾任务未完成或没有被影响目标问题。其未执行的原因要做讨论，必要时重新协商新的任务。

(2) Review unfinished tasks or targets not affected. The reasons for non-implementation should be discussed and new tasks should be renegotiated if necessary.

(3) 任务与目标的形式，可以协助案主观察他们最后目标的具体进步情形。

(3) The form of tasks and objectives can assist the client in observing the specific progress of their final objectives.

(4) 逐项检视案主对于他们进步、改变或是没有变的看法。要用量尺来记录，并据此一一讨论。可以以一个星期为基础，量度他们维持的焦点目标，以及强化努力改变的持续度。

(4) Examine the opinions of the client on their progress, changes or zero changes. Use a ruler to measure them and discuss them one by one. They can measure the focus they maintain and the duration of the changes in their intensified efforts on a week-by-week basis.

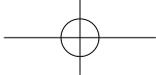
(5) 任务完成是朝向目标完成的进步指标。

(5) Task completion is an indicator of progress towards goal completion.

6、任务中心模式的优势

6. Strengths of the task-centered model

这是社会工作自行发展的计划性问题解决取向模式，且有实证研究的支持。此模式允许案主定义问题，接受案主对于目标任务的判断，以及参与量度任务的进展情形，而被视为具有优势与增权视角。任务是采取行动的工具，由工作者和儿童解决主要关心事务。为



增加案主自我效能与精熟机会，任务决定后，就要进一步明确存在的阻碍。当任务没有完成时，检查任务执行少的原因，以建构新的任务。所以任务完成的主要要素，即是准备、执行与追踪，这是所有改变导向干预的基础。

This is a planned problem-solving orientation for the self-development of social work. It's supported by empirical research. This model allows the client to define the problem, accepts the client's judgment on the target task and the measuring of the progress. It is therefore regarded as an advantageous and weighted perspective. Tasks are tools for action. Workers and children address major concerns with these tools. To increase the client's self-efficacy and skills, the obstacles should be further clarified after the task is set. When the task is not completed, check the reason and set a new task. Therefore, the main elements of task completion are preparation, execution and tracking, which are the basis of all change-oriented interventions.

(二) 危机干预模式

(II) Crisis intervention model

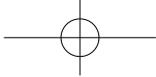
1、什么是危机干预模式

1. Definition of crisis intervention model

危机平衡模式是基本危机干预取向，其用来减低压力、解除症状、修补功能，并预防情况进一步恶化。本模式的基本切入点是对危机情况立即反应与干预。干预的关键时间点是预防危机情况恶化。在急性期，人们最可能接受干预。本模式的关键要素即是评估、指认优先关心的事情，以及发展有限度的目标。评估是快速的，并且焦点是放在此时此刻，在危机情境中的评估应包含以下几项：

The crisis balance model is the basic orientation of crisis intervention, which is used to reduce stress, relieve symptoms, repair functions, and prevent further deterioration of the situation. The starting point of this model is to immediately respond to and intervene in crisis situations. The key task of intervention is to prevent the crisis from deteriorating. People in the acute phase tend to embrace intervention. The key elements of this model are assessment, identification of priorities and setting certain goals. The assessment is fast, and the focus is on this moment. The assessment in a crisis should include the following:

(1) 危机的严重性



(1) The seriousness of the crisis

(2) 案主目前的情绪状态

(2) The current emotional state of the client

(3) 情绪的可变动性

(3) Emotional variability

(4) 选择与因应的机制

(4) The mechanism for selection and response

(5) 支持系统与其他可用资源

(5) Supportive system and other available resources

(6) 案主的破坏性程度，特别是案主对自己或他人的危险程度。

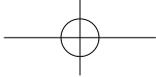
(6) The degree of destructiveness of the client, especially the degree of danger of the client to himself or others.

2、危机的定义与反应

2. Definition of and response to crisis

危机可能是一个挑战、失去、威胁或创伤性事件。有的学者将危机定义为知觉到某一事件或情境，其超出个人的资源或因应机制，而无法忍受的困境。长时间与危机带来的压力，是严重影响个人认知、行为、生理功能的潜在因素。危机情境诸如失业、死亡、离婚、家暴、儿童虐待、犯罪或环境转换，而极端的情境如自然灾害。因为个人知觉与应对能力不同，所以危机情境无法避免一些主观因素：如某人可能认为威胁、失去亲人或者转换工作有严重压力，但是另一些人可能认为是可以处理的。

Crisis can be a challenge, loss, threat or traumatic event. Some scholars define a crisis as a difficult situation that cannot be endured because one perceives a certain event or situation beyond the reach of one's own resources or coping mechanisms. The pressure brought about by a long time and a crisis is a potential factor that seriously affects personal cognition, behavior and physiological functions. A crisis may be unemployment, death, divorce, domestic violence, child



abuse, crime, environmental change, and extreme situations such as natural disasters. Because personal perception and coping ability differ from one another, crisis often involves subjective factors: some may think that serious pressure is caused by threats, loss of relatives or change jobs, but others may think that it can be handled.

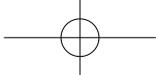
有严重心理压力或失能的儿童，更容易遭受伤害性危机。儿童的 PTSD 与成人适应之间有所不同，危机工作集中在他们的反应，处置重点放在整合创伤的精神发展与社会心理方面。有学者指出儿童的诊断性资源工具是较少的，因为经常需要他们主观表达心理状态，而这常超出他们的沟通技巧能力之外。一般情况下，我们可以从行为面向进行指认，如极小的攻击性行为、否认、喃喃自语、自我伤害等，可作为了解他们因应的媒介。儿童创伤经验的不同，而会有不同的结果。大量研究发现遭受暴力经验的青少年有犯罪的风险。因此，学校与机构需要对他们进行创伤与压力的因子评估。直接评估创伤后的影响要考虑四个重要因素：

Children with severe psychological stress or disability are more vulnerable to traumatic crises. Children's PTSD is different from adults' adaptation. Crisis work focuses on their reactions and treatment focuses on the integration of traumatic mental development and social psychology. Some scholars point out that the diagnostic tools for children are few because they are often required to express their psychological state subjectively, which is often beyond the reach of their communication skills. In general, we can identify the problem in the orientation of behavior. Minimally aggressive behavior, denial, muttering, self-harm, etc. can be used as a medium to understand their responses. Children with different traumatic experiences show different outcomes. A large number of studies have found that teenagers who have experienced violence are at risk of committing crimes. Therefore, schools and institutions need to assess their trauma and stress factors. Four important factors should be considered when directly evaluating post-traumatic effects:

1. 压力的特质，包括与事件有关的威胁、认知、事件的接近性、持续性与密集性等。

1. Characteristics of stress, including threats related to events, cognition, proximity, continuity and intensity of events, etc.

2. 儿童的特质、发展阶段、性别、易受伤害的可能性，以及心理与行为问题是否在威胁出现前就存在。



2. Children's characteristics, stage of development, gender, vulnerability, and whether psychological and behavioral problems exist before the threat looms.

3. 有限的研究显示，儿童因应的努力、资源并不是负向结果的缓冲因素。一般来说，儿童的沟通技巧、自我感、内在自我控制性，和平均智力都是正向结果的指标

3. Some research shows that children's coping efforts and resources are not buffer factors for negative results. Generally speaking, children's communication skills, self-perception, internal self-control and average intelligence are all indicators of positive results.

4. 灾难后环境的特质，儿童对事后环境的反应，是受到重要他人与资源的社会支持所影响。这些因素扮演利他作用，可以降低压力，调和灾难的影响。

4. The characteristics of the post-disaster environment and children's response to the post-disaster environment are influenced by the social support of important others and resources. These factors play an altruistic role, which can reduce pressure and moderate the impact of disasters.

3、危机的类型

3. Types of crisis

(1) 出现于个人缺乏做决策需要的信息。

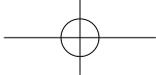
(1) Individuals lack the information they need to make decisions.

(2) 预期生命转变：规范性生命与发展事件，诸如结婚、离婚、改变生涯、进入生命的不同阶段等。

(2) Anticipated changes in life: normative life and development events such as marriage, divorce, changing career, entering different stages of life, etc.

(3) 创伤性压力：环境或他无法控制的事件，强加在身上的一种处境，个人完全被情绪所淹没，例如：未预期的死亡、遭受强暴、生病

(3) Traumatic stress: a situation imposed on a person by circumstances or events beyond his control. Individuals can be completely overwhelmed by emotions, such as unexpected death, rape and illness.



(4) 成熟性—发展性危机: 重要的转变点、生命周期过程中, 有重大发展性变化, 诸如: 中年生活危机、青年离家、少年的认同与独立。

(4) Maturity-developmental crisis: significant developmental changes occur in important transitions and the life cycle, such as crisis of middle-aged life, youth leaving home, youth identification and independence.

(5) 心理病理危机: 一种情绪性的危机, 过去已经有心理病理学因为环境情境因素所引发

(5) Psychopathological crisis: it is an emotional crisis triggered by environmental factors in the past.

(6) 急性精神病: 个人的功能受到严重伤害, 无法完成日常生活功能, 让个人或者他人处在危险之中。

(6) Acute psychosis: the individual's functions are seriously injured; he is unable to live normally and leaves himself or others in danger.

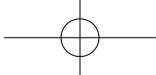
(三) 认知重建模式

(III) Cognition reconstruction model

认知重建来自于认知行为的一种治疗性过程, 是以“行为治疗取向”为基础。协助个人修正他们的信念、错误的思考方式或知觉、破坏性的语言, 以便改变行为。其假设人们认知曲解是来自于负向的认知基础, 导致非现实性的解释事情、环境与人。

Cognition reconstruction is a therapeutic process of cognitive behavior based on behavioral therapy. We need to assist individuals in correcting beliefs, wrong ways of thinking or perceptions, and destructive language in order to change their behavior. It assumes that people's cognitive misinterpretation originates in negative cognition and that it leads to unrealistic interpretation of things, the environment and people.

根据认知理论, 多数的社会性与行为性问题源自于对自己、他人与生活情境的错误认知。巴甫洛夫(1927)和斯金纳(1974)的行为理论是认知行为学智的基本架构。班杜拉(1986)的社会学习理论最重要, 认为行为脉络要与认知过程相互搭配, 才能够产生对思考与情绪最佳的理解, 以及能够了解个人的适应、对不同刺激的反应与自我判断。因此,



越来越多的认知行为主义者将行为认为与文化、信念、世界观有关。（注：认知重建模式所涉及的人物的理论细节已经于上文呈现，这里不予重复。）

According to cognitive theory, most social and behavioral problems stem from wrong cognition of oneself, others and life. The behavioral theories of Pavlov (1927) and Skinner (1974) are the basic framework of cognitive behavior. Bandura's social learning theory (1986) is the most important one. It holds that the best understanding of thinking and emotion, as well as the individual's adaptation, response to different stimuli and self-judgment can be generated only when the context of behavior is matched with the cognitive process. Therefore, more and more cognitive behaviorists regard behavior as being related to culture, belief and world outlook. (Note: The views of scholars involved in the cognitive reconstruction model have been presented above and will not be repeated here.)

1、认知重建的主旨：认知行为治疗

1. Purpose of cognition reconstruction: cognitive behavioral therapy

认知重建的程序性目标在于改变案主的思考、感受或外显行为造成的问题。认知行为理论假设人们建构他们自己的现实：在人们处理信息上，是以认知的模型去进行评估与判断。

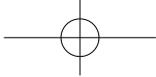
The procedural goal of cognition reconstruction is to change the problems caused by the client's thinking, feelings or explicit behavior. Cognitive behavioral theory assumes that people construct their own reality. When people process information, they use cognitive models to evaluate and judge it.

2、认知重建的研究与运用

2. Research on and application of cognition reconstruction

认知重建技巧对于处理有关人际关系曲解、对自我、他人与生活的不切实际期望、以及非理性恐惧、惊慌、焦虑、忧郁、控制、愤怒、冲动、缺乏自我肯定和低自尊等、都特别有用。一些研究用在控制儿童虐待、赌博、物质滥用等均有显著效果。对于社交恐惧与焦虑的处置、处理危机、创伤情境和增加自我效能等等、也有效果

Cognition reconstruction techniques are especially useful in dealing with interpersonal distortion, unrealistic expectations of oneself, others and life, irrational fears, panic, anxiety,



depression, control, anger, impulse, lack of self-affirmation and low self-esteem. Some studies have proved effective in controlling child abuse, gambling, substance abuse, etc. It is also effective in dealing with social fear and anxiety, crisis, traumatic situation and increasing self-efficacy.

认知重建在儿童身上的研究比对成人研究少。有些研究指出，认知重建策略与叙事或活动性的方法相结合，对较年龄小的儿童是有效的。儿童认知曲解影响他的社交与人际技巧。有忧郁和攻击行为的儿童会夸大负面性原因，年龄较大的儿童从事反社会行为时，会用认知曲解作为自我偏误之用。另外，负面的自我对话或思考形式，让青少年有夸大的批评行。另外，也有一些研究放在儿童的愤怒控制上。

Research on cognition reconstruction of children is far less than that on adults. Some studies have pointed out that cognition reconstruction strategies combined with narrative or activity methods are effective for younger children. Children's cognitive distortion affects their social and interpersonal skills. Children with depression and aggressive behavior will exaggerate the negative causes. Elder children will use cognitive misinterpretation as self-bias when engaging in antisocial behavior. In addition, negative self-talk or thinking leads to exaggerated criticism by teenagers. Some studies focus on anger control in children.

3、优势与限制

3. Strengths and limitations

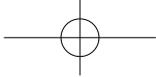
认知重建对于改变知觉、曲解的信念、思考的形式相当有用。在儿童保护工作中，受压迫、恶劣的社会情境导致资源匮乏，可能是真正的限制。作为儿童保护工作者，我们更应该理解更多地外部因素，帮助儿童从根本上解决问题。

Cognition reconstruction is very useful for changing perception, distorted beliefs and ways of thinking. Lack of resources caused by oppression and harsh social conditions may be the real limitations to child protection. As child protection workers, we should understand more external factors and help children solve problems fundamentally.

(四) 焦点解决模式

(IV) Solution-focused Approach

1、焦点解决模式的定义、主旨



1. Definition and objective

焦点解决模式是说集中单一焦点解决案主所关注的事务，焦点解决基本上假设人可以通过改变自己的观点，释放尚未开发的潜意识资源。这是一种整合认知重建的取向，并受案主想优先解决的事件而催化协助工作。

The solution-focused approach focuses on the matters that the client is concerned about in a focused way. It basically assumes that people can release the undeveloped subconscious resources by changing their views. This is an orientation towards integrating cognition reconstruction and is catalyzed and assisted by events that the client wants to solve first.

焦点解决的主旨在于在考虑案主的实力和能力的基础上进行问题的深层次分析，协助案主发展解决办法，而非评估、发现问题与如何继续进行。

The main purpose of solution-focused approach is to carry out in-depth analysis of the problem on the basis of considering the strength and ability of the client, and to assist the client in developing solutions, rather than evaluating, finding problems and how to proceed.

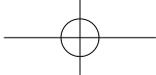
面向未来，而非过去。焦点解决取向肯定案主有权决定他们想要什么。此外，这一取向相信改变是发生在一段相对短的时间内，特别是案主被增权和激励运用他们的专长，建构焦点解决。工作者的角色是倾听案主提供的信息，并引导他们利用改变的思考与行动朝向问题的解决。

It faces the future, not the past. A solution-focused approach affirms that the client has the right to decide what they want. In addition, this orientation believes that change occurs in a relatively short period of time, especially when clients are empowered and encouraged to use their expertise to come up with a solution-focused approach. The role of workers is to listen to the information provided by clients and guide them in using the changed thinking and actions to solve problems.

2、焦点解决模式在儿童中的应用

2. Application of solution-focused approach to children

“量度式问句”和“奇迹式问句”用来探讨儿童和青少年发展性行为目标，并鼓励积极的行为研究已表明该方法能有效帮助儿童提高他们的社交技巧，以及学校课堂管理行为问题。其他更多使用焦点解决协助青少年的有协助少年罪犯和有困难青少年的处置，和采



用任务与认知行为及焦点解决之混和策略，协助怀孕青少年及其父母。例外式和量度式问句可以有效地促进高风险青年与少年改变违法行为，以及高风险的初高中学生学业或者行为问题。

Metrical Questions and Miracle Questions are used to explore the developmental behavioral goals of children and adolescents and to encourage positive behaviors. It has been shown that this method can effectively help children improve their social skills and address behavioral problems in classroom management. Others use more solution-focused approaches to deal with juvenile delinquents and adolescents with difficulties, and adopt mixed strategies of tasks and cognitive behavior and solution-focused approaches to assist pregnant adolescents and their parents. Exceptional and measurable questions can enable high-risk youth and adolescents to change their illegal behaviors and address behavioral problems with high-risk junior and senior high school students.

3、焦点解决模式的技巧

3. Techniques

焦点解决的治疗技术的特点在于，工作者使用一系列的咨询对话，而对话的主要目的在于协助案主探讨改变的可能线索，进而改变案主的经验、知觉、行为及判断。

The treatment technology of solution-focused approach is characterized by a series of consultation dialogs, and the main purpose of the dialogs is to assist the client in exploring possible clues of change, thus changing the client's experience, perception, behavior and judgment.

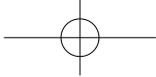
(1) 典型问句

(1) Typical questions

1) 例外式问句

1) Exceptional questions

例外式问句被认为是干预的核心，旨在消除问题的焦点。这些问句协助案主指出他们目前不存在的状况。例外式问句也可以鼓励探索过去或当前的行为，有效地帮助案主在他们自己的经验发现解决问题的线索。例如，“在什么的情况下你没有遇到过这个问题？”“什么时候问题会显得没有那么糟？这时候有哪些不同发生了？”



Exceptional questions are regarded as the core of intervention, aiming at eliminating the focus of the problem. These questions assist the client in pointing out the conditions that currently do not exist with him. Exceptional questions can also encourage exploration of past or present behaviors and effectively help clients find clues to solve problems based on their own experience. For example, “Under what circumstances have you not encountered this problem?”, “When will the problem appear not so bad?”, “What’s the difference now?”.

2) 奇迹式问句

2) Miracle questions

奇迹式问句把注意力放在可能有何不同，以及需要哪些改变，以达到理想状态。Koob (2003) 引用研究得到结论，认为对未来有一个正向视野是一种激励的力量。

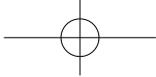
Miracle questions focus on what may be different and what changes are required for reaching the ideal state. Koob (2003) cites research to conclude that having a positive vision of the future is an incentive.

奇迹式问句是这样的：“如果有一天晚上，当你正在睡觉的时候，奇迹发生了，问题解决了，第二天早上你醒来的时候，你如何得知这个奇迹的发生？是否有什么事情变得不一样了？”这个问题借着让人们清楚地看见目标，来催化解决问题的精神状态。同时，也有助于案主的目光超越问题，明白他们真正想要的或许并不是杜绝问题的本身，而是能够做到那些被问题阻碍的事情。如果工作者能鼓励案主抛开问题，开始做这些事，那么问题也就不再那么严重了。

For example, “How can you know a miracle happened when you wake up the next morning if you dream that a miracle happened, and the problem has been solved in one night? Has anything changed?” This problem catalyzes the mental state of problem solving by making people clearly see the goal. At the same time, it helps the client look beyond the problem and understand that what they really want may not be to eliminate the problem itself, but to be able to do what is blocked by the problem. If workers encourage the client to put aside their problems and start doing these things, then the problem will not be so serious.

3) 评量式问句

3) Assessment questions



通常工作者可以用 1 代表问题最糟糕的情况，10 代表案主最期待的状况。要求案主以 1 到 10 的数字来对问题或相关议题作出评估。例如：“从 1 到 10，如果 1 代表你第一次来见我时候的沮丧程度，而 10 代表你经历奇迹后的兴奋，那么你现在对自己的满意度是多少？”评量式问句可以帮助我们吧复杂、模糊的目标简单化，通过这种方式辨认出案主进步的情形，培养出小小的变化，并增强案主行动的动机和信心。

Usually, workers can use 1 to represent the worst situation of the problem and 10 to represent the most anticipated situation of the client. The client is asked to evaluate the problem or related issues with a number from 1-10. For example: “If 1 represents the degree of depression when you first came to see me, and 10 represents the excitement after experiencing miracles, how satisfied are you with yourself now?” Assessment questions can help us simplify the complex and ambiguous goals. By this way, we can identify the progress of the client, cultivate small changes, and enhance the motivation and confidence of the client.

4) 因应式问句

4) Responsive questions

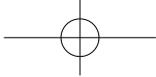
因应式问句掌握案主过去使用的处理问题的资源和优势，可以呈现案主过去努力，并且试图澄清和激励他们的实力和能力。当案主过分强调所面对的困难时，因应式问句是工作者可以运用的绝好技巧。例如，“虽然离婚使你情绪低落，但是你仍然将家庭和孩子照顾得那么好！好棒噢！我很好奇，你是如何做到这些并度过这段困难日子的呢？”

Responsive questions can show the past efforts of the client and try to clarify and motivate their strength and ability by using the resources and strengths of the client to deal with problems in the past. When the client overemphasizes the difficulties he is facing, responsive questions are an excellent skill that workers can use. For example, “Although divorce makes you depressed, you still take good care of your family and children! It is great! I’m curious. How did you do that and get through this difficult time?”

(2) 任务

(2) Tasks

配方性任务是用来激励主动（如做家庭作业），完成奇迹式问句所指认的目标。例如：一名工作者可以要求有冲突的儿童伙伴做些例外的行为，如不冲突时可与对方多讲一些话。



其他配方性任务可能要求家长和儿童进行观察，例如“在下次会议之前，观察你的行为，侧重于你想继续下去的这些互动行为。”

Formulaic tasks are used to motivate the initiative (such as doing homework) to achieve the goals identified by the miracle question. For example, a worker can ask children in conflict to do something exceptional, such as talking more with each other when there is no conflict. Other formulaic tasks may require parents and children to observe. For example, “Observe your behavior before the next meeting and focus on these interactive behaviors that you want to continue.”

(3) 区分三种对象

(3) Distinguishing between three objects

人在焦点解决取向中有三种：即顾客、抱怨者或访客。愿意做出改变承诺的人被称为顾客。确定关注什么，但不认为自己是问题或焦点解决的一部分，被称为抱怨者。只愿意投入很少的努力做改变的人，称为访客。区分不同类的人，工作者可将改变焦点摆在案主所关注的事情。有时为了确保不干扰案主的努力，建议要处理抱怨者和访客。

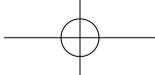
A solution-focused approach is orientated towards customers, complainers or visitors. People who are willing to make promises of change are called customers. People who are sure about what to focus on but don't think they are part of the problem or solution-focused approach are called complainers. People who are willing to effect changes through little effort are called visitors. By distinguishing between different types of people, workers can focus their changes on what the client is concerned with. Sometimes it is suggested to deal with complainers and visitors in order to ensure that the efforts of the client are not disturbed.

第四节 儿童保护个案管理的价值与伦理

Section IV Values and Ethics of Child Protection Case Management

在本节，我们将讨论个案管理过程与实践中所涉及到的价值与伦理，这些价值和伦理与社会价值和道德相互契合，共同指导工作者的直接服务与专业活动。

In this section, we will discuss the values and ethics involved in the process and practices of case management. These values and ethics are compatible with social ones. They jointly guide the direct care and professional activities of workers.



一、价值

I. Values

价值是“偏好的概念”或是事情应当如何的信念。每个人都有价值认为什么事情重要或适当，进而引导我们的行或决策。儿童保护个案管理专业价值指出什么对工作者重要，而工作者要注意个人价值与专业价值之间的调和，同时也要注意儿童自己的价值和信念可能会与工作者们的价值或专业价值不同。更进一步来说，我们的社会也透过政策和法律来呈现其价值，而社会价值也会和我们的、专业的以及案主的价值有所冲突。

Values are the “concept of preference” or belief about how things should be. Everyone has the values of recognizing what is important or appropriate to guide our actions or decisions. Professional values of child protection case management point out what is important to workers. Workers should notice the harmony between personal values and professional values, and be aware that children’s values and beliefs may be different from the workers’ values or professional values. Furthermore, the society presents its values through policies and laws, and social values may conflict with our, professional and clients’ values.

1、儿童有获得资源以解决问题并发展潜能的权利。

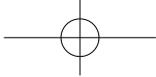
1. Children have the right to obtain resources to solve problems and develop their potential.

儿童保护专业工作的焦点是儿童在社会中的幸福，使得生活产生问题的环境是相关基本理论事务的主要关注点。儿童保护工作是增进社会正义的活动，要努力确保每一个儿童可以取得所需要的知识、服务与资源、平等的机会，以及有意义的公平参与决策。

The professional work of child protection focuses on the well-being of children in society, and the environment in which problems arise is the main concern of relevant basic theoretical matters. Child protection is an activity that promotes social justice by striving to ensure that every child has access to the knowledge, services and resources they need and equal opportunities to participate in decision-making in a meaningful and equitable way.

2、每一个儿童的独特性个别性都是有价值的，儿童保护工作者要认识人群关系的重要性。

2. The uniqueness and individuality of each child is valuable and child protection workers should recognize the importance of human relations.



对于工作者来说，接纳、非评判的态度与尊重且相信每个人都是独特的是同样重要的价值观。我们接纳他人的不同，真正理解对方，始终把他视为独立的，不带有偏见和歧视等负面视角去评判。工作者了解人与人之间的关系是改变的重要工具，在有目的之下尝试去增强人际关系，以增强、恢复、维持和促进个人、家庭、社会团体、组织和社区的福祉。

Acceptance, non-judgment and respecting and believing that everyone is unique are equally important values for workers. We accept others' differences, truly understand each other, always regard them as individuals, and judge without negative perspectives such as prejudice and discrimination. Workers' understanding of human relationships is an important tool for making changes. We should make an attempt to strengthen human relationships to enhance, restore, maintain and promote the well-being of individuals, families, social groups, organizations and communities.

3、尊重儿童与生俱来的尊严与价值

3. Respect children's inherent dignity and values

工作者以一种关怀与尊重的态度对待每个人，关注个别差异和文化及种族的多样性。工作者尊重儿童对社会负责的自我决定。

Workers should treat everyone with care and respect, focusing on individual differences as well as cultural and ethnic diversity. They should also respect children's socially responsible self-determination.

4、正直

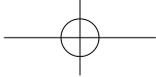
4. Integrity

正直的价值意指工作者的行为必须以被信任的方式来表现行为，要以公平、尊重的方式对待同仁，且是诚实、负责任、对他人有伦理的行为表现。

The values of integrity means that workers must behave in a trustworthy way, treat their colleagues in a fair and respectful manner, and be honest, responsible and ethical to others.

5、清楚、准确的自我认知

5. Clear and accurate self-knowledge



儿童保护个案管理工作者的实务工作必须在能力范围之内，且要不断发展与强化专业技能。工作者在专业过程中，必须能够负责任地了解自己的限制，并找寻成为专家所需要的知识与经验，在感觉专业能力不足时，需要减少工作量，通过不断的自我审视检查自己的状态，包括心理的、生理的以及外部性因素限制。如果对实务工作负有承诺，则必须持续性地扮演学习者，不断吸收与实务有关的相关发现，去除无效或者有害的服务方法以及强化自己的干预能力。

The practical work of child protection case managers must be within the scope of their capabilities and they should constantly develop and strengthen their professional skills. In the professional process, workers must be able to understand their own limitations responsibly and seek out the knowledge and experience needed to become experts. When they feel inadequate in professional ability, they need to reduce their workload and check their own status through constant self-examination, including psychological, physical and external limitations. If they are committed to practical work, they must continue to play the role of learners, constantly absorb findings related to practical work, abandon ineffective or harmful service methods, and strengthen their own intervention ability.

二、伦理

II . Ethics

1、儿童自决

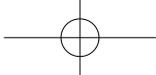
1. Children's self-determination

(1) 基本定义

(1) Basic definition

儿童自决的含义是案主自由选择和决定的权利操作化的认定。NASW（1999）将自决定义为：工作者应尊重并维护服务对象自我决定的权利，以协助服务对象设定和澄清治疗目标。当儿童保护工作者依据其专业判断，认定服务对象的行动会对自己或他人造成严重错误，或出现立即性的危机时，工作者则可限制服务对象自我决定的权利。

Children's self-determination refers to the approval of operationalization of client's right to freely choose and decide. NASW defined self-determination in 1999 as: workers should respect and maintain the right of service objects to make self-determination, so as to assist service objects



in setting and clarifying treatment goals. Child protection workers can limit clients' right to make self-determination when they affirm that service objects' action will cause serious errors to themselves or others or an immediate crisis based on their professional judgment.

(2) 基本原则

(2) Basic principles

①自决意味着儿童才是主要的问题解决者。工作者与案主之间的关系是平等的关系，工作者的主要任务是帮助案主界定问题，开发和考察解决问题的办法，最大限度地提高他们独立决策的能力以及实施他们作出的决策等方面。

① Self-determination means that children are the principal problem-solvers. The relationship between worker and client is equal. The main task of workers is to help clients define the problem, develop and investigate solutions, maximize their independent decision-making ability and implement the decisions they have made.

②自决并不禁止或者限制儿童保护工作者提出观点或者建议。事实上，工作者有责任与案主分享他们的观点。

② Self-determination does not prohibit or limit child protection workers from presenting their views or recommendations. In fact, workers have a responsibility to share their views with clients.

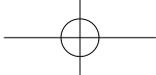
(3) 儿童自决的例外

(3) Exceptions to children's self-determination

服务对象的行为不能侵犯他人的权利，以及服务对象的生理和心理状况是否适合作决定，构成了服务对象自觉原则的实施条。通常在下列情况下会限制服务对象自决的行为：

The behavior of service object shall not infringe upon the rights of others, and the physical and psychological conditions of service object shall be suitable for making decisions. These are the implementation conditions for the self-determination principle of service objects. The self-determination of service objects is usually restricted by:

①导致监禁的犯罪行为



① A criminal act leading to imprisonment

②虐待儿童的行为

② Child maltreatment

③与身份行为相抵触的行为

③ Behavior incompatible with acts of identity

④导致丧失从事个人所在专业的工作权利的不道德的行为

④ Immoral behavior resulting in forfeiting the right to engage in the service object's profession

⑤服务对象生理上或心理上缺乏作决定的能力

⑤ Service object lack the physical or psychological ability to make decisions

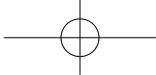
2、知情同意

2. Informed consent

NASW 提出六个有关知情同意的伦理守则。其本质是要工作者以清楚和可理解的语言告知案主服务目的、服务可能涉及的冒险、服务的限制、有关的花费、合理的选择、案主拒绝或退出的权利以及时间架构，工作者应给案主机会问问题。

NASW proposes six ethical codes for informed consent, which essentially requires workers to inform the client in a clear and understandable way of service purpose, possible risks involved in the service, service limitations, relevant costs, reasonable choices, client's right to refuse or quit, and time frame. Workers should give the client an opportunity to ask questions.

事实上知情同意应该是整个服务过程的一部分。案主在第一次会谈带着紧张和不确定的心情，不一定了解提出告知这件事的重要性。所以整个服务过程要再次让案主了解服务，并邀请他们提出问题。案主提供服务的书面同意书将有助于实现案主自决的权利。机构使用的标准化同意书中，常有一些专业用语在内，使案主无法确切的了解内容。NASW 新版的伦理守则中提出，“工作者在向案主取得同意书时，有责任以清楚且案主了解的语言向案主解释服务的目的、服务的负面影响、服务的花费、其他可能的选择、案主撤回同意书



的权利，以及同意书的有效期间”。

In fact, informed consent should be part of the whole service process. The client is nervous and uncertain at the first meeting and does not necessarily understand the importance of asking for notification. Therefore, during the whole service process, workers should enable client to know about the service again and invite them to ask questions. The written consent of service delivery for client will contribute to the realization of the client's right of self-determination. Some professional terms in the standardized written consent used by organizations make it difficult for the client to understand the content clearly. The new version of NASW ethical code states that “when obtaining a written consent from the client, the worker has the responsibility to explain to the client the purpose of service, the negative impacts of service, the service cost, other possible options, the client's right to withdraw the consent, and the validity period of the consent in a clear and understandable way.”

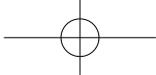
3、保持专业关系

3. Maintenance of professional relationships

社会工作者与服务对象之间的专业关系应具有清楚的专业界限。此界限有助于澄清彼此的关系不是社交性质，而是带有高度信任和案主的自我表露，虽然感受到彼此像朋友、伙伴、家人一样，但不是亲密性的。当案主相信工作者持此界线存在，他更能把重点放在寻求协助的问题上，自在地分享他自己和信任工作者。不论工作者的反应和说辞是支持、面质、同理心，都是为了工作的关系，而非社交、性暗示或是一种朋友性质的个人性反应。换句话说，仅仅是工作关系，除此之外，不能有双重关系。

There should be a clear boundary between the worker and the client to maintain a working relationship. It helps to clarify that their relationship is not social but features a high degree of trust and self-disclosure of the client. They are like friends, partners, and family to each other, but not intimate. When the client believes that the worker sticks to this boundary, he or she is more able to focus on seeking assistance, freely share his/her views, and trust in the worker. Whether the worker uses support, confrontation or empathy as excuses, it's all about work, not social contact, sexual innuendo, or personal response to a friend. In other words, it's just a working relationship, and beyond that, there cannot be a dual relationship.

4、保密



4. Confidentiality

(1) 基本含义

(1) Basic meaning

保密原则是指保守在助人过程中服务对象透露给社会工作者的秘密资料或私人性质的资料。在社会工作者与服务对象之间无论是否存在明确的协议，社会工作者都要坚持保密原则。

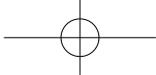
The principle of confidentiality refers to the safekeeping of confidential or private information disclosed to social workers by clients in the assistance process. Social workers are expected to adhere to the principle of confidentiality whether or not there is a clear agreement between them and service objects.

在助人过程中保密是不可或缺的，因为如果没有保密，案主是不太可能会冒着失去社会形象的危险，向工作者表露自己的生活隐私。特别是当案主因为外遇、偏差的性行为、不法的行为和儿童虐待等问题，而前来寻求相关协助。保密不是由案主提出的要求，而是工作者要表明对案主所陈述的内容会加以保密。

Confidentiality is indispensable in the assistance process, because without it the client is less likely to risk ruining his/her social image by revealing his/her private life to the worker, especially when the client seeks assistance for extramarital affairs, deviant sexual behaviors, illegal behaviors and child maltreatment. Confidentiality is not a request made by the client, but a guarantee from the worker that the client's statement will be kept confidential.

工作者要实现自己对保密的责任，需要避免在不适当的情境中透露案主的相关信息，包括：与朋友和家人讨论、与同事闲谈、在别人可听到的范围内会谈、在其他同事可听到的范围内讨论案主的状况、在大厅或电梯中评论案主。除此之外，还要避免在现代技术媒介下的信息泄露，在搜集、转换和储存案主个人资料上必须尤为注意。

In order to realize their responsibilities for confidentiality, workers should avoid disclosing client's information under inappropriate circumstances, including discussing with friends and family members, chatting with colleagues, talking within the hearing of others, discussing within the hearing of other colleagues about the client's situation, and commenting on the client in the lobby or elevator. In addition, it is also necessary to avoid information disclosure in modern technology media, especially in the collection, conversion and storage of client's personal data.



(2) 例外情况

(2) Exceptions

儿童保护工作者可以在未取得案主的同意前提供相关资料，比如案主生命面临危险时，或者工作者接到司法机关的通知，或者儿童虐待的举报等等。

Child protection worker can provide relevant information without client's consent when the client's life is at risk, or the worker receives a notice from judicial organ or a report of child maltreatment.

当案主出现危急自己或者他人的情况的时候，保密的例外情况就会出现。当案主计划或行为会严重伤害他人而告诉工作者时，他人的权利就比案主资料保密的权利更优先。例如当案主计划绑架、伤害和谋杀时，工作者有义务透露信息给受害者和执法单位，以便能及时采取预防措施。

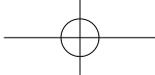
An exception to confidentiality occurs when the client is in a situation that endangers himself/herself or others. Others' rights take precedence over client's right of confidentiality when the client's plan or action will cause serious harm to others. For example, when the client plans to kidnap, injure or murder someone, the worker is obligated to disclose information to the victim and law enforcement so that preventive measures can be taken in a timely manner.

在世界上，高过保密原则的其他权利是儿童保护。事实上，美国境内法令规定，专业者必须通报已知或者怀疑的儿童虐待案件，并且这种行为受到法律的保护。在我国，也有类似的相关规定。

Child protection is a right that trumps confidentiality principle. In fact, the law of the United States requires professionals to report known or suspected cases of child maltreatment, which is protected by law. In China, there are similar regulations.

虽然法律保护这种行为，但是在呈报受虐案件而违反保密原则时，最好的方式是知情同意，让案主提前知晓此项规定和指责，避免伤害专业关系。

Although the law protects such behavior, the best way to report child maltreatment cases by violating confidentiality is to reach informed consent beforehand, so that the client is aware of this rule and related censure in advance to avoid damaging professional relationships.



5、伦理困境处理方法

5. Methods to deal with ethical dilemmas

面对伦理困境，我们根据相关资料，提供九个步骤面对伦理困境：

We provide following nine steps to deal with ethical dilemmas according to relevant data:

(1) 指出问题或困境，尽量从不同角度收集资料。

(1) Point out problems or dilemmas and try to collect data from different angles.

(2) 指出决定核心原则和对立议题

(2) Determine core principles and opposing issues

(3) 审阅相关伦理守则。

(3) Review relevant ethical codes

(4) 审阅可能牵涉到的法律和规则

(4) Review laws and regulations that may be involved

(5) 征询同仁、督导和法律专家意见

(5) Consult colleagues, supervisors and legal experts

(6) 考虑可能和可行的意见，以及每一种选择可能的后果

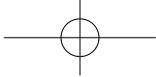
(6) Consider possible and feasible views and possible consequences of each option

(7) 决定行动应有的进程，衡量手中的信息，以及其他选择的冲击

(7) Determine the required action course, and assess the existing information as well as the impact of other options

(8) 拟定有效执行决策之策略。

(8) Formulate strategies for effective implementation of decisions.



(9) 评估过程与结果，以决定是否达成所想要的目标，并考虑修正下一次决策。

(9) Evaluate the process and results to determine whether the desired goal is achieved and consider revising the next decision.

这些程序不是固定不变。你所做的每一件事情都要更加仔细的检视伦理困境议题和选择。除了这些步骤之外，还需要仔细的将每一决策过程所做的事情和考虑写下来。

These steps are not fixed. You need to look more closely at ethical dilemmas and choices under any circumstances. In addition to these steps, everything that has been done and considered in each decision-making process should be recorded carefully.

第五节 儿童保护个案管理的基本原则和程序

Section V Basic Principles and Procedures of Child Protection Case Management

一、个案管理的基本原则

1. Basic Principles of Case Management

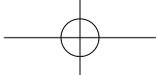
1、服务的整合

1. Service integration

进入儿童保护个案管理服务体系的个案，往往是多重问题的需求者，且需要较长时期的介入。工作者藉由连结跨机构或跨专业的资源，不仅可减少服务的零散和重叠，而且可做服务优先次序设定的参考。因此，服务的整合是有效个案管理的一个重要原则。

The cases that enter the child protection case management service system are often from the demanders with multiple problems and require long-term intervention. By connecting resources across organizations or professions, workers can not only reduce the fragmentation and overlap of services, but also apply it as a reference for setting service priorities. Therefore, the service integration is a vital principle of effective case management.

2、连续性照顾



2. Continuous care

个案管理的案主可能有多层次的需求，个案管理要能评估后进行个别化设计，为案主提供套装式和无缝隙的服务，即要能为案主提供全面性及连续性的照护，包括支持、复健或治疗性的处理、与案主家属和重要他人维持关系、危机干预、以及超越服务连结的社会网络。

Case management clients may have multi-level demands. Case management should be able to conduct individualized design after assessment to provide packaged and seamless services for clients, that is, to provide comprehensive and continuous care. This includes support, rehabilitation or therapeutic treatment, maintaining relationships with client's family members and important ones, crisis interventions, and social networks beyond service connection.

3、公平地取得服务

3. Fair access to services

对于需要协助的案主，必须要让他们能够公平地取得服务。工作者不仅要能扮演倡导的角色，也要能扩展取得服务的渠道。对于案主取得服务的负担能力和资格要有适当的界定，资格边缘的案主也要有一套服务的计划。

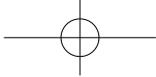
Fair access to services must be made available to clients in need of assistance. Workers must not only play an advocacy role, but also expand the access to services. The affordability and eligibility of clients should be properly defined and clients on the fringe of eligibility should also be provided with a set of service plans.

4、倡导

4. Advocacy

倡导是个案管理实务的一项功能要素，它用于协助案主获得所需的资源，抑或用于保障案主的权益。因而，倡导的目的在于争取或者维护案主的权益，特别是当输送体系不健全时，包括：重复、零散以及资源不足以提供所需要的服务，或所需要的服务并不存在时，工作者往往须代表案主，适时的扮演倡导者的角色。

Advocacy is a functional element of case management practice. It is used to assist clients to obtain required resources or to protect their rights and interests. Therefore, the purpose of advocacy



is to fight for or safeguard clients' rights and interests, especially when the delivery system is not sound. For instance, workers are often required to act as advocates on behalf of the client when resources are duplicated, fragmented, and insufficient to provide the required services, or the required services don't exist.

5、成本效益原则

5. Cost-effectiveness principle

“成本效益”意指节约成本、注重效益。此原则要求工作者在充分考虑案主利益前提下以最少的服务成本投入，获取最佳的服务效果。工作者应科学评估案主需求与服务资源，合理搭配、整合服务资源，做好服务方案设计，把握好服务进程，做好服务成效评估，避免服务的重叠与浪费。

Cost-effectiveness means saving cost and focusing on efficiency. This principle requires workers to obtain the best service effect with the minimum service cost input under the premise of fully considering the interests of the client. Workers should scientifically evaluate client's needs and service resources, reasonably match and integrate service resources, design service plan well, control service process well, evaluate service effectiveness well, and avoid overlap and waste of services.

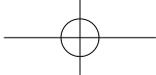
二、个案管理的程序

II. Procedures of Case Management

(一) 发展脉络和经验

(I) Development process and experience

个案 / 照顾管理是一种协助案主解决复杂且长久问题的过程，一位接受个案 / 照顾管理的服者，从开始与机构接触到结案或追踪，往往需要一套流程予以协助处理。学者们对这套处遇流程的阶段区分不尽相同，如 Ballew & Mink 将个案管理区为建立关系、评量、计划、取得资源、协调和结束关系等六个阶段。Dant & Gully 以小区照顾领域为例，将照顾管理区分为转介、主要评量、照顾计划、包裹式照顾及监管和检阅等六个阶段。英国官方 (DoH/SSI) 将照顾管理分为公告信息、(转介后) 决定评量层次、衡量需求、规划照顾、执行照顾计划、监管及检阅等七个阶段。Rothman & Sager 则从各领域的实务经验和实证研究中整理出更为完整的流程，该流程是由十五个连续或互有重叠的功能所组成，包括：



接触机构、接案、评量、目标设定、介入计划、资源的确认与索引、正式链接、非正式连结、监管、再评量、成果评估、机构间的统整、咨询、治疗与倡导。台湾学者黄源协等将个案管理分为个案筛选与关系建立、评量与目标设定、介入计划与拟定资源确认、介入计划执行、监管与再评估、结果评估与结案等六个阶段。

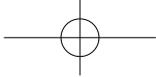
Case/care management is a process of assisting clients to solve complex and long-term problems. A case/care management provider often needs a set of assist procedures from the beginning of contact with the organization to the closure or trace of the case. Scholars hold different views on dividing the stages of this process. For example, Ballew and Mink divide case management into six stages: rapport building, evaluation, planning, resource acquisition, coordination and ending relationship. Taking community care as an example, Dant and Gully divide care management into six stages: referral, main assessment, care plan, parcel care, supervision and inspection. The British authorities DoH/SSI divide care management into seven stages: information announcement, determination of assessment level (after referral), demand measurement, care planning, care plan implementation, supervision and review. Rothman and Sager formulate a more complete process from practical experience and empirical research in various fields, which consists of 15 continuous or overlapping functions, including contacting with organizations, case intake, assessment, goal setting, intervention plan, validation and indexing of resources, formal link, informal link, supervision, re-evaluation, outcome evaluation, inter-agency integration, counseling, treatment and advocacy. Taiwan scholar Huang Yuanxie and others divide case management into six stages: case screening and relationship building, assessment and goal setting, intervention plan and proposed resource confirmation, intervention plan implementation, supervision and reassessment, result evaluation and case closure.

(二) 《指南》的个案管理程序

(II) Case management procedures of the Guide

前者学者们的分法虽然不一，但是个案管理流程都有相当的共同点。综合前述的分类方式，根据内容丰富完善、便于理解和使用的基本原则，综合考虑多种因素，本《指南》的个案管理流程为：

Although scholars have different opinions on how to divide the stages of case management process, case management processes have a lot in common. Based on the above-mentioned dividing methods, the basic principles of rich and complete content as well as easy understanding



and use, and a comprehensive consideration of various factors, the case management process of the Guide is as follows:

- 1、 个案发现、 转介与接案
1. Identification, referral and intake of case
- 2、 案主评估与问题诊断
2. Case assessment and problem diagnosis
- 3、 服务方案的制定
3. Service plan formulation
- 4、 服务方案的实施
4. Service plan implementation
- 5、 评估与结案
5. Assessment and case closure

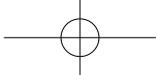
在第二篇随后的章节里，将对个案管理流程进行细致地介绍和讨论，部分未在大章节中呈现的知识点将会根据不同程序阶段一一阐释。

In the following chapters of the Part II, the case management process will be introduced and discussed in detail. Some knowledge points not presented above will be explained according to different procedure stages.

中篇： 第五章 儿童保护个案管理的应急干预行动

Subpart B: Chapter V Emergency Intervention for Child Protection Case Management

应急干预，即各职责部门接受举报或发现案情后做出的即时行动，这是各部门联合提供儿童保护措施的第一步。要求参与儿童保护工作的各部门最短时间内联合行动，采取有效措施，确保受暴儿童的安全，并形成“应急保护小组”，为受暴儿童提供即时保护，并



为长期保护行动提供基础性保障。

Emergency intervention, which is the immediate action taken by various responsible departments after receiving reports or detecting the case, is the first step of the joint child protection measures by the responsible departments. All departments involved in child protection work are required to take quick response and effective measures to guarantee the safety of children subject to. Meanwhile, an Emergency Protection Team should be formed to provide immediate protection for the children and guarantee the basis for long-term protection plan.

第 1 节 应急干预的原则

Section I Principles of Emergency Intervention

应急干预旨在发现案情的第一时间为受暴儿童或疑似受暴儿童提供最有效的保护，时间一般为发现案情的 24 小时内，这要求儿童保护工作者必须最及时、最有效的采取相应的措施，在过程中，需要遵循一些基本原则。

Emergency intervention aims to provide the most effective protection as quickly as possible for a child who suffers from violence or is suspected of being under violence, usually within 24 hours after the case is identified. This requires child protection officers take the timely and effective measures by following basic principles.

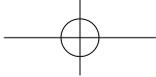
一、耐心负责的工作态度

I. Patient & Responsible Attitude

往往儿童暴力事件的发现是收到相关人员的举报。儿童保护工作者在接收到知情人士的群报信息的时候，一定要以认真负责的工作态度，怀有高度警觉，耐心处理举报信息，不能以怀疑、敷衍、急躁等不合适的行为来面对。

Generally, the child abuse case is identified through the reporting from relevant persons. When child protection workers receive the report from the reporters, they must take a serious and responsible attitude, be highly vigilant, and patiently handle the report without any inappropriate behaviors such as suspicion, perfunctoriness, and impatience.

二、即时性



II. Immediacy

面对举报信息或发现案情，儿童保护工作者要简短迅速的询问有用信息，包括受报者基本信息、时间、地点、施暴形式等。第一时间通知相关部门采取行动。

After the case is surfaced, child protection workers should briefly and promptly collect useful information, including the basic information of the victim, time, place, and form of violence. Meanwhile, they should inform the relevant governmental departments to take actions as soon as possible.

三、多方联动、共同参与

III. Multi-disciplinary Approach, Collective Participation

儿童保护工作是多个部门的共同责任，在发现或接收案情的第一时间内，应该联动多部门，组建“应急保护小组”，各司其职，保证工作有效顺利开展。

Child protection work is the shared responsibility of multiple departments. As soon as the case is identified, multiple departments should immediately form an Emergency Protection Team, each of whom should perform its duties to ensure the effective and smooth implementation of the work.

四、孩子的安全是第一要义

IV. Children's Safety as the First Priority

儿童保护工作的目的之一是为了保证儿童的安全，促进孩子的健康发展。在开展儿童保护工作中，应该把孩子的安全放在首要位置，一切行动为了孩子。如果发现孩子有可能受到严重的伤害甚至威胁到生命安全，工作者必须想方设法确保儿童离开危险境地，确保安全。

One of the purposes of child protection work is to ensure the safety of children and promote their healthy development. In the child protection practice, the safety of the child should be at the center of intervention and all actions should be taken for the child. If children are found to be seriously injured or even their lives are threatened, workers must find ways to protect the child from danger.

五、保密原则

V. Confidentiality

在处理案件过程中，应遵循儿童利益最大化的理念，做好保密原则，避免儿童及其家庭受到因泄密而导致的精神伤害。

When handling the case, the concept of best interests of children and confidentiality should be followed. In order to avoid potential risk to children and families, the principle of confidentiality should be seriously taken into consideration..

第二节 信息收集

Section II Information Collection

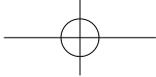
应急干预中信息的收集应当具有即时、有效的特点，儿童保护者及时收集到有效信息，有助于后续计划的制定与保护工作的开展。

During the emergency intervention, collecting information should be carried out in timely and effective manner. The proper initial data collection facilitates the development of follow-up plans and the implementation of the protection works.

一、受暴儿童基本信息

I. Basic Information of the Child Victims

儿童基本信息表			
Basic Information of the Child			
儿童姓名		档案编号	
Name		Case No.	
出生日期		性别	
Date of Birth		Gender	
主要监护人姓名及地址			
Name and address for his/her principal guardian			
儿童目前所在地址			
Current address of the child			



儿童所在学校联系方式及联系人 School contact information and contact person	
儿童健康状况及医疗史 Health condition and medical record of the child	
儿童暴力的性质、事发日期、地点、频次 Nature, date, place and frequency of Violence ,	
儿童是否受伤、是否有潜在危险 Whether the child is injured or is the child' s safety at risk?	
与儿童生活相关其他人士联系方式 Contact of the important others for the child	
其他相关机构的联系方式 Contact information of other relevant institutions	
信息填写人及日期 Form completed by and on	

二、关于施暴者或嫌疑人信息

II. Information of the Perpetrator (Suspect) Perpetrator

施暴者（嫌疑人）基本信息表 Basic Information of the Perpetrator (Suspect)			
姓名 Name		档案编号 Case No.	
出生日期 Date of Birth		性别 Gender	
职业 Profession		文化程度 Education Level	
与受害儿童关系 Relationship with the child victim			

户籍所在地与联系方式 Place of birth registration and contact information	
目前居住地 Current Address	
是否仍与儿童有接触 Whether he/she still has contact with the victim child	
精神状况 Mental condition	
信息填写人及日期 Form completed by and on	

第三节 初步评估

Section III Initial Assessment

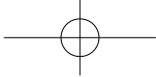
初步评估旨在根据获得的信息对儿童的情况进行快速评估，为之后采取应对措施提供依据。

The initial assessment is designed to provide a quick assessment of the child's condition based on the obtained information, thus, to provide a basis for subsequent response.

通常进行初步评估的是儿童所在的村委会 / 居委会、学校或相关机构的儿童保护联络员。通过对所获取基本信息的评估，判断儿童短期内面临的风险，考虑是否采取紧急措施（将儿童立即送医治疗或提供临时食宿服务）等。

The initial assessment is usually conducted by the child protection workers in the village committee, neighborhood committee, schools or relevant institutions. Through assessing the risks facing children in the short term, they could determine whether to take urgent measures (for example, sending the child immediately to the hospital for treatment or providing temporary shelter services).

初步评估一般是在 24 小时之内完成。评估人员根据对获取到的信息的判断，选择适合处理案情的最合适人选，随之根据情况将案情按规定转介。一般的，根据对风险的初步评估，儿童保护工作者应当做出相应选择：



The initial assessment is generally completed within 24 hours. Based on the estimation of the obtained information, the assessor selects the most suitable person to take charge of the case, and then transfers the case as required. In general, child protection workers should make appropriate decisions based on an initial assessment of risks:

1、不开展行动：如果案例不存在儿童保护问题（即儿童没有被虐待），那么就没有必要进行后续行动；如果发现案例是因为经济困难所导致，可将儿童转介到相关政府部门。

1. Taking no actions: if there is nothing relating to child protection issues in the case (i.e. the child is not abused), then no follow-up actions is necessary; if the case is found to be financial-difficulty-related, then the child should be referred to the relevant government department.

2、低风险转介：将儿童转介给学校或村委会

2. Low-risk referral: transfer the child to schools or village committees

3、中、高风险转介：将儿童转介到妇联，以便协调开展长期保护行动。

3. Middle- and high- risk referral: transfer the child to the Women's Federation for coordinated and long-term protection works.

4、即时伤害：立即报告给公安局或派出所，同时通知妇联的工作人员

4. Immediate injury: report to local public security bureau or police station immediately and notify the staff in the Women's Federation.

初步评估表 Initial Assessment Form			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
评估完成日期 Date of assessment		评估者 Assessed by	

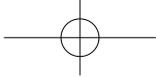
主要监护人姓名及地 Name and address of the principal guardian		
家庭具体情况 Family Condition	家庭成员互动状况 Interaction among family members	
	家庭经济条件 Family' s living condition	
	家庭存在的不足 Weaknesses of the family	
	家庭存有的优势 Strengths of the family	
儿童发展满足情况（生理、心理、认知等） Child' s development needs (physical, psychological and cognitive competence etc.)		
已经采取过的行动 Actions already taken		
可以获取到的资源支持 Available resources and supports		
建议采取的措施 Suggested measures		

第四节 应急方案的制定与实施

Section IV Formulation and Implementation of Emergency Plan

儿童保护个案管理的应急干预行动，联动了公安机关、司法机关、地方政府、民政、教育等多部门，妇联、共青团、专业社会工作者共同参与，形成有专业支撑的“应急保护小组”。应急干预，一般分为接到案情后的第一处理与初步评估后的干预两部分。

The emergency intervention of child protection case management has linked the police, the judiciary, the local government, the civil affairs, education and other departments. The Women's



Federation, the Communist Youth League and professional social workers form a multidisciplinary Emergency Protection Team, which can provide professional supports. Emergency intervention is generally divided into two parts: the initial intervention after receiving the case and the intervention after the initial assessment.

一、即时处理

I. Crisis Intervention

1、公安机关等部门接到报案或发现暴力行为的第一时间内，启动应急干预行动，及时出警。

1. The public security organs and other departments shall, as soon as receive reports or identify violent acts, initiate emergency interventions and promptly dispatch police.

2、接到案情的第一时间内，各部门共同行动，组成“应急保护小组”。

2. As soon as the case is received, all departments should jointly form an Emergency Protection Team.

3、居委会、学校等与儿童密切接触的机构第一时间收集相关信息，展开初步评估，采取措施，判断是否需要送医或提供食宿保障。

3. Institutions that are in close contact with children, such as neighborhood committees and schools, should collect relevant information as quickly as possible, conduct initial assessment, and take measures to determine whether the child needs medical care or accommodations.

4、公安机关进一步展开侦查，确定暴力事件的形式与性质，确定是否构成犯罪、是否需要进入司法程序等。

4. The public security organs should further investigate and identify the feature and nature of the violence, thus determine whether it constitutes a crime, and whether it is necessary to enter the judicial process.

5、“应急保护小组”进一步收集相关信息，开展小组会议，制定跟进服务计划。

5. The Emergency Protection Team should further collect relevant information, hold group meetings, and then develop follow-up plans.

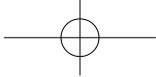
6、应急问题处理后，提供案情转介服务。

6. After emergency processing, case referral service should be provided.

二、干预行动

II. Intervention Actions

应急干预行动表	
Emergency Intervention Actions	
儿童姓名 Name	受理编号 Case No.
出生日期 Date of Birth	性别 Gender
身份证号 ID No.	受理渠道 Referred by
主要监护人姓名及地址 Name and address of the principal guardian	
儿童暴力的性质、事发日期、地点、频次 Violence feature, date, place and frequency	
儿童现有资源 Available resources of the child	
儿童是否具有潜在危险 / 存在何种危险 Potential Risks facing the child (if any)	
已经采取过的行动 Actions already taken	
是否需要就医 / 提供食宿保障 Whether the child needs medical treatment or accommodations	



是否需要司法介入 Whether the judicial intervention is required	
采取何种安排（医疗、送往临时救助中心等） Follow-up measures (arranging medical treatment/ sending to the protection center)	
监护人是否同意上述安排并签字 Whether the guardian agrees to the above- mentioned arrangement and sign if agree	
是否需要转介并提供长期保护服务 Whether the child needs to be transferred or needs long- term protection services	
参与部门及人员 Departments and staff involved	
时间 Time	

下篇 儿童保护个案管理的长期服务机制

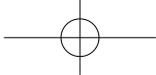
Subpart C Long-term Service Mechanism for Child Protection Case Management

第六章 儿童保护个案发现、接案与建立关系

Chapter VI Identification, Intake and Professional Rapport of Child Protection Case

第一节 儿童保护个案发现

Section I Child Protection Case Identification



一、个案发现的原因

I. Why

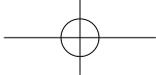
个案发现是个案管理的第一步。个案的发现主要是由于产生了某种事件而通过他人上报，或者是在开展具体的工作时，相关的机构或个案工作者针对某种状况而主动提出，或是潜在的服务对象通过多种途径而知晓服务进而提出。一般情况下，只有在尝试了其他途径的帮助之后才会申请服务。受社会习惯的影响，在社会中的个体遇到问题时首先会尝试用非正式的手段来获取帮助，例如向自己的家庭成员、朋友寻求帮助。其中部分人会选择向相关机构求助，由于先前与机构有过接触或者通过其非正式网络了解到机构服务的状况与内容，会选择通过专业的方法来帮助我们自己。以上自我寻求帮助的情况在成年人中较为实用。由于儿童年龄较小，对社会的认知较少，对自己所处境遇的了解较为不敏感，在发生需要儿童保护的事件时，难以通过自我求助的方式寻找帮助，因而对于相关机构、社区成员、儿童亲属以及个案工作人员来说，及时发现个案并进行儿童保护显得尤为重要。如何发现儿童需要进行保护，就需要对儿童保护的内容进行了解。

As the first step of case management, case mainly originated from witness's reporting, or was reported by relevant institutions or case study staff when carrying out the specific work, or was reported by the potential service users who knows the service through various channels. In general, the service would only be considered when other channels had proven to be ineffective. Influenced by social norms, individuals in society would first try informal social support, such as asking their family members and friends. Some of them would turn to relevant institutions, if they had previously contacted the agency or learnt about its services through informal network, to obtain professional assistance. The above-mentioned help-seeking methods are more often used by adults, because children have limited level of cognition and are less sensitive to their own situation. When child protection issue occurs, it is difficult for the children to obtain help on their own. Therefore, it is paramount for relevant institutions, community members, relatives and case workers to identify the case and protect children in a timely manner. A comprehensive understanding of the child protection work can help you identify child protection cases.

二、个案发现的内容

II. What

通常情况下需要进行儿童保护的事件主要针对儿童暴力。根据世界卫生组织的定义，针对儿童的暴力主要指的是个人或群体有意识地使用武力或权利来威胁或真实实际地侵犯



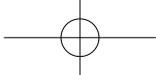
儿童，最终导致很可能给儿童健康、生存、发展或尊严方面造成实际或潜在伤害。其中主要为儿童虐待，儿童遭受虐待主要分为四种类型：身体虐待、性虐待、精神虐待以及疏忽照顾。

Child protection cases are targeting against the violence against children. According to the definition of the World Health Organization, violence against children means that individual or group consciously threatens or truly violates children by abusing violence or rights, which ultimately lead to actual or potential damage to the child's health, survival, development or dignity. Among them, child abuse is mainly divided into four types: physical abuse, sexual abuse, emotional abuse and neglect.

身体虐待又称为躯体虐待，指的是故意通过各种手段对儿童造成身体伤害和痛苦，主要行为包括殴打、不给儿童提供食物、强迫儿童在恶劣环境进行工作、进行欺凌。受到身体虐待的儿童身体迹象有多种情况，如儿童身上发现青肿、脱臼、瘀血、割伤，出现儿童自身无法解释的伤口而且伤口没有受到及时的治疗等。通常情况下儿童遭受虐待之后会产生系列行为，如在成年人靠近时会害怕，表现出攻击性和破坏性，情绪变得沮丧、孤僻，产生缺乏自信、害怕回到家中等。

Physical abuse, also known as body abuse, refers to inflicting bodily injury and pain upon children deliberately through various means, including beating, not providing food to children, forcing children to work in harsh environments, and bullying. Children who are physically abused have various physical signs, such as bruises, dislocations, blood stasis, cuts, and wounds that they cannot explain and are not treated promptly. Usually, children would subject to react in different ways after being abused, such as looking scared when adults approaching, showing aggression and destructiveness, depression, loneliness, lack of self-confidence, and uncomfortable when staying at home.

性虐待指的是以强迫或引诱的方式与儿童进行性接触，包括身体接触和非身体接触，从而达到其性满足或其他目的的行为。接触性性行为包括强奸、触摸儿童隐私部位以及强迫儿童接触别人的生殖器官。非接触性性行为包括给儿童展示色情图片或书面的信息、谈论色情话题、拍色情照片、通过网络或电话进行色情引诱。国家法律规定，无论儿童是否同意，成年人与 14 岁以下儿童发生的性关系都属于性虐待。遭受性虐待的儿童通常会在身体方面产生一定的迹象，如生殖器和肛门区疼、痒、瘀伤或流血，生殖器感染，腹部疼痛以及走路不舒服。儿童的行为表现通常会有出现饮食紊乱、穿着打扮突然改变、非常的安静、孤僻或具有攻击性、开始使用充满性意味的语言或行为、描述与某个成年人的特别关系等。

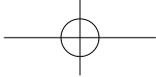


Sexual abuse refers to the sexual contact with a child by way of forcing or seducing, including physical contact and non-physical contact, in order to achieve sexual satisfaction or other purposes. Contact sexual behaviors include rape, touching children's private parts, and forcing children to contact other people's reproductive organs. Non-contact sexual behaviors include showing children pornography or content, talking about pornography, taking sex photos, and seducing via the internet or phone. National laws stipulate that sexual relations between adults and children aged below 14 are sexual abuse no matter the child agrees or not. Children who are sexually abused often have physical signs such as genital and anal pain, itchiness, bruises or bleeding, genital infections, abdominal pain and abnormal walking patterns. Children's behaviors often display as eating disorders, sudden changes in dressing, being very quiet, isolated or offensive, starting to use sexualized language or behavior, describing a special relationship with an adult.

情感虐待指的是故意破坏儿童的情绪、伤害儿童情感、危害儿童智力发展的行为。情感虐待也称精神虐待，具体表现为语言具有威胁性，展示含有虐待内容的图像或者使用具有辱骂性的语言，对儿童进行过度批评、贬低、缺乏支持性的环境，口头上的欺辱、散播谣言。也包括任何通过羞辱、恐吓或胁迫操控或是使受害者感到内疚、恐惧等手段，去控制和压制儿童的行为。受到情感虐待的儿童身体迹象会表现出一定的言语障碍、尤其是突然出现言语障碍和身体或心智发育迟缓。具体产生的行为表现有：害怕新的环境、自我伤害、不能正常与人玩耍或交往、过度需要获得赞赏渴望取悦别人、对痛苦有异常的情感反应等。

Emotional abuse refers to the act of deliberately destroying, hurting children's emotions, and endangering children's intellectual development. Emotional abuse, also known as mental abuse, is manifested by the language threat, displaying the images containing abusive content or the use of abusive language, excessive criticism of children, depreciation, and lack of supportive environment, verbal abuse, and spreading rumors. It also includes any behaviors of controlling and suppressing children's behaviors by humiliation, intimidation or coercion so as to make the victim feel guilty and fear. Physical signs of children who are emotionally abused may exhibit certain speech impairments, especially sudden speech disorders, as well as physical or mental retardation. The specific behaviors are: fear of new environment, self-harm, inability to play or interact with others, excessive need of being appreciated, eager to please others and abnormal emotional response to pain.

疏忽照顾又称忽视，指的是负有监护责任的单位或个人严重忽视儿童自身基本需要的行为，监护人在有能力的情况下选择了不为儿童提供健康、教育、食物等。在这种情况下

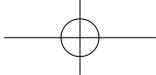


儿童的健康与发展受到了损害，导致儿童面临较大风险。在特别贫困的社区，只要父母能够尽力保障自己孩子的基本需求就是履行了其责任，如果是因为父母经济状况问题而无法满足儿童的需要则不属于虐待儿童。受到忽视的儿童会表现出穿着不适合气温或季节、不洗澡身上有味道、生病未治愈、时常饥饿无法吃饱、营养不良（面黄肌瘦、体重较轻、身材矮小、身体素质差）、经常性受到意外伤害（即在成年人监护下可以避免的伤害）。儿童受到忽视后自身的行为也会发生变化，如常常迟到或者旷课、难以形成与自己年龄相适应的社会关系、大部分时间较为倦怠、自尊心较为低下。

Neglect refers to an entity or individual with a guardianship responsibility that seriously ignores the child's basic needs. The guardian chooses not to provide conditions that are good for the child's healthy development, education, food, etc., although he/she can afford. In this situation, children's health and growth are undermined, leading to greater risks. In particular, for poor communities, as long as parents are able to do their best to meet their children's basic needs, they are fulfilling their responsibilities. If they are unable to meet the children's needs because of their financial situation, they are not neglecting the child. Types of the victims of child neglect may include those in unsuitable clothing for the season, poor hygiene, unmet medical needs, those suffering from hunger or malnutrition (with signs of emaciation with sallow complexion, inadequate body weight, short stature, poor physical fitness, etc.) and frequently exposed to accidental injuries (i.e. injuries avoidable under adult's supervision). When children are neglected, their behavior will also change. For example, they are often late or absent from school, and it is difficult to develop social relationships that are appropriate to their age. They appear to be tired and low self-esteem.

儿童遭受虐待对于儿童自身的身体、心理以及发展会产生较为严重的后果，如若难以及时发现并进行干预，会导致儿童的畸形成长和发展，因此及时发现个案，对个案进行及时的干预和工作，可以帮助儿童回复正常的成长状态，从而避免产生儿童问题，也有利于社会的和谐稳定。儿童是祖国的花朵和国家的未来，保护儿童、为儿童提供相应的帮助，应当是社会中每个人的责任。

Victims of child abuse may suffer from poor physical, psychological growth. Failure to timely identify and intervene in a child abuse may result in an abnormal growth of the child victim. Timely identification of and intervention in such cases may help child victims return to a normal life. This could avoid potential problems and is beneficial to social harmony and stability. Children are the flowers of the motherland and the future of our country. Protecting and providing corresponding assistance to children should be the responsibility of everyone in society.



第二节 儿童保护个案管理的接案与跟儿童建立关系

Section II Case Intake & Building the Rapport with Children

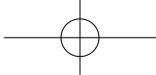
接案与建立关系的目的是简要了解求助者遇到的问题、困难及需求，对其带来的问题进行初步的评估了解，并了解需要接案的指标（机构的功能和接案对象、求助者情况的紧缓程度），与求助者商讨是否可以提供服务，并澄清工作者的职责。在接案时，建立一个良好的专业关系非常的重要。良好的专业关系可以帮助工作者在助人的过程中明确助人的目的，从而在短时间内达到有效的助人目的。

The case intake and rapport building processes are intended for a brief understanding of the problems, difficulties and needs of the service users as well as for an initial assessment of their problems. In these processes, the workers should confirm the indexes (the role of the institution, the client and the urgency degree of the client's issues) for taking the case and the client's willingness to accept the services, as well as clarify their duties. In the case intake process, it is essential for the workers to establish a solid professional relationship with the client. A good relationship could help workers clearly understand the purpose during the process, so as to achieve the goal effectively in a short period of time.

一、初步接触

I. Initial Contact

通过与求助者的接触，简要地了解其遇到的问题，根据机构自身的功能和目的，商讨是否可以为其提供服务。在初步接触的过程中要明确求助者的意愿以及来源，其主要分为求助者主动求助、求助者被动求助、其他人或机构转介。不同来源的求助者求助意愿通常会有不同，针对于儿童保护的求助者，一般为由儿童保护工作者主动带领或由其他机构转介而来，主动求助较少。在一般情况下，主动求助者意愿较高，较便于开展具体服务；求助者被动，工作者主动的情况需要与求助者建立关系，激发其求助与改变的意愿之后进行服务；由其他机构转介而来的需要及时根据在机构服务的内容以及转介表来判断需要的服务从何处开始，避免进行重复干预。如果机构无法为求助者提供相应的服务，应当对案例进行及时的转介。当求助者来到机构后的心态较为负责，因此需要详细了解并将求助者进行区分，对于不同的人采取不同的处理方法。对于不需要立刻进行介入服务的求助者要对其面临的问题做简要评估，判断是否真实不需要服务还是处于其他原因而不需要服务；对于前来咨询相关信息的，工作者要尽可能地为其提供有帮助的信息；对于需要帮助的人



鼓励成为案主。在儿童保护的案例中，有些情况下儿童并未受到侵害，即可为其提供预防的信息以及相应的儿童保护法规，防止其受到儿童虐待。当儿童受到虐待时应当及时进行评估并接案，帮助儿童处理问题。

Through contact with the client, the case manager/worker can briefly understand the problems encountered and discuss whether it can provide services according to the function and purpose. Over the course of initial contact, it is necessary to clarify the intention and its source. It is mainly divided into: the help-seeker actively seeking help, the one passively asking for help, and the one referred by other people/institutions. Help-seekers from different sources usually have different intentions. Generally speaking, children seeking for protection mainly were introduced by child protection workers or referred by other institutions. Among them, only a few would ask for help proactively. Generally, the active help-seekers have higher willingness, which would facilitate specific services. When it comes to the passive help-seekers, it is necessary to establish a rapport with them first, thus increasing their willingness of seeking help and changing. As for the help-seekers referred by other agencies, it is necessary to determine the follow-up services according to the previous services and the referral form of the former institution so as to avoid repeated intervention. If the institution is unable to provide the corresponding services, the case should be promptly transferred to other competent institutions. When the help-seeker comes to the institution with complicated emotions, the worker should classify them based on details and take different actions according to actual situation. For those who do not need immediate intervention services, a brief assessment on existing problems should be conducted to determine that either they truly do not need service, or they do so out of other reasons. For those come to consult relevant information, the worker should provide helpful information. For those who need help, the worker should encourage them to be a client. In some cases when children are not harmed yet, the worker can provide them with preventive information and corresponding child protection regulations to prevent child abuse. For children suffering maltreatment, the worker should carry out assessment without delay and accept the case, so as to help them as soon as possible.

在处理儿童个案时，要协助儿童放松，建立对工作者的信任。应当礼貌地欢迎儿童并且邀请儿童选择自己喜欢的位置，之后询问一些生活化的问题，例如“最近参加了什么活动”、“有什么有趣的事情发生吗？”从而拉近与儿童之间的距离。通过寻常对话自然而然地引出主要询问的目的，例如：“我注意到谈及 XXXX 时你的心情有些低落，可以告诉我发生什么事了吗？这样我可以帮助你。”

When dealing with cases, the workers should help children to relax and build trust with them.

Children should be politely welcomed and invited to choose their preferred location, and then the workers can ask questions about their lives, such as “What activities did you recently participate in?”, “What interesting things happened?”, thus to shorten the distance. The main question should be naturally brought out through ordinary dialogue, for example, “I noticed that you are a little bit down when talked about XXX. Can you tell me what happened maybe I can help?”

二、开案

II. Open a Case File

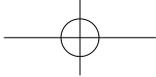
当求助者成为“案主”之后，初步搜集资料，了解案主以及其遇到的困难以及求助期望或者希望称为开案。具体的内容为邀请案主参与分析初步了解案主以及其遇到的困难，了解并澄清案主的期待与希望，并形成初步的服务协议。

Opening a case file means the initial collection of information after the help-seeker becomes the client, aiming to better understand the client, the difficulties him/her encountered and the expectation. Specifically, it includes inviting the client to participate in the analytical interview to have a basic understanding of the case and the difficulty, to understand and clarify the expectation of the client, thus forming a preliminary service agreement.

初步了解案主以及遇到的问题内容主要有了解求助儿童的身份信息、教育背景、成长史、家庭状况、健康和医疗史以及现在的问题（包括问题的发生、简单的经过以及现在的状况、自述的影响），填写儿童基本信息表格。（如图所示）

The preliminary understanding of the client and his/her problems mainly includes collecting the identity information, educational background, growth history, family condition, health/medical history of the child, as well as the current problems (including the occurrence of the problem, the brief process, the current situation, the impact of the self-reporting), and filling in the basic information form as follows.

儿童基本信息表			
Basic Information of the Child			
儿童姓名		档案编号	
Name		Case No.	
出生日期		性别	
Date of Birth		Gender	

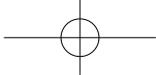


主要监护人姓名及地址 Name and address of the principal guardian	
儿童目前所在地址 Current address of the child	
儿童所在学校联系方式及联系人 Contact information of the school	
儿童健康状况及医疗史 Health and medical records of the child	
初步评估儿童面临的问题 Problems of the child obtained from initial assessment	
与儿童生活相关其他人士联系方式 Contact information of persons related to the child	
其他相关机构的联系方式 Contact information of other relevant institutions	
信息填写人及日期 Form completed by and on	

澄清案主的期待与希望。当求助儿童到了机构之后对于机构抱有较大的期望，希望机构能够解决自己带来的问题。澄清求助者的期望对于求助者来说非常必要。对于年龄较大的儿童，工作者要清楚地告诉其问题的解决需要双方的努力，而不仅仅是工作者和机构单方面的事情，减少其对于工作者的依赖心理，增强儿童对于解决自己问题的责任心。

Clarify the expectations and hopes of the client. When the child is turned to the institution with great expectations, and hopes that the organization can solve the problems, it is important to clarify the expectation of the client. For older children, the workers should articulate that it requires the efforts of not only the workers and the institution but also the clients themselves, so that the clients can reduce their dependency on the workers and be aware of their responsibilities for solving their own issues.

初步评估问题和需要的过程需要工作者了解以下内容：求助者的意愿如何？是主动求助还是被动求助？求助者所面临的主要问题是什么？问题怎么产生的？求助者希望达到什



么样目标以及需要什么样的结果？求助者曾为此寻求过什么帮助和自己做过什么努力？机构所掌握的资源或者自己的能力如何？能否为求助者提供必要的服务？当对上述问题进行评估之后，与求助者进行分享并确保初步结论的准确性。

The initial assessment of the problem and need requires the worker to understand the following questions: What does the client expect? Is he/she actively asking for help or passively? What are the main problems faced by the client? How did the problem arise? What goals does the client want to achieve and what results are needed? What kind of help have the client sought for and what efforts have they made? What are the resources or capabilities of the organization? Can you provide the necessary services for the client? After evaluating the above issues, the worker should share with the client and ensure the accuracy of the preliminary conclusions.

达成初步的服务协议：需要强调会谈的保密性、确定会谈的时间和频率、强调伦理和实践规范。以书面或者口头的形式进行约定。

A preliminary service agreement should emphasize the confidentiality, specify time and frequency of meetings, and highlight the ethics and practices in form of written or verbal contract.

三、接案的技巧

III. Skills Necessary for the Case Intake

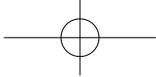
接案过程基本是从搜集资料开始的，协助求助者说出自己的困难和需要并最终决定是否开展服务，在这个过程中需要用到一些技巧：

The case intake basically starts with collecting information, assisting the client to tell his/her own difficulties and needs and finally decide whether to carry out the service. Some skills are needed in the process:

1、倾听。工作者用专注的姿势、表情以及眼神，能够表达自己对求助者的关心，同时能够捕捉其在表达过程中隐藏的情绪和潜在的内容。

1. Listening. With focused postures, expressions, and eyes, workers can express their concerns for clients while capturing the emotions and potential content during the communication.

2、具体化。使用具体化可以帮助工作者简要描述求助者的处境，同时可以帮助其准确了解自己存在的问题以及会谈所聚焦的内容，减少其自身的焦虑。



2. Specific talking. The specific talking can help workers briefly describe the situation of the client, and at the same time help them to accurately understand their own problems and what the meeting focuses on, reducing their own anxiety.

3、接纳。只有工作者对于求助者所带来的问题表示无条件的接纳和同理，才能使求助者自由表达并且袒露自己。

3. Accepting. Only when workers express unconditional acceptance and empathy can the clients freely express and talk about themselves.

4、激发希望。将求助者的问题界定在一个能够解决的范围之内。减少求助者焦虑，从而增强求助者成为案主的动机，激发其改变的潜能。

4. Kindling hope. The worker should define the problem of the client within a range that can be resolved. Reducing the anxiety of clients can help the client to become the client and stimulate the potential for change.

5、根据自己的能力进行服务，不对求助者过早地给予承诺。

5. The worker should provide services according to their own ability, and do not make promises to clients at the early stage.

接案的技巧有助于工作者和求助者建立信任的关系，给求助者以心理安慰，澄清其问题是可以解决的，有助于求助者减少焦虑，促进接下来服务的发展。

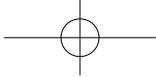
The skills for case intake are conducive to establishing the trust between the worker and the client, provide psychological comfort, clarify that the problem can be solved, help the client reduce anxiety and facilitate the implementation of further services.

四、建立关系中注意的内容

IV. Highlights of Rapport Building

个案服务中的关系，应当是一种动态、持续互动的助人关系，能够具有帮助的功能。在建立关系的过程中，也要相应注意案主的反应以及工作者自身的反应。

The relationship in the case service should be dynamic and continuously interactive. In the building process, the worker should also pay attention to the reaction of the client and his/her own



reactions.

1、案主的反应

1. Reaction of the client

案主的反应可分为现实性反应以及非现实性反应。现实性反应为案主面临求助时出现的常态化、较为自然的反应。例如：非自愿前来服务会表现出不配合、不合作的态度，对帮助有较多顾虑认为自己必须做出改变或者求助就是意味着自己没有能力。非现实性反应中产生的移情即情感转移，案主将早期经历中对他人（对于儿童来讲较多来自父母）的感受投射到工作者身上，使工作者可能被喜欢、被依赖或者被厌恶。

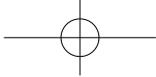
The reaction of the client can be divided into a realistic response and an unrealistic response. The realistic response is the normalized and relatively natural reaction that occurs when the client is asking for help. For example, involuntary victims will refuse to cooperate, show more concerns about seeking for help, think that they have to make changes or asking for help means no self-management ability. The empathy that occurs in the unrealistic response is called transference, which means that the client projects the feelings of others at the early age (such as parents) to the workers, so that the workers may be liked, depended or disgusted.

2、工作者的反应

2. Response of the worker

工作者的反应同样可以分为现实性反应以及非现实性反应。工作者的现实性反应是工作者面临案主求助时出现的常态和较为自然的反应。例如：对困难的理解会产生自发性的理解和接纳，对不愿意帮助的反应会产生对具备敌意的案主的不满、对不符合自己价值观的行为的拒绝。工作者的非现实性反应为反移情，将早期经验中对重要他人的特殊感受、希望、想法投射到案主身上，案主可能会被喜欢、被依赖或被厌恶。

Workers' response can also be divided into realistic response and unrealistic response. The realistic response is the normal and relatively natural response that workers appear when they deal with the help-seeking cases. For example, understanding the difficulties creates spontaneous understanding and acceptance. During this process, they will express dissatisfaction to the hostile clients who refuse the help and even refuse the behaviors that do not conform to their values. The unrealistic response of workers is countertransference. They tend to project the special experience, hopes and ideas about other important persons into the client so that the client may be liked,



depended or disgusted.

3、工作者的助人理念和态度

3. Worker's client concept and attitude

尊重。尊重案主是一个独立的个体并且可以进行自我决定。在具体的会谈过程中避免使用“我觉得你应该、必须”等词语，当产生不同的观点时，应当注意照顾案主情绪，进行合理表达。

Respect. The worker believes that the client is an independent individual and can make self-determination. The expressions “I think you should, or you must...” should be avoided in the course of specific interview. When different opinions come up, the worker should pay attention to the mood of the client and make a reasonable comment.

积极关注。工作者以积极的态度看待案主，并且强调其存在的长处，相信通过帮助之后案主的生活可以产生积极的变化。根据案主的行为，发掘出案主的积极之处，引导其能够发现自己的长处，正向积极的看待自己。

Active attention. The worker should serve the client with a positive attitude and emphasize their strength, believing that positive changes will happen to the life of the client after receiving the help. According to the behavior of the client, the worker should discover the positive aspects of the case, guide the client to find the inner strength, and positively look at himself/herself.

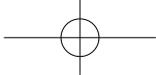
五、个案会谈的技巧

V. Skills for the Case Interview

1、个案会谈应注意的因素

1. Factors need attention during the case interview

工作者自身准备。在会谈开始前要清理自己的情绪，保证自己在进行会谈时是在自己状态良好的情况下；充分掌握案主的基本信息和问题资料并进行具体的思考，发掘在会谈中可能出现的系列问题进行预先准备。在自身仪表方面也应当进行留意，如果工作者打扮过于新奇随便，难以让人信服，应当着装较为得体，同时根据案主的年龄选择合适的服装，对于儿童来讲，穿着较为明快色彩的服装更为亲近。



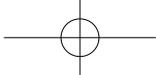
The paramount one is the preparation of the Worker. Before the start of the session, the worker should be emotionally prepared and ensure that the worker is in a good state during the talk; the worker should fully master the basic information and problem information of the client and think about it in detail, and explore the series of problems that may arise during the talk. Meanwhile, the worker should pay attention to the appearance and clothes. If the worker is dressed too novelly and casually, it is difficult to convince the client. It should be dressed appropriately and choose suitable clothes according to the age of the case client. For children, people in bright colors may be more accessible.

会谈场所安排。在一般情况下会谈的场所应该具备的条件有：独立封闭的房间、空间的大小合适、房间的布置得当、房间外围环境不吵闹。独立的房间会使双方都有安全感，针对于儿童开展的个案可以在房间布置上使用一些较为温馨的家具以及玩具，营造一个轻松的氛围，给人温暖的感觉，但杂物不应该过多，以免儿童在沟通过程中分心，不利于开展的效果。在初期会谈的时候要安排一个让儿童感觉到舒适的安全的环境，有助于增加儿童的安全感，建立信任关系从而让儿童感到安心。

The second thing is the venue arrangement. In general, the venues for sessions should feature the following conditions: separate and closed space with appropriate size and layout, as well as a quiet surrounding. Separate room will make both sides feel safe. In the cases targeted at children, some warm furniture and toys can be added in the room to create a relaxed atmosphere and give a warm feeling, but the debris should not be too much in order to avoid distraction in the communication that is not conducive to the counseling result. A safe and comfortable environment for children should be provided for the counseling. This could help increase the children's sense of security, build trust with them and set their mind at rest.

会谈记录。在会谈中进行记录是一件较为困难的事情。较多的书写会让案主产生不安，影响交谈的进度，但如果不进行记录很容易错过或者忘记会谈中的要点。因而在会谈过程中工作者应该进行简要的记录，进行要点式整理。在争取案主同意后可以进行录音，便于进行访谈后的整理和分析。在具体开展服务时可以询问儿童：“我可以对我们的谈话进行记录吗？这样可以帮助我更好地回顾我们谈话的内容，从而更好的帮助你。”“你愿意我将我们对话的内容进行录音吗？”

The last thing is the case record. Recording in the sessions with clients is a more difficult task. Too much writing will cause the client to be upset and affect the progress of the conversation. However, it is easy to miss or forget some important points in the conversation without recording.



Therefore, during the talks, the worker should make a brief record and arrange the important information point by point. Recording can be carried out after obtaining the consent of the case client, which facilitates the collation and analysis after the interview. The worker can ask the child before the talk like this: “Can I record our conversations? This will help me better review our conversations and help you better.” “Is it acceptable for you if I record our conversation?”

2、个案会谈的具体技巧

2. Specific skill for the case interview

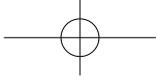
个案会谈的具体技巧可以分为支持性技巧、引领性技巧以及影响性技巧，以下是各类技巧以及内容的详细解读。

The specific skills of the case interview can be classified into supportive skills, guiding skills and influential skills, which are further explained as follows.

(1) 支持性技巧。支持性技巧是工作者通过身体以及语言的表达从而让案主感受到自己是被尊重、被接纳，从而建立信心的一系列的技术。其中包括专注、倾听、同理心和鼓励。

(1) Supportive skills. Supportive skills are a series of techniques such as concentration, listening, empathy and encouragement demonstrated in the forms of body and linguistic expression to make client feel that they are respected, accepted, so that confidence including can be nurtured.

专注即表示积极地与案主同在。主要表现在身体语言上的专注以及心理上的专注。专注可以给案主带来安全感，帮助案主敞开心扉倾诉自己的内心世界，同时可以缩短工作者和案主的心理距离，帮助工作者全面了解案主。身体语言上的专注具体表现为面对案主，采取开放的姿态，上身前倾（注意前倾的角度不要过分，否则会给案主带来不适）、保持良好的目光接触（既不要将眼睛盯在别处，又要注意避免目不转睛盯着案主不动）。心理上的专注体现在注意倾听案主口语表达的内容以及非语言表达的内容，包括：手势、表情、神态、语调语速等流露出来的信息。在针对儿童个案的时候，应当面向案主并且给予案主适当的眼神鼓励，让案主感觉到亲近而不是压迫，保持好与儿童之间的距离。

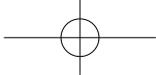


Concentration means the worker uses the body language and psychological concentration to make the client feel that the worker will always stand with the client. Concentration can bring a sense of security to the client, help the client open up and talk about the inner world. At the same time shorten the psychological distance between the worker and the client so that the worker can fully understand the case. Body language is specifically reflected in the open attitude, leaning forward (be careful not to lean forward too much, otherwise it will bring discomfort to the client), maintaining good eye contact during the talk (the worker should neither stare at elsewhere, nor at the client). Psychological concentration means the worker should both focus on the verbal information and other non-verbal expressions of the client, including gestures, expressions, tone of speech and other information. In the child protection case, the worker should give eye-contact encouragement appropriately to the client so that the client feels close rather than oppressive. Thus it is important to keep a proper distance with the child.

倾听。积极的倾听应当是面向案主，并且目光凝视案主的眼睛，保持微笑。做到专心地听案主的倾诉并且不打断案主的讲话，理解对方谈话的内容和意义但不做评价，不能理解时进行澄清和询问，不赞同观点时表示理解其感情和想法。专注与倾听是不可分离的。鼓励案主多说话自己多倾听，但倾听不是盲目而是有目的的，要注意分辨叙述中不同的部分。通过倾听解读案主，包括生活、行动以及与问题相关的内容。

Listening. The worker should listen attentively to the client. An attentive listening requires the worker to look the client in the eye, keep smiling and concentrate on what the client says without interrupting. It is also important to understand the content and meaning of the client's words without any judging. The worker should make clarification and inquiry when the information is too vague to understand. The worker should express the understanding of the client's feelings and thoughts even when she/he doesn't agree with the client. Concentration and listening are inseparable. The client should be encouraged to talk more while the worker should listen more, but listening is not blind but purposeful. Pay attention to conflicted parts of the talk, through which the worker can better interpret the client including his/her life, actions, and issues related to the problem by listening.

同理心（即共情）。同理心指的是工作者进入并且了解案主的内心世界，并且将自己的感受传达给案主的一种能力。工作者从案主内心的参照体系出发，设身处地的体验其内心世界，或者以言语或者非言语的方式准确表达出对于案主内心体验的感知与理解，并且引导案主对其感受和想法做进一步的思考。同理作为一种会谈的技巧，主要是由三个方面的要素组成，即觉知的能力、语言表达能力以及传达的及时性。在同理心中常用的表达为“你



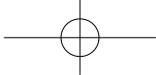
认为、你觉得、你会觉得”等，从而引导案主将自己陈述的事情具体化。在同理的过程中应该避免假装的了解和机械的模仿，会给案主带来不适。工作者在具体培养自己的同理能力时应当注意给自己思考的时间，不要急于表达内容，并且恰当反应，在合适的机会做恰当的反应，掌控好自己的情绪，并且与案主的情绪相协调。

Empathy. Empathy refers to the ability of a worker to enter and understand the inner world of the client and to convey the feelings to the client. Start from the internal reference system of the client, the worker experiences the inner world, or accurately expresses the perception and understanding of the client's inner world in a verbal or non-verbal manner so as to guide the client to further explore his/her own feelings and ideas. Empathy, as a kind of counseling skill, consists of three elements, namely the awareness ability, the expression ability and the timely communication. The commonly used expression of empathy is dominated by “Do you think, how do you feel, you will feel”, etc., so as to guide the client to specify what he/she has stated. In the same process, pretending to understand and mechanical imitation should be avoided, because these will bring discomfort to the client. Workers should pay attention to the time of thinking while cultivating their own empathy abilities. Don't rush to express but respond appropriately. Appropriate response at the right timing and controlling the inner emotions will facilitate the emotional coordination with the client.

鼓励。鼓励是工作人员通过恰当的话语和身体语言促使案主继续表达其感受和想法的技术。鼓励案主继续表达可以用话语“请继续”、“你说的很好”，也可以用非言语的如微笑地注视，点头示意以及眼神鼓励。工作者应当注意鼓励是针对具体行为和话语，而不是对个人素质进行的评价。

Encouragement. Encouragement is the technique for the worker who uses appropriate speech and body language to motivate the client to express his/her feelings and thoughts. Some phrases like “please continue”, “you are right” can be adopted during this process, as well as staring with a smile, nodding and eye-contact encouragement. Workers should be aware that encouragement refers to specific behaviors and discourses, instead of the assessment towards the individual qualities.

(2) 引领性技巧。引领性技巧是工作者引导案主具体、深入地探索自己的经验、处境、问题及观念等的技巧。主要的目的是促进案主在具体的环节要素部分做具体、深入的表达和探讨，增加工作者对于案主的了解。主要包括具体化、澄清、对焦和摘要等。



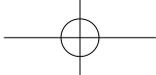
(2) Guiding skills. Guiding skills are techniques that guide the client to explore his/her own experience, situation, problems and concepts in a specific and in-depth manner. The main purpose is to encourage the client to make specific, in-depth discussion about some detailed parts so as to increase the worker's understanding of the client. It mainly includes concretization, clarification, focus and summary.

具体化。具体化是工作者以具体语言协助案主探讨所表达的感受、经验或行为，并且针对特定的问题进行探索，而不是无目标的谈论。具体化的方法为倾听以及开放或半开放式的询问。开放式的询问是给予案主完全自由自主的回答空间，通常用到“什么、怎么、为什么”等词语进行发问。半开放式的问是给予一定的反应范围，让其有一定回答的空间。会谈中具体化不足的情况通常有省略或删除，即省略人物，省略被提到的人和事，工作者需要协助其将内容进行具体化的表述。案主常常会将事情概括化和普遍化，常用“总是、从不”等来否定自己，这种情况下也需要工作人员帮助其进行分析。

Concretization. The concretization is that the worker assists the client with a specific language to explore the feelings, experiences, or behaviors expressed, and to explore specific issues rather than aimless discussion. The specific method is to listen and open or semi-open inquiry. An open inquiry is to give the client a completely free and autonomous answering space by using words like “what, how, why”. The semi-open question is to give the client a certain range of reaction, so that it has a certain space for answering. Types of insufficient concretization during the counseling mainly include omission and deletion of information. Where the client omit a character or a thing, the worker should assist the client in detailing such omitted content. The client tends to generalize the thing happened and often uses “always, never” to negate themselves. In this case, the worker should help him to make the analysis.

澄清。澄清是工作人员引领案主对其陈述做更为详细和清楚的说明，使之清晰、具体。一方面是针对案主的表达内容进行澄清，以提升其自我了解，运用简述语义的方式和开放式的询问：“你的意思是···，你是想···”。另一方面是对专业关系做情境澄清，以化解期待落差。

Clarification. Clarification is that the worker leads the client to make a more detailed and clear explanation of his/her statement, making it clarified and specific. On the one hand, it can clarify the statement and enhance his/her self-understanding by using a brief semantic approach and an open inquiry: “You mean ..., you want to...”. On the other hand, it is a situational clarification of professional relations in order to dissolve the exp.



对焦。对焦是将过大范围的讨论进行收窄，帮助案主注意或关注其重要的处境以及最相关的片段或勾勒出重要的信息。对重要的信息进行具体的询问，引导案主选择所要探讨的主题。在会谈中工作者要提醒自己是否了解案主情况的关键、是否有足够的信息来支持自己所认为的关键点、是否偏离了主题。

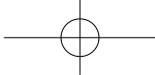
Focus. Focus narrows the discussion range, helps the client to pay attention to or focus on its important scenes, and recollect the most relevant segments or outline important information. Conducting specific inquiries on important information can guide the client to choose the topic to be explored. During the counseling, the workers should remind themselves whether they understand the main points, whether there is enough information to support the supposed key points, and whether they deviate from the theme.

摘要。工作者将案主过长的谈话或到目前为止所要表达的内容或完成的工作进行整理、概括、归纳并且做简要的摘述。会谈内容的摘要是工作者将案主一段叙述后的核心意义回应给案主，行动内容的摘要是工作员将会谈中案主一段时间相关计划的执行情况反映给案主并且让其了解到自己的努力和成效。摘要由工作员来做，案主进行确认或修正，也可以邀请案主来做，工作员进行补充。摘要能够回顾所讨论的问题，实现目标的一致性。

Summary. The worker organizes, concludes and briefly summarizes the long conversations with the client, the content or work done to date. The summary of the counseling is that the worker presents the feedback to the client with the core meaning after the conversation. The summary of the action content is that the worker will reflect the execution of the relevant plan to the client and let him/hers know about the progress. The summary is completed by the worker, and the client confirms or corrects it. The worker can invite the client to participate in completing the summary the worker helps to supplement. The summary can review the issues discussed and achieve the objective consistency.

(3) 影响性技巧。影响性技巧是工作员通过影响案主，使其从新的角度或者层面理解问题或采取其他方法解决问题的技巧。个案会谈不仅仅是倾听的回应，案主要进行改变，也需要工作者的影响和帮助。影响性的技巧包括自我表露、对质、提供信息、建议和忠告等。

(3) Influential skills. Influential skills are techniques that a worker can use to solve a problem by influencing the client to understand the problem from a new perspective or level. Case counseling is not just responses to listening. The changes client needs require worker's influence and help. Influential skills include self-disclosure, confrontation, providing information,



suggestions and advice.

自我表露。自我表露是工作者以言语或非言语的方式，有选择性有目的讲出或透露自己的亲身经历、处事方法和相关态度等相关信息让案主知道。工作者表露自己与案主类似的经验，着重于建设性的态度和收获，供案主参考。向案主表明自己在会谈中的体验与看法。在自我表露中要为案主的利益和需要考虑，衡量欲披露的亲身经验与当下的问题是否紧密相关，是否能给案主带来帮助。

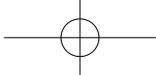
Self-disclosure. Self-disclosure means that the worker selectively and purposefully speaking or revealing his/her own personal experience, methods of doing things and related attitudes to the client in a verbal or non-verbal manner. By talking about the experience similar to the client, the worker can provide constructive attitudes and provides reference for client. When the worker expresses his/her experience and opinions in the counseling, it is necessary to consider the interests and needs of the client, and whether the personal experience to be disclosed is closely related to the current issue, and whether it can bring help to the client.

对质。对质是工作者描述案主情绪、想法或者行为方面不一致、矛盾的信息，协助案主觉察，引发其自我了解，促使案主发展出新的想法或行为。当案主言语与非言语不一致时，案主所说与所做不一致时，案主在会谈中前后表达不一致以及案主的非言语信息不一致时，工作者可以进行对质。在对质过程中重点注意的是案主的具体行为、态度而不是人格，同时避免说教、批评，给予适当的支持。

Confrontation. Confrontation means that the worker describes the inconsistency and contradiction in the emotions, thoughts or behaviors of the client, assists the case client to detect and trigger the self-understanding so that the client can develop new ideas or behaviors. When the client's speech is inconsistent with the non-verbal information, or when the case is inconsistent with the statement, or the client gives the controversial information, the worker can use the confrontation, during which more attention should be paid to the client's specific actions, attitudes, instead of personality. It is necessary to avoid preaching, criticism, at the same time provide appropriate support.

提供信息。提供信息是工作者基于专业和经验，向案主提供可能需要的知识、技术、资源等方面的信息。提供信息包括提供案主不知晓的新信息和帮助案主改正已经有的错误信息。

Providing information. Providing information refers to the knowledge, skills, resources, etc.



that the worker may provide to the client based on his/her own expertise and experience. Providing information includes providing new information that the case client does not know and helping him/her correct the false information that she/he has already had.

建议。建议是工作人员度案主情况了解、评估之后，提出客观、中肯及有助于解决问题的意见或想法。工作者应该以商量的口吻、征询式的态度清楚说出所提议的内容；向案主说明具体做出建议的原理和依据；不可以将自己的意见强加于案主，鼓励案主接纳但应该本着案主自决的原则来让案主进行自我取舍。

Suggestion. The suggestion is that after the worker understands and assesses the situation, he/she puts forward an opinion or idea that is objective, pertinent, and helpful in solving the problem. Workers should clearly propose in a negotiating and consultative manner; explain the principle and basis for making specific recommendations and do not impose individual opinions on the client. It is important to encourage the client to accept and make decision on their own.

忠告。忠告是指工作者向案主指出案主行为的危害性或者案主必须采取的行动。工作者应该耐心讲解道理，提供案主不知晓的信息和知识视角，使案主有所领悟。

Advice. Advice means that the worker points out to the client the harm of the actions or the actions the client must take. Workers should patiently explain the truth and provide information and knowledge that the client does not know, so that the client can understand the seriousness.

六、转介

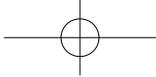
VI. Referral

转介是个案中常用的方法，是针对一些非本机构或者工作者所能提供服务的个案，经过系列的程序而转移到其他机构或者个人，使其能够得到适当的服务。对于个人来说，寻求帮助不是一件容易的事情，工作者要恰当处理求助者的状态，不能以“不合适服务或其他的理由”随意处理求助者。通常有下列情况可以提供转介服务：工作者判定求助者所需解决的问题不属于机构服务的范围；求助者不属于该服务区域。在儿童保护的实践中，转介应当是对于面临风险的儿童立即进行回应。发现儿童保护的案例人员应该将案例报告给相关机构，根据儿童保护的风险等级做出合适的转介：低风险案例转接到村委会和学校儿童保护工作小组、中高风险案例转介到妇联等候协调、即时伤害案例同时向派出所以及妇联报告。在转介时应当填写转介表（如下图）详细记录相关问题和有关情况。

Referral is a common method used in a case management. If the institution or worker fails

to provide corresponding services, the cases will be transferred to other institutions or individuals through a series of procedures to enable them to receive helpful services. For individuals, it is not an easy task to seek help. Workers must properly handle the case, instead of treating the client with perfunctory attitude and making excuses of “unsuitable service or other reasons”. Referral services are usually provided in the following situations: workers determine whether the problem faced by the client is within the management scope of the agency or not; whether the client lives in the service community or not. Over the course of child protection, referral should be an immediate response to children at risk. Case report shall be also transferred to relevant institutions by the person in charge of the child protection case and make appropriate referral based on the risk level of child protection: low-risk cases are transferred to the village committee and child protection working group in the school while high-risk cases should be transferred to the Women’s Federation for further coordination. Immediate injury cases should be both reported to the police station and the Women’s Federation. During the referral, the worker should fill out the referral form (as shown below) to record the relevant issues and related situations.

儿童个案转介表			
Referral Form of Child Protection Case			
儿童姓名		受理编号	
Name		Case No.	
出生日期		性别	
Date of Birth		Gender	
身份证号		受理渠道	
ID No.		Source of the case	
主要监护人姓名及地址			
Name and address of the principal guardian			



儿童目前所在地址 Current address of the child	
儿童所在学校联系方式及联系人 Contact person information in the school	
儿童健康状况及医疗史 Health and medical records of the child	
初步评估儿童面临的问题 Problems of the child obtained from initial assessment	
转介原因 Reason for referral	
已经采取过的行动 Actions already taken	
儿童特殊需求 Special needs of the child	
转介日期及负责人 Referral date and person in charge	

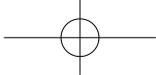
第七章 儿童保护个案管理中的案主评估与问题诊断

Chapter VII Case Assessment and Problem Diagnosis in Child Protection Case Management

第一节 资料收集

Section I Data Collection

当求助者成为案主之后，就进入了搜集案主资料与案主问题有关资料的环节，从中了解案主问题的成因，确定问题的性质，发现解决问题的入手点。能否正确认识案主的问题



在一定程度上取决于得到的资料程度。由于个体的行为是个人与外在社会环境互动的影响，因而在了解案主问题的时候就要掌握案主个人和环境的情况以及其与周围环境互动的情况。即搜集资料一定是与案主有关。

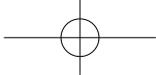
After a client becomes a client, the worker will work on collecting the client information and the relevant data about the client so as to understand the cause of the case, determine the nature of the problem, and find the breakthrough point. The ability to correctly understand the client's problem to some extent depends on the information obtained. Since the individual's behavior represents the interaction between the individual and the external social environment, it is necessary to master the individual, the environment and the interaction while exploring the case. That is, collecting data must be related to the client.

一、搜集资料的内容

I. What to be Collected

搜集资料的内容主要为个人资料以及环境资料。在个人资料中包含基本资料，即性别、年龄、籍贯、教育程度等，还包括生理方面的资料，即了解案主的病史，是否存在遗传疾病以及长期疾病，目前的生理状况等，除此之外还有案主的心理方面的资料，即运用一些心理测量工具以及工作者会谈和观察，了解案主自身的智力水平、人格特征以及兴趣等。在有些情况下需要对案主的价值观进行分析，比如案主自己对人和事务的看法，以及案主的行为与其价值观是否相似。在案主的环境资料里包括案主的家庭环境、朋辈环境、社区环境等于案主问题有关的环境信息。其中家庭环境对于儿童来讲成为最为重要的一环，是案主最为亲近的环境系统，在家庭环境信息中主要了解案主与家庭成员之间的关系、家庭的规则以及家庭背景等。除了家庭环境之外，延伸的环境系统中朋辈环境、社区环境对于了解案主问题以及解决问题来讲是一种重要的资源。

The data to be collected are mainly relevant personal data and environment information. Personal data include basic information, such as gender, age, place of origin, and education, and also include physical information, such as the medical record of the client, whether there is genetic disease, long-term disease and current condition. In addition, there will be the psychological information, which means to use some psychological measurement tools, conversations and observations to understand the intellectual level, personality and interests of the client. In some cases, it is necessary to analyze the values of the client, such as the client's own perception of people and things, and whether the client's behavior corresponds to his or her



values. As for the environment information, it includes the family, peers, friends and community surrounding the client, especially the family environment, which is regarded as the most important part and the closest environmental system for the client. In the family environment, the relationship between the client and the family members, the family rules and the background are paramount to be explored. In addition to the family environment, peers, friends and community in the extended environmental system are important resources to understand and solve problems.

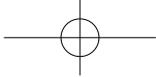
二、搜集资料的技巧

II. Skills for Collecting Data

在具体搜集资料的过程中需要掌握一定的技巧，在与案主的交流过程中我们可以了解到需要的相关内容，有些资料无法从案主语言和自身获得，就需要通过其他途径来实现。一般情况下，如果案主有求助的意愿，会直接说出自己与问题相关的信息，或者案主会无意识表露一些内容对于工作者了解其问题很有帮助，可以直接追问。通过间接提问的方式能够发掘案主不愿意提及的内容，观察案主的非言语信息也可以获得相关内容。

In the process of collecting data, the worker needs to be proficient in certain skills during the communication, the worker can know about some relevant information, but they also need to adopt other methods to acquire some information that cannot be obtained from the counseling. Under normal circumstances, if the client has the willingness to ask for help, he/she will directly speak out the information related to the problem or will unconsciously reveal some useful information to facilitate the worker's understanding of the problem. It is possible to discover what the client is unwilling to mention through indirect questioning or observing the non-verbal information.

在资料搜集的过程中，针对于儿童的状况，家庭访视的重要性不言而喻。访视（或探访）是指在个案工作的过程中，工作人员为了了解案主所遇到的问题或者促进案主的适应，到案主平时生活过的环境中拜访有关人员的一种专业性的访问。主要通过会谈及观察的方式从被访问者处获取信息，在会谈的过程中，工作者应当表现出真诚、积极和热情的态度，使用双方共同的语言，并进行自我介绍表明来意，使用友善的称呼，在讲述过程中保持专注、倾听和共情并尊重、接纳受访者的不同意见。在家庭访视时有时会遇到受访者避而不见的情况，可能存在的原因有：受访者对于机构与工作者的功能和角色不了解；受访者以前的受访经验不好；受访者对于工作者存有戒备，进行防卫，拒绝接受访问；受访者人格退缩不想面对问题；受访者知识水平低，不知道如何回答问题或者避免见面。针对类似情境具体的处理方法有：工作者接纳受访者不见面的事实，另外以电话或者信件的方式联络；



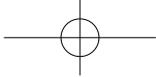
如果存在受访者自身的因素，应该先探索背后的原因，避免去谈论可能感到防御或者不安的话题；如果是工作者和机构的因素，工作者应该给予澄清和说明；在通常情况下应该尽量避免采取家访的方式，要征得同意后再进行访谈。

In the process of data collection, it goes without saying that home visit is critical in order to further understand a child's condition. Visiting (or home meeting) means that the workers pay a visit to the personnel related to the client's living environment during the investigation in order to understand the problems encountered or to promote the adaptation of the client. The information is obtained mainly through interviews and observations. During the counseling, the workers should show a sincere, positive and enthusiastic attitude, use the understandable and friendly language to introduce themselves and intentions. Meanwhile, the worker should stay focused, listen, empathize, respect and accept different opinions. During the family visits, there are occasions when the interviewee avoids the visit due to some possible reasons, such as the circumstances where the interviewee does not understand the function and role of the institution and the worker; the interviewee has unhappy interview experiences before; the interviewee holds an alert and defensive attitude towards the workers, and refuses to accept interviews; the interviewee refuse the interview because of his/her personality retreat issue; the interviewee has low levels of knowledge and did not know how to answer questions or avoid meeting. If the worker encounters these situations, he/she should firstly accept the fact that the interviewee is unwilling to meet and try to contact them by other means, such as telephone or letter; if there is any influential factors, the worker should explore the reasons behind and avoid talking about the topics that may make the interviewee feel vigilant or uneasy; if it is because of the worker and the institution, the workers should give clarification and explanation; usually the home visit should be avoided and interviews should be conducted after obtaining consent.

在获取资料后应当与案主一起对系统的资料加以统整、思考和分析，提出一些判断，理清资料的脉络，进行案主的评估。

After obtaining the information, the worker should integrate and analyze the systematic data with the client, and some estimation should be made to clear up the logic and be used to evaluate the client.

儿童个案受理表			
Intake Form of Child Protection Case			
儿童姓名 Name		受理编号 Case No.	



出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
主要监护人姓名及地址 Name and address of the principal guardian			
儿童目前所在地址 Current address of the child			
儿童所在学校联系方式及联系人 Contact person information in the school			
儿童健康状况及医疗史 Health and medical records of the child			
初步评估儿童面临的问题 Problems of the child obtained from initial assessment			
拟针对儿童开展的服务初步计划 Proposed preliminary services			
已经采取过的行动 Actions already taken			
儿童特殊需求 Special needs of the child			
受理日期及负责人 Reporting date and person-in-charge			

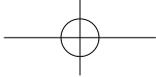
第二节 案主评估

Section II Case Assessment

一、什么是评估

I. What is the Assessment?

评估是将案主搜集资料以及将资料拼凑成其生活情境的全貌。评估中包含对于案主问题的诊断，是工作者继续协助案主的基础。在案主评估的过程中，往往采用多重向度的评估。

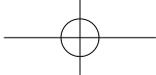


即使是单纯的问题，通常也是由许多复杂的因素所造成的。同样的，人与外在世界的互动，对外在世界的反应，所采取的行动会影响别人的反应。所以造成沟通障碍的原因绝非来自单方面的，相反的应是人际互动造成了这种障碍，每个人的行为是因也是果。人类是社会动物，也依赖其他人与复杂的社会制度来满足他们的需要，所以人类的问题有多重向度是不争的事实。对于案主关心的议题，从案主自身逐步向外扩展，因此需要具体对案主以及其他多重系统对案主系统影响的认知，从另一方面来讲，评估一个人的社会功能，需要详细的评估个人的功能不同层面，虽然并非所有系统或次系统都和案主问题有密切关系，但忽略某些相关的系统而做出评估难免会出现不必要的理解偏差和误判。

The assessment is to use the information and data collected to reconstruct the living conditions of the client. This includes a diagnosis of the problem, namely the basis for the worker to continue assisting the client. Multi-dimensional assessment is the commonly used method during this process. Even simple problems are usually resulted from many complicated factors. Similarly, the interaction between human being and environment, the reaction to the outside world, and the actions taken will affect the reactions of others. Therefore, the cause of miscommunication is never unilateral. On the contrary, interpersonal interactions have caused such disorder and the behaviors of each person constitute the causal relationship. Human beings are social animals whose needs are met by relying on other people and complex social systems, so it is an indisputable fact that human problems have multiple dimensions. The topics for discussion are gradually extending outwards from the client, so it is necessary to specifically understand the client and other multiple systems' influence on the individual's system. On the other hand, assessing a person's social function needs a detailed assessment of the different functions of the individual. Although not all systems or sub-systems are closely related to the client's problem, the assessment can be made by ignoring certain related systems.

评估是指工作者针对案主问题与优势进行信息收集、分析与总结的过程。在社会工作的环境中，工作者一般是独立进行评估。一般而言，完成正式的评估需要一两次会谈。通过这些评估的过程，工作者可以了解案主的问题，帮助案主更好地处理问题。

Assessment refers to the process of information gathering, analysis and summary by the workers on the issues and strengths of the client. In the context of social work, workers can complete the assessment independently. In general, one or two meetings are required to complete a formal assessment, through which workers can understand the client's problems and help the client to better deal with the problem.



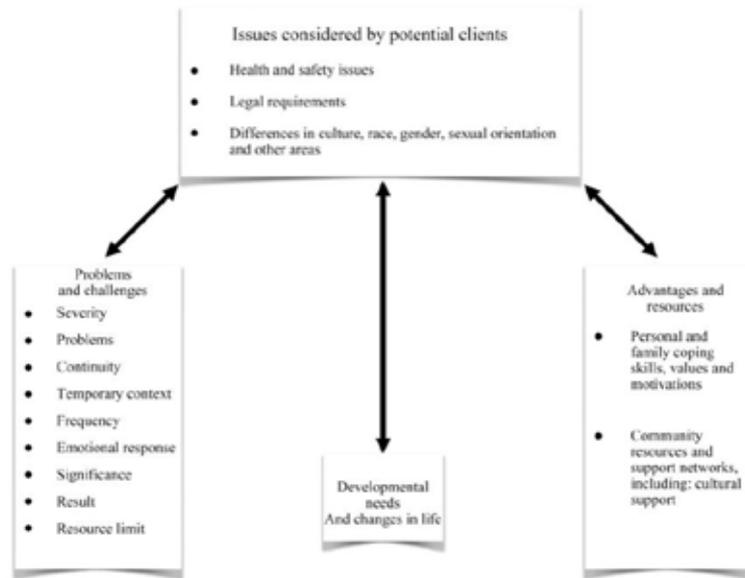
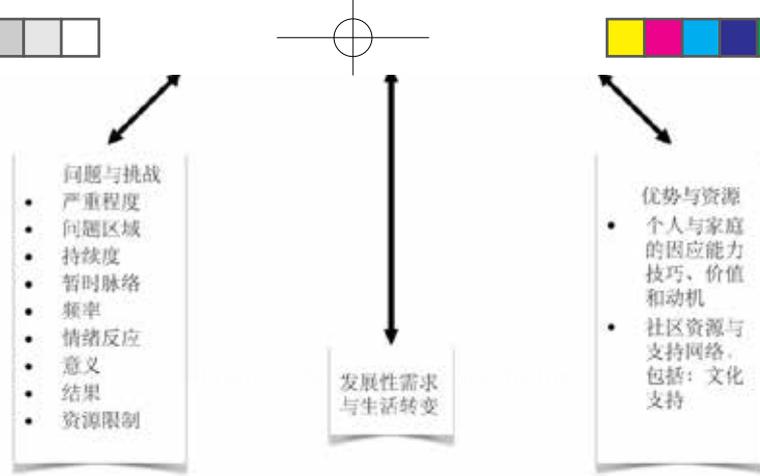
二、评估的形式

II. Approaches of Assessment

书面的评估形式包括从完整的社会心理评估到针对某些议题的简短分析。书面评估可以是记录某个个案的进步状况，也可以是提供一个有关案主的完整描述，作为促成案主改变或者结案的重要依据。工作者对于案主问题有特别的评估角度，但是以下三种议题是所有问题都需要评估的：案主最初关心与看到的问题为何？这意味着工作者必须重视案主自决的议题，从案主关心的问题来解决问题。是否有法律议题是工作者和案主都必须要注意的？是否有潜在或者危险的因素危害案主的健康与安全，让工作者必须进行格外的关怀？以上三种主要的评估可以帮助工作员迅速发展出相关的行动计划。缺乏焦点的评估可能造成浪费时间，并且让潜在的案主在其中失去耐心。以下将进一步探讨关于案主的问题、优势与资源、探索发展性的需求与生活转变以及系统对案主的影响。（见下图）

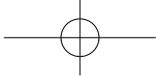
Written assessment ranges from a complete psycho-social assessment to a short analysis of certain topics. It can record the progress of a case, or provide a complete description of the case that supports the case development or case closure. Workers may have a special assessment of the client's problem, but the following three issues should be included as the basic standards: what is the problem that the client initially cares about and sees? This means that workers must pay attention to the self-determination subject of the client and solve the problem from the concerns of the client. Is there a legal issue that must be paid attention to by both workers and clients? Are there potential or dangerous factors that jeopardize the health and safety of the client, of which the workers need to take extra care? The three main assessments above can help the workers quickly develop relevant action plans. A lack of focus can be a waste of time and make potential clients lose patience. The following will further explore the issues, strength and resources of the client and explore the influence of developmental needs, changes in life, and the system on the

儿童保护个案管理流程

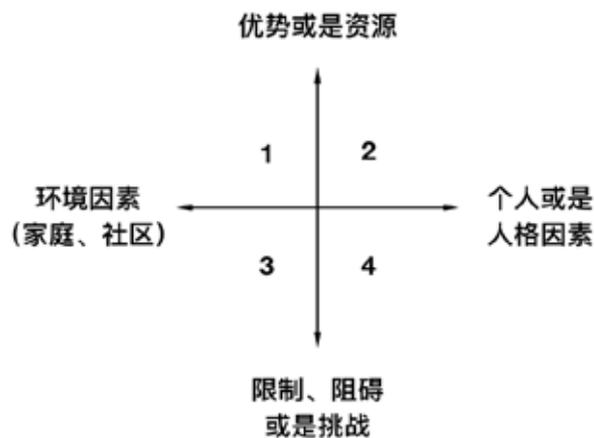
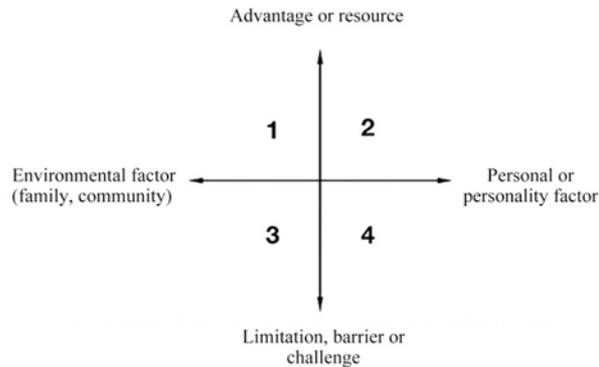


在评估中常常采用的是强调优势的评估。案主通常情况下是因为自己的问题需要寻求社会工作的帮助。在传统意义上的工作强调案主的问题，忽视了案主自身的优势经验，无法进一步了解案主的需求。当工作者将视角转换成评估的视角，就开始强调帮助案主发展优势而不是关注弱点。关于优势视角的评估通常采用如图所示的四象限评估架构，可以帮助工作者注意案主的需求与优势，在这其中环境向度和个人因素同样很重要。

An assessment that emphasizes strengths is often used. In general, the client seeks help from social workers mainly because of his/her own problems. The work, in the traditional sense, emphasizes the problem of the client while ignoring the client's own experience in strengths, so it is difficult to further understand the client's needs. When workers turn to assessment, they begin to emphasize helping the development strengths rather than focusing on weaknesses. The assessment of the strengths usually uses the four-quadrant assessment framework as shown in the figure, which can help workers to pay attention to the needs and strengths of the client. Meanwhile, the

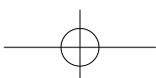


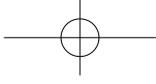
environmental factor and



在工作过程中，工作者可以建立一些关于优势形态的敏感度，可以帮助工作者发掘他人的潜在能力。如：案主不否认遇到问题或避免对抗他人，能够去寻求解决问题的资源；能够与陌生人（工作者）分享自己遇到的问题并且不担心自己可能会有的风险；在困难的情况下，仍然能够有解决问题的动力；在有限的资源条件下，能够寻找并创造资源；能够有能力面对压力等

During this process, workers can be developed to be more sensitive towards the strengths, which can help workers discover the potential of others. For example, the client does not deny the existence of the problem or avoid confrontation with others while seeking resources to solve the problem; the client is able to share the problems with strangers (workers) and dose not worry about the risks they may have; in difficult situations, the client still has the impetus to solve problems; the client is able to find and create resources under limitations and is able to face pressure, etc.



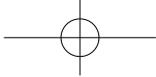


在评估中信息的来源通常有以下几种：口语报告、对非口语行为的直接观察、互动的观察、案主的自我监控、附带的资料来源、测验和评量工具以及与案主直接互动的经验。

The sources of information in the assessment are usually the following: oral reports, direct observation of non-verbal behavior, interactive observations, self-monitoring of the client, accompanying data, quizzes and assessment tools, and direct interaction with the client.

在评估中需要回答的问题包含多种方面。在会谈开始时，工作者可以开始探索案主关心的问题，有时候很简单的问题可以让他有机会表达自己所关心的议题，引导接下来的方向。在这个阶段，工作者也必须注意其他可能改变会谈方向的问题。在第一次交谈中，需要进一步考虑是否有危险会伤害案主以及其他的人，不管案主目前问题是什么，如果在会谈中发现案主有安全顾虑时，工作者必须将问题引导至探讨的危险程度有多高，如果评估之后发现有严重的危险时，会谈必须放在确保安全上，而不是持续性进行评估。会谈初期，呈现的问题与要处理的问题是不同，最初一起处理的议题，不一定是后来专业关系中的目标与干预的焦点。处理的问题和最初呈现的问题不同，原因有可能是：当案主开始探索过去并未察觉或者是较少察觉的因素时，会修正对于问题的知觉；再者，潜在的案主一开始一定呈现最麻烦的问题。然而这并不意味着应该忽视一开始案主提出的问题。如果一开始就处理案主不认为是问题的问题，可能会让案主失去改变的动力。在工作开展的过程中，案主与工作者对问题的看法一致是成功的重要因素。在呈现的问题探索之后，通常必须考虑到的层面是辨认出与案主问题有关的重要他人、团体或者组织，正确的评估与有效的干预计划。收集的资料应包括案主说明与问题行为相关的情景、影响的个人或系统，以及事件后果如何再影响问题行为。在外在事件方面，某些情况或是行为是问题行为的引爆点，这些引发问题行为的事件，统称为前导事件。前导事件成为防御行为的导火索，进而引发负面情绪，接受者再以负面反应回应，逐渐形成了问题情境。分析问题行为的前导事件，以明确术语描述行为，评估问题行为，提供辨识引发问题因素的有效方法，最后确认干预的适当目标。这种分析行为的功能性取向，就是所谓的 ABC 模型 (A 前导 B 事件 C 后果)。

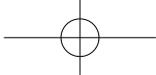
The questions that need to be answered in the assessment cover a variety of aspects. At the beginning of the counseling, workers can begin to explore the concerns of the client. Sometimes simple questions can give him/her the opportunity to express the concerns and the direction to take next steps. At this stage, workers must also pay attention to other issues that may change the direction of the counseling. In the first session of counseling, a further consideration is needed, so as to see if there is danger that will harm the client and others, regardless of the current problem of the client. If the client is found to have security concerns during the interview, the worker must shift the key points from the problem itself to the discussion about the risk. If there is a serious



risk after the assessment, the interview must focus on ensuring safety rather than on a continuous assessment. At the beginning of the counseling, the issues presented are different from the ones to be dealt with. The problems that are originally dealt with by the worker and the client are not necessarily the focuses and key intervention points in the later professional relationships. The problem being dealt with is different from the one originally presented because the client tends to correct the perceptions of the problem when exploring factors that have not been detected or are less perceptible in the past; in addition, the potential client will bring along the most troublesome problem at the beginning. However, this does not mean that the issue raised by the client at the beginning should be ignored. If the worker does not deal with the problem seriously, it may cause the client to lose the motivation to change. In the process of work, the consistent view of the client and the worker on the issue is an important factor for success. After exploring the issues presented, it is necessary to identify important individuals, groups, or organizations that are relevant to the client's problem, and to properly assess and develop the intervention plan. The information collected should include the client statements, scenes, individuals or systems related to the problem behavior, as well as how the consequences of the event affect the problem behavior again. In terms of external events, certain situations or behaviors that trigger the problem behavior are referred to as antecedent events. The antecedent event becomes the fuse of defensive behavior, which in turn triggers negative emotions. The recipient responds with a negative reaction and gradually forms a problem situation. Analyzing the antecedent events of problem behaviors can help to clarify terms to describe behaviors, assess problem behaviors, provide effective ways to identify the factors that cause problems, and finally identify appropriate goals for interventions. The functional orientation of this analytical behavior is the so-called ABC model (An antecedent B event C consequence).

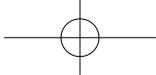
如前面所说，通常案主的问题包括环境资源与案主需求之间的落差。所以案主寻找资源前，首先需要决定的是案主未被满足的需求是什么。如果资源存在，只是案主无法获得这些资源，则需要厘清获取资源的障碍是什么。人们的基本需求必须得到基本满足才能够生存，在决定案主并未满足的需求，必须考虑到这些人、配偶或者是家庭的发展性需求。对个人来说，如果家庭必须提供成员发展及福祉的气氛家庭就必须经历包括处理任务与满足需求的发展过程。虽然案主呈现的问题常常表示清楚的需求，但是有时候也需要靠工作者来推论缺乏的是什么。呈现的问题可能只是表象，仍然有必要认真的探索与同理案主，以辨识其真正的需求。另一方面，案主的抱怨常可以转换解释成案主的需求，辨识出需求有利于制定出目标，将目标以需求的方式表达，会增加案主达成目标的动机。

As mentioned earlier, usually the client problem includes the gap between the environmental



resources and the client's needs. Therefore, before the client seeks resources, the first thing that needs to be decided is the unmet need of the client. If resources exist and is not available to the client, it is necessary to clarify what are the barriers to access the resources. People's basic needs must be basically met before they can survive. In determining the unmet needs of the client, the developmental needs of these people, spouses or families must be taken into account. For individuals, if the family has the good atmosphere for member development and prosperity, the family must experience a development process that involves both the task handling and need to be satisfied. Although the problems presented by the client often indicate clear needs, sometimes it is necessary to rely on the workers to infer what is lacking. The problems presented may be just representations, and it is still necessary to seriously explore and deal with the case in order to identify the real needs. On the other hand, the complaints of the client can often be interpreted as the needs of the client. Identifying the needs is conducive to the formulation of goals. The goal is expressed in the form of demand, which will increase the motivation of the client to achieve the goal.

在儿童有关的评估当中，工作者在面临儿童时，由于其生命的阶段状况以及独特的需要，需要更多的审慎与技术性选择。因为儿童时常与一些服务有关系（就像医院、学校、家庭），工作者的评估必须与这些系统互动。这就是创造整合性的评估的挑战，即个案管理的内容。同样的，在儿童接受服务时，通常会有他人来代为定义他的需求，这些转介的来源包括：父母、照顾者、老师、邻居或者是社区的工作人员等，这些因素虽然不能表示案主会抗拒服务，但是有可能案主不同意自己现在面临的问题状况，或者是没有动机来解决问题。当与儿童进行工作时，工作者应该通过观察或者是附加契约内容来获得相关的信息，而不是只依靠案主语言的陈述。与案主的监护人或者照顾者建立信任的关系较为重要，可以有助于案主建立和谐融洽的关系。根据儿童的能力，在协助工作者建构问题分析与定义优势是非常困难的。通过与案主外部系统的会谈，才能得到令人满意的评估，虽然有些情况下这样获得的信息可能会不符合真实的情况。在儿童评估中可能需要运用一些新的技巧，像是绘画、游戏、娃娃、玩偶等来获得可供进行评估的信息。儿童通过这些方式较容易透露自己内心的想法。在这些状况下，游戏并不是让案主分心或者是进行玩耍，必须有目的的使用这些游戏，来观察儿童不同方面的状况。发展性评估对于了解儿童过去的发展历史与现在的状况非常重要，这种评估的方式需要照顾者提供有关儿童在怀孕过程、出生后婴幼儿阶段的情况、发展阶段的状态、家庭氛围以及重要的生命经验等方面的信息。这些信息可以帮助工作者了解儿童在生命事件中的状况，特别是与他们现在问题相关的部分。在其他形式的评估当中，工作者必须有效地组织各种信息，以便能够描绘儿童历史、优势以及与需求相关的有意义的图像，这是后续确定目标与进行干预的重要基础。

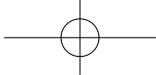


In child-related assessments, owing to the development stage and the unique needs, the worker. Because children are often associated with some public services (like hospitals, schools, families), workers' assessments must interact with these systems. This is the challenge of conducting an integrated assessment, namely the content of case management. Similarly, when a child receives services, there are usually others who define the needs. The sources of such referrals include parents, caregivers, teachers, neighbors, or community workers. Although these factors do not indicate that the client will refuse the services, it is possible that the client does not agree with the problem he is facing now, or there is no motivation to solve the problem. When working with children, workers should obtain relevant information by observing or attaching contractual content, rather than relying solely on the statement. It is more important to establish a trust with the guardian or caregiver of the client, which can help the client to establish a harmonious relationship. Depending on the child's ability, it is very difficult to assist the worker in constructing problem analysis and defining strengths. A satisfactory assessment can be obtained through interviews with the external system of the client, although in some cases the information obtained may not be true. In the child case assessment, it may be necessary to use some new techniques, such as paintings, games, dolls, toys etc. to obtain information for assessment. Through these methods, children are more likely to reveal their inner thoughts. Under these circumstances, the game does not mean to distract the client, but to help the worker purposefully observe the different experiences of the child. Development assessment is important to understand the child's history and current state. This assessment requires caregivers to provide information about the child during the pregnancy, the post-natal infant stage, family and important life experience. Such information can help workers understand the condition of the child, especially those events related to their current problems. In other forms of assessment, workers must effectively organize information to be able to portray children's history, strengths, and meaningful images related to needs, which is an important basis for subsequent goals and interventions.

三、评估的内容

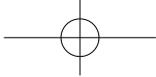
III. Content of Assessment

评估案主，最重要且最为核心的就是评估案主个人（在生理、情绪、认知的变化）、案主所处的环境（生理与社会）以及两者之间的相互影响。工作人员的直接服务会面对个人内在、人际间以及与环境间交互作用的问题、优势或资源，然而，案主的问题很少局限在单一系统，因为单一系统的失衡会导致其他系统的失衡。例如：当案主个案感到失去价值感或忧虑时，可能会影响到其他相关的人；而在工作环境里的人际紧张同样地也会影响个



人功能，此外，环境的缺损，包括居住环境适当、社会隔离等，都会影响个人与人际互动。以上三个系统的相互影响，并不限于失衡导致的负向影响，也可能带来有利的条件、优势和资源的交流；能支持功能的环境可以弥补部分的个人问题，同样的，优质的人际关系往来也能弥补环境的缺憾。下图则是评估个人与环境功能的整体范围，以助于工作者全盘了解这三个系统之间的复杂性。

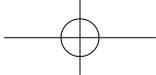
The most important and critical part of the assessment is to assess the client (physical, emotional, cognitive changes), the environments in which the client lives (psychological and social environments) and the interaction between the two. The direct care provided by the workers aims at the problems, strengths or resources from the individual's internal world, interpersonal relationship and inter-environment interactions. However, the problem of the client is rarely limited to a single system, because the imbalance of the single system will lead to the imbalance of other systems. For example, when the client feels loss of the sense of value or anxiety, it may affect other related people; and the interpersonal tension in the work environment will also affect the individual's function. In addition, the environmental risks, including the living environment, social isolation, etc., will affect personal and interpersonal interactions. The interaction of the above three systems is not limited to the negative impact caused by the imbalance, but also may bring favorable conditions, strengths and resources; the environment that can support the functions can make up for some personal problems. In addition, high-quality interpersonal relationships can often compensate for environmental shortcomings. The following figure assesses the overall scope of personal and environmental functions so as to help workers fully understand the complexities between the three systems.



<p>生物生理功能</p> <p>Bio-psychosocial function</p> <p>身体特征及表现 Physical characteristics and performance</p> <p>身体健康 Healthy body</p> <p>评估药物、酒精及毒品的使用</p> <p>Assess the use of medicine, alcohol and drugs</p> <p>酒精的使用与滥用 Alcohol use and abuse</p> <p>其他物质的使用与滥用 Use and abuse of other substances</p> <p>双重诊断：成瘾性疾病和精神疾病 Double diagnosis: addictive diseases and mental illness</p> <p>评估认知与知觉的功能</p> <p>Assess cognitive and perceived functions</p> <p>智力功能 Intellectual function</p> <p>判断力 Judgment</p> <p>现实感 Reality</p> <p>连贯性 Coherence</p> <p>认知弹性 Cognitive flexibility</p> <p>价值观 Sense of Values</p> <p>误解 Misunderstanding</p> <p>自我概念 Self-perception</p> <p>思考障碍 Thinking disorder</p>	<p>评估情绪功能</p> <p>Assess the emotional function</p> <p>情绪的控制 Emotional control</p> <p>情绪的范围 Range of emotions</p> <p>适当的情感表达 Appropriate emotional expression</p> <p>评估情感疾病 Assessing emotional illness</p> <p>双极性疾病 Bipolar disease</p> <p>重度抑郁症 Major depressive disorder</p> <p>评估自杀风险 Assess suicide risk</p> <p>评估儿童和青少年的抑郁及自杀风险 Assessing the risk of depression and suicide in children and adolescents</p> <p>评估行为功能 Assess the behavioral functions</p> <p>评估动机 Assess the motivation</p> <p>评估环境系统 Assess the surrounding system</p> <p>物理环境 Physical environment</p> <p>社会支持系统 Social support system</p> <p>灵性层面和值得信赖的社区组织 Spiritual level and trusted community organization</p>
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个人内在系统在整体评估案主时，工作者必须考虑的因素包括：生理、认知、知觉情绪、行为、文化和动机等，也就是考虑案主在目前所处环境中的表现。特别要注意的是当我们评估案主与撰写报告时，偶尔会从案主呈现的问题困难来出发，但是我们要知道这些都是在某个时间点简要的了解，就像拍照储存当时的景象，不可以只重个人，工作者这样做会让案主感觉寻求协助的过程中扭曲了评估的重点。因此，工作者在搜集评估资讯的过程中，要注意案主被尊重与关怀的感受，进而提出适宜的干预计划。

As for the individual internal system, during assessment of the client as a whole, the factors that workers must consider include physiology, cognition, perception, behavior, culture, and



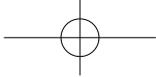
motivation, i.e. considering the performance of the client in the current environment. It is important to note that when the workers assess the client and write the report, the workers occasionally start from the problems presented by the client, but we must know that these are brief understandings at a certain point, just like taking pictures to store the scene at that time. It should not merely focus on individuals; otherwise workers will make the client feel that the focus of the assessment is distorted in the process of seeking assistance. Therefore, in the process of collecting assessment information, workers should pay attention to making the client feel respected and the care, and then propose appropriate intervention plans.

评估认知与知觉的功能即评估案主如何理解他们所处的世界是非常重要的，因为他们对他人、自身以及事件的知觉大致决定他们如何感知生命经验。每个人所经历的事件都是独特的，即使相同的事件或者情况，也会因为个人的信念、价值、态度、情绪状态和自我概念而有所不同，所以要了解一个人的行为，就要知道他如何思考，这些影响可能来自智力、判断力、现实感、连贯性、认知弹性、价值观、误解以及自我概念。

Evaluating the function of cognition and perception is important to assess how the client understands the world in which they live, because their perception of others, themselves, and events roughly determines how they perceive life experiences. Each person's experiences are unique. Even the same events or situations will differ depending on the individual's beliefs, values, attitudes, emotions, and self-concepts. Therefore, to understand a person's behavior, you must know how he thinks. These effects may come from intelligence, judgment, reality, coherence, cognitive flexibility, values, misunderstandings and self-concepts.

在实务工作中，通常是针对改善案主的行为模式而努力。因为行为改变是干预的目标，工作者必须熟练的分辨其中与评估正常的行为功能模式，在会谈过程中，可以直接观察案主的某些社交与沟通模式，以及一些案主的个人习惯与特征。在会谈中，可以观察这些行为模式，以及对于案主互动的他人的反应。除了挖掘案主的异常行为模式，注意案主有效或优势的行为模式也非常重要。下图中根据主要的个人行为种类列出评估正常和异常行为功能模式，其中出现了很多形容词或者动词，都是常见且会因为不同诠释而有不同意义，因此，在评估行为的时候有必要具体说明实际的问题行为是什么。当然，一个足够的行为评估并不只是辨别功能异常的行为，也必须确定行为的前提因素，即何时何地发生的频率。

In practical work, it is usually aimed at improving the behavior pattern of the client. Behavioral change is the goal of intervention, so workers must be proficient in identifying and assessing normal behavioral models. During the interview, some social and communication

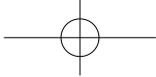


patterns of the client can be directly observed, as well as the personal habits and characteristics. During the counseling, you can observe these behavioral patterns, as well as other people who interact with the client. In addition to observing the abnormal behavior patterns of the client, it is also important to pay attention to the effective or advantageous behavioral modes. In the following figure, the normal and abnormal behavioral functional patterns are listed according to the main personal behavior types. Many adjectives and verbs therein are commonly seen and may have different meaning because of different interpretations. Therefore, it is necessary to specify what the actual problem behavior is when evaluating the behaviors. Of course, an adequate behavioral assessment is not just about identifying dysfunctional behaviors, but also about confirming the preconditions of behavior, namely the time, place and frequency.

行为层面 Behavior	异常功能模式 Abnormal Functions	正常功能模式（优势） Normal Functions (strengths)
权利 / 控制 Rights/control	专制、独裁、激进、残忍、严苛、跋扈、支配、被动、屈服；排除他人参与决策。 Autocratic, dictatorial, radical, cruel, harsh, jealous, dominant, passive, yield; exclusion of others from participation in decision-making.	民主、合作、肯定；决策时容纳他人意见。 Democratic, cooperative, and affirmative; accepting opinions from others when making decisions.
养育 / 支持 Cultivation/support	自我中心、挑剔、拒绝、退缩、自我贬抑、疏远、惩罚、鸡蛋里挑骨头、自私；对别人迟钝或漠不关心。 Self-centered, picky, refusal, retreat, self-deprecation, alienation, punish, nitpick, selfish; obtuse or indifferent to others.	开怀、赞赏、施予、同理、鼓励、耐心、慷慨、利他、温暖、接纳、支持；关心他人。 Open, admire, giving, empathy, encourage, patience, generous, altruism, warm, acceptance, support; caring for others.
责任 Responsibility	不可靠、不稳定、规避责任、把享乐放在责任之前、把问题归于外在责任、对他人财产疏于管理。 Put pleasure before taking the responsibility, attribute the problem to external factors, and neglect management of other people's property.	可靠、稳定、一致、值得信赖；坚持到底、承担责任、承认属于自己部分的问题、管理个人财产。 Persevere, assume responsibility, recognize problems, and manage personal property.
社交技巧 Social skills	令人反感、刻薄、易怒、迟钝、冷漠、独行侠、嘲讽、退缩、自我意识、逢迎、缺乏社交细腻度。 Repugnant, mean, irritable, obtuse, indifferent, chivalrous person who acts alone, ridicule, retreat, self-awareness, flatter, lack of social exquisiteness.	外向、平稳、优雅、表达流利、善于交际、机智、周到、有魅力、合作、肯定、自然、尊重他人、对他人的感觉敏锐、知道合宜的行为。 Outgoing, steady, elegant, fluent expression, sociable, witty, thoughtful, charming, cooperative, affirmative, natural, respectful of others, sensitive to others, behave appropriately.

因应模式 Coping Styles	死板、冲动、叛逆、避免面对问题、有压力时喝酒或嗑药、恐慌、猛烈抨击他人、闹情绪。 Stubborn, impulsive, rebellious, avoid problems, drink or take drugs when being stressed, panic, slam others, make trouble.	弹性、面对问题、考虑代替方案、预期后果、保持平衡、寻求成长、寻求他人建议、协商并妥协。 Flexible, dare to solve the problems, consider alternatives and consequences, maintain balance, seek growth and advice from others, negotiate and compromise.
个人习惯与特性 Personal habits and characteristics	缺乏组织、拖延、偏差、不诚实、冲动、过度挑剔、强迫、显示很差的个人卫生、行为过度、易怒的态度。 Lack of self-organization, procrastination, bias, dishonest, impulsive, over-picking, coercion, poor personal hygiene, excessive behavior, and irritable.	有计划、有组织、有弹性、整洁、有效率、耐心、自我约束、穿戴整齐、诚实、开放、诚恳、温和、体贴、性情平和、守时。 Planned, organized, flexible, tidy, efficient, patient, self-disciplined, well-dressed, honest, open, sincere, gentle, considerate, temperate, and punctual.
沟通 Communication	含糊不清、过度抱怨、唠叨、多话、打断别人、排除他人、口吃、生气时大吼大叫、隐瞒意见、防御、单调、好辩、沉默寡言、言语辱骂。 Ambiguous expression, excessive complaints, garrulous, interrupt others, exclude others, stutter, yell when being angry, conceal opinions, defense, monotony, arguing, scanty of words, verbal abuse.	注意倾听、说话流利、表达观点、分享感觉、使用回馈、自然的表达自己、考虑他人观点、说话声音洪亮并在可接受的范围内。 Pay attention to listening, speaking fluently, express opinions, share feelings, give feedback, express yourself naturally, consider other people's opinions, and speak within acceptable limits.
成就 / 独立 Achievements/ independence	缺乏动机、漫无目的、无生产力、容易丧气、容易分心、低成就、缺乏进取心、很少完成所努力的事、工作狂、工作的奴隶。 Lack of motivation, aimless, lack of productivity, easy to be frustrated and distracted, low achievement, lack of initiative, seldom fulfill the goals, workaholic, slave of work.	有雄心、勤奋、自动自发、独立、有策略、坚忍、努力的会成功、寻求更进步或改善情况。 Ambitious, diligent, initiative, independent, tactical, persevering, hardworking, get success after devoting, seek for progress or improvement.
情感 / 性反应 Emotional and sexual response	薄情、保守、疏远、对性羞怯、纵欲、缺乏性欲、沉溺偏差的性行为。 Fickle, conservative, become estranged, be shay of or indulge in sensual pleasures, lack of sexual desire, and derogatory sexual behavior.	温暖、挚爱、深情、坦率、适当的性反应。 Warm, affectionate, candid, and appropriate sexual response.

已经评估过案主过去与现在的个人功能之后，现在则要评估案主的环境部分，这是包括个人与环境之间的转换部分，环境的适应直接影响案主问题的解决能力，需要评估的包括环境转换之间的优势与阻碍，其有效性、有用性与可近性。生态观点是将评估聚焦在人与自然环境两者之间的交替作用，协助人们适应、改变环境。评估案主环境时，应将注意力置于突显问题状态方面的环境，并依次由案主的人格、健康状态、发展阶段、兴趣、动机和其他相关因素来决定，以案主环境中可获得的基本资源和机会来衡量其独特需求。以



下要评估案主（对于儿童来说）所处环境的几个要点：

After assessing the past and present personal functions of the client, it is now necessary to assess the environment, which includes the transition between the individual and the environment. The adaptation to the environment directly affects the ability of the client to solve the problem. The environment assessment includes the strengths and obstacles during the environmental transformation, its effectiveness, usefulness and accessibility. The ecological perspective is to focus the assessment on the alternation between human being and the natural environment. The ecological perspective is intended for assisting people in adapting to and changing the environment. When assessing the client environment, attention should be placed on the environment in which the problem is highlighted, and in turn the result is determined by the personality, health status, development stage, interests, motivations, and other relevant factors of the client. Its special demands can be measured by the basic resources and opportunities obtained in the client environment. Here are a few key points to assess the environment in which the client (as for the child) is located:

1. 物理环境是适当、稳定的，案主的生活环境是健康安全的。

The physical environment is appropriate and stable, and the living environment of the client is healthy and safe.

2. 足够的社会支持系统（例如家庭、亲友、邻居、相关团体）

Adequate social support systems (such as families, relatives, neighbors, related groups)

3. 链接有意义和值得信任的小区组织。

Connections with trustworthy community organizations

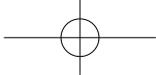
4. 特殊健康照护的途径（例如医师、物理治疗师、护理之家）

Approaches for special health care (e.g. physicians, physiotherapists, nursing homes)

5. 安全足够的幼童照顾服务。

Safe and sufficient childcare services

6. 日间照护的途径。



Ways of day care

7. 休闲设施的途径。

Leisure facilities

8. 能方便地参与社交、利用资源及行使公民权。

Participate in social interaction, use resources and exercise the citizenship right

9. 提供宽敞、卫生及远离危险的适当住屋。

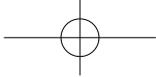
Provide appropriate housing that is spacious, hygienic and safe from danger

10. 足够的安全保障。

Sufficient security

在评估结束之后要撰写评估报告，包括初期的接案阶段、持续会谈过程、评价以及最终结案的内容。一般而言是以简短具有目标性的报告为主，但是如果有特殊要求者，则会较完整甚至包括生物生理评估的内容。无论评估报告的用途为何，书面的资料都必须包括以下几个标准，而且能清除正确的表述案主的状况，以及确保资料的正确可靠性。第一，写这份评估报告的目的、是谁要看：这是帮助工作者决定报告内容的重点应该是什么、知道机构的标准与期待是什么、谁需要看到这份报告等。第二，精准、正确并且容易阅读：评估报告最重要的就是正确性，特别要注意信息来源是第三者的正确性、重点是否清楚、搜集资料之间的矛盾之处。也不要再在结论的部分存有偏见，要综合个案的会谈资料与观察文件，符合前后连贯性；与可以使用生态资源图来表示案主所处的情境、拥有的优势、面临的挑战等，避免偏离主题或用过多的文字描述细节，但要清楚描述报告的重点、采取的行动以及结论。第三，避免标签化的描述、主观化的术语和字句：有时候工作者会使用整体性判断，例如：案主的社会功能发展不足够，这样的描述是过度强调案主的缺陷，在工作者的评估报告与结论中，应该以陈述事实的写法取代标签化、主观的陈述。从评估报告中更是展现工作者对案主的尊重，让人阅读起来对案主的陈述、生活环境、优势和需要的说明都是公正客观的。详细的评估表格如图。

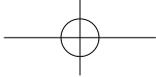
After the assessment is completed, an assessment report will be prepared, including the initial case intake phase, the interview, the assessment, and the final settlement. Generally speaking, it is mainly a short and targeted report, but if there are special requirements, it will be more complete



and even include the biophysical assessment. Regardless of the purpose of the assessment report, the written information must include the following criteria, and it can clearly and correctly represent the client status and guarantee the reliability. First, what is the purpose for writing this assessment report and who is the reader? This can help workers to decide the key points of the report. What the standards and expectations of the organization are and who needs to see the report. Second, the report should be accurate, correct and easy to read: The most important thing of the assessment report is correctness, so the workers should pay particular attention to whether the information is from the third party, whether the focus is clear, and the contradiction between the collected data. Also, do not have prejudice in the conclusions. It is necessary to combine the interview data and observation documents of the case to see whether the coherence is guaranteed; the ecological resource map can be used to indicate the situation, strengths and challenges of the client. Deviating from the subject or using too much text to describe the details should be avoided, but it is important to clearly describe the focus of the report, the actions taken, and the conclusions. Third, avoid labeling descriptions, subjective terms and words: Sometimes workers will use holistic judgments; for example, a description like “the social function of the client is insufficient” is overemphasizing the shortcomings of the client. The assessment report and conclusions should adopt the true statements and facts to replace the labeled and subjective statements. From the assessment report, it is more about the respect of the workers to the client, through which people can have a fair and objective understanding of the statements, living environment, strengths and needs of the client. The detailed assessment form is shown in the following figure.

儿童个案评估表			
Child Protection Case Assessment			
儿童姓名		受理编号	
Name		Case No.	
出生日期		性别	
Date of birth		Gender	
身份证号		受理渠道	
ID No.		Source of the Case	
评估完成日期		评估者	
Assessment completed on		Assessed by	
主要监护人姓名及地址			
Name and address of the principal guardian			

家庭具体情况 Family condition	家庭成员互动状况 Interactions among family members	
	家庭经济条件 Financial status	
	家庭存在的不足 Weaknesses of the family	
	家庭存有的优势 Strengths of the family	
儿童受教育背景 Educational background of the child		
儿童发展满足情况（生理、心理、认知等） how the child development needs are met (physiological, psychological and perceptive conditions)		
儿童健康状况及医疗史 Health and medical records of the child		
儿童行为以及与他人关系互动情况 Child's behaviors, relationships and interactions with others		
拟针对儿童开展的服务初步计划 Preliminary services plan		
已经采取过的行动 Actions already taken		
儿童特殊需求 Special needs of the child		
可以获取到的资源支持 Available resources and supports		



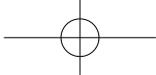
是否受到虐待以及是否存在虐待史，儿童面临的风险 Whether the child is abused or was abused or not, risks faced by the child	
其他补充信息 Other information	

评估领域 Assessment Scope	现有资源和优势 Current Resources and Strengths	存在的问题 Existing Problems	采取的措施 Measures to be Taken
评估者 Assessed by		时间 Date	

第三节 问题诊断

Section III Problem Diagnosis

在评估之后就需要对案主进行问题的分析和诊断。识别形成、延续案主问题的主客观因素及其与环境的关系，以便决定适合案主问题的服务。在进行问题诊断时应当注意问题诊断的原则和视角。关于判断的原则，应当坚持个别化的原则，不能用普遍的方法来解决某个案主的问题；在判断过程中注重双方的参与，虽然工作者有对于案主问题的专业判断，但判断案主的问题一定要有案主的参与和认定；判断过程中要警惕自己的价值偏见，在工作者开展工作时要避免自己的价值观带入，从而影响对于案主问题的准确评估，要尽量用多种途径收集资料来保证资料的准确性；工作者同样要避免将问题简单归因。案主问题的成因很复杂，同时也有很多问题交织在一起，不能讲案主的问题简单归纳为一个原因，要发现问题之间的相互关联。

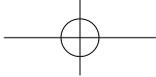


After the assessment, the case analysis and diagnosis are required. Identifying, developing and continuing the subjective and objective factors of the client problem, as well as their relationship with the environment, can determine the services that are suitable for solving the client's problem. Attention should be paid to the principles and perspectives of problem diagnosis when conducting problem diagnosis. Regarding the principle of judgment, we should adhere to the individualized principle and cannot solve the problem of a certain case by adopting a universal method. In the process of judgment, we should pay attention to the participation of both parties. Although the workers have professional judgments on the case, the problem diagnosis needs the participation and identification of the client; in the process of judging, the workers should be alert to the value bias, and avoid the introduction of personal values, which may affect the accurate assessment of the client's problem. Multiple channels should be used to collect data in order to ensure the accuracy of the data; workers also need to avoid simply attribute the problem. The cause of the problem is very complicated. At the same time, there are many problems intertwined. The problem cannot be simply resulted from one reason. It is necessary to find the interrelationship between the problems.

判断视角是指在评估问题时所采用的立场和观点。不同的观点和立场会导致对于问题的看法产生不一样的角度，从而产生了不同的解决问题的办法。在进行问题判断时应明确自己所持的角度，尽可能在一个问题的评估过程中多用一些其他视角的内容考虑问题，防止以偏概全。

Judgment perspective refers to the position and viewpoint used in evaluating the problem. Different perspectives and positions lead to different perspectives on the problem, which leads to different solutions. When making judgments on the problem, we should be clear about our own perspective and try to use some other perspectives to analyze the problem in the assessment process in order to prevent partiality.

在收集足够的信息以及确定判断的视角后就需要案主的问题进行分析。主要是确定问题的内容，即案主的问题是什么，问题产生的原因是什么，案主曾经为了解决问题所做出的努力是什么。案主的问题可能会有很多，我们无法同时解决所有的问题，因此要与案主进行讨论，对于问题划分出主次，划分出需要解决问题的优先次序，找到问题产生的主要原因。除此之外，从案主曾经所做出的努力当中我们可以了解他是否有足够的的能力解决问题或者是否有解决问题的动力，对于有助于解决问题的方法对案主进行鼓励，对于无益于案主的解决方法应当劝其停止并制定具体可行的方案和内容来帮助案主。



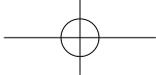
After collecting enough information and determining the perspective of judgment, the client's problem can be analyzed. The key point is to determine the content of the problem, i.e. what is the problem of the client, what is the cause, and how did the client try to solve the problem. There may be a lot of problems. We can't solve all the problems at the same time. Therefore, we should discuss with the client, recognize the priorities, prioritize the problems that are urgent to be solved and find the main causes. In addition, from the efforts that the client has made, we can understand whether he has the ability or the motivation to solve the problem. It encourages the client to participate in solving the problem. The unsuitable solutions should be stopped, and the workers should develop specific feasible plans and content to help the client.

关于确定问题，工作者可以从多个问题中选择案主急于解决的问题，但有些情况下案主急于解决的问题并不是最主要的问题。应当坚守案主为本的原则，与案主一起讨论处理问题的策略和原则，既要照顾案主解决问题的能力又要遵循对解决有利的原则。工作过程中要由双方共同决定多个问题中的最主要的矛盾，并且从多个问题中做出对于案主来说最为简单的容易解决的问题，从而增强案主解决问题的信心。要注意的一点是，案主问题的解决不一定发生在助人的过程中，有可能会发生在助人关系结束之后，甚至会需要很久的时间。

Regarding the problem identification, workers can choose the problems that the client is eager to solve, but in some cases these problems are not usually the most important ones. The person-centered approach should be adhered to, and the strategy and principles for dealing with the problem should be discussed with the client. It is necessary to take care of the ability of the client to solve the problem and follow the principle of solving the problem. During the work, the two parties should jointly determine the most important contradiction among multiple issues and select the simplest and easy-to-solve problems, thus to enhance the confidence of the client. It should be noted that the solution does not necessarily occur in the process of helping, rather it can be after the end of the helping relationship, or even in a longer time.

面对问题时，应当遵循统整问题或困扰的发展脉络——确定要解决的问题及次序——明确案主对于问题解决的具体期望的顺序，帮助案主更好的解决问题。

We should follow the logic of problem or the trouble development- to prioritize the problem. Clarifying the expected problem-solving order of client can help the client to better get rid of the problem.



第 8 章 儿童保护个案管理服务方案的制定

Chapter VIII Formulation of Child Protection Case Management Care Plan

第 1 节 发展目标制定

Section I Develop Goals

1、 目标

I. Goal

以系统过程取向评估行动计划是否成功，目标是非常重要的策略。如任务中心模式、危机干预模式与认知重构，都强调目标的重要性。这与焦点解决取向有些不同，焦点解决取向着重在改变的策略，故形成解决方式的结果较达到目标来得重要。对个人、家庭或是非自愿性案主而言，无论策略是运用目标或是促进解决，都应该符合法律的规定，并据此改变或减少他们所关心的困扰。

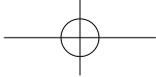
Goal setting is a very important strategy when evaluating whether the assistance process is successful with a system process approach. For example, task-centered model, crisis intervention model and cognitive reconstruction emphasize the importance of goals. This is somehow different from the solution-focused approach. The solution-focused approach focuses on the changing strategy, so the result of forming a solution is more important than achieving the goal. For individuals, families, or involuntary clients, whether the strategy is to use goals or promote resolution, it should comply with the law and change or reduce the concerns they care about.

(一) 目标的功能和目的

(I) Function and Purpose

目标可具体说明什么是该完成的，想象目标如同地图一样，从 A 点（优先关心设定起始点）到 B 点（想要达到的效果）。目标的建立是增加步骤的方式，透过里程数的标记，每一里程数的标记代表是短期的目标，直至完成日终止，就是目标的达成。

The goal can specify what should be done. Imagining the goal as a map, you can move from



point A (set the priority concern as the starting point) to point B (the goal you want to achieve). The establishment of the goal is a way of adding steps. Each mark along the way represents a short-term goal. The destination means the completion of the goal.

目标必须依循案主所优先关心的目的或是法律授权，在与案主工作时，目标可协助具体情况、需求、状态的改变。在与自愿性案主接触时，你可倾听他们的愿望与需求，并据此选择目标。然而在与无意愿、非自愿性案主工作时，他们的目标是来自于委托与转介所欲达成的目标，而非关他们自身的需求。

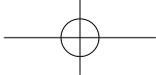
The goal must be based on the priority of the client or the legal authority. When working with the client, the goal can help to change the specific situation, needs, and status. When you are in contact with a voluntary client, you can listen to their wishes and needs and choose goals accordingly. However, when working with the unwilling and involuntary clients, their goals come from the commission and referral, rather than their own needs.

(二) 目标的分类

(II) Classification

个案管理的介入或处置是一种较为长期的服务，尽管介入或处置的终极目标是期待能藉由对案主优势的发掘和赋权增能的过程，以达到案主的目标。然而，在目标建构的过程中，也必须考虑到案主可能会有立即性或阶段性的需求。因而，介入或处遇的目标可进一步区分为短期目标和长期目标，前者如针对案主的焦虑或住宿需求，提供必要且立即性的服务；后者则欲提升案主的自尊或发展目标的达成。短期目标的提供除可作为长期目标的阶段性目标外，也可在长期处的过程强化工作者与案主的关系。

The involvement or disposition of case management is a relatively long-term service, although the ultimate goal is to explore the client's strength and empowerment so as to achieve the client's goals. However, in the process of goal construction, it must also be considered that the client may have immediate or phased needs. Thus, the goal can be further divided into short-term goals and long-term goals, among which the former one is to provide necessary and immediate services according to the client's anxiety or accommodation needs and the latter is intended to enhance the client's self-esteem or drive the goal-achieving process. The short-term goals can be a phased goal of long-term goals and can also strengthen the relationship between workers and clients in the long-term process.



(三) 目标的设定

(III) Setting Goals

目标设定是将评估的信息以及案主的意愿，转化为想要达到的目标，目标的设定必须是要可行的，可行的目标的两个重要指标为明确性与区辨性，即一个目标清晰明确，不同的人都会有相同的了解。短期的目标必须能被考量，具有高危情境、状况的事件的需求要能立即被处理，例如儿童虐待或者疏忽。

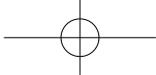
Setting goals is to transform the assessed information and client's willingness into the desired goal. The goal must be achievable, of which the two important indicators are clarity and distinctiveness. It means that the goal is clear and definite, and different people will have the same understanding. Short-term goals must be under careful consideration, and the need for high-risk situations and conditions should be addressed immediately, such as child abuse or neglect.

即使一个案主的目标并非是处理高危险的，但若能尽快地被服务，将可强化专业关系，并给予案主希望。若目标在期限内未能被完成，则再评估是必要的，这目标可能续，也可能必须改变。这个过程可能有助工作者对案主的功能和因应状况作比较好的理解。

Even if the goal is not to deal with high-risk problems, if it is reached as soon as possible, it will strengthen the professional relationship and give the client the hope. If the goal is not completed within the time limit, a reassessment is necessary, and this goal may be continued or changed. This process may help workers to better understand the function and coping mechanism of the client.

对于需要相当多时间、精力和资源的需求，即需要设定长期目标，这类型的目标着重服务或照顾的连续性，以及需要能够让案主的功能继续持稳定。尽管长期目标相对上较为模糊，但它们也应有相当程度的具体性和可测量性，如心理社会的调适、环境适应或稳定性适应等，虽非不可期待，但却不易被测量。

For a need that requires considerable time, efforts, and resources, it is necessary to set long-term goals. This type of goal focuses on the continuous service or care and need to keep the client's function stable. Although the long-term goals are relatively vague, they should also have a certain degree of specificity and measurability. Otherwise, it may be difficult to measure the conceptualised and open goals, such as psycho-social adaptation, environmental adaptation or stability adaptation, even these goals are supposed to be achieved.



目标往往是要以一种正向的方式来书写，目标的主体是案主，而非工作者，且要以将说明介入或服务提供后会出现什么结果来架构目标。同时目标设定也必须要能参酌所想达成的进度，区辨出较为概念化或者抽象的整体目标，与较为具体、可观察或者可测量的客观目标。例如，为了改善一个具有暴力倾向的小学生，比如小明，概念化或者抽样的目标可以定为，“小明在学校将会和同学和睦相处”，具体和客观的目标可定位“自3月2号开始介入后，小明将在两个月后减少袭击同学的次数”，“小明将在三个月后每日至少会和三位小朋友和睦交谈”。这种明确性如下：

The goal is often being written in a positive way. The subject is the client, not the worker, and the goal is to be structured by explaining what happens after the intervention or service is provided. At the same time, the goal setting must also be able to discern the progress that you want to achieve and identify the more conceptualised or abstract overall goals, as well as the more detailed, observable or measurable objective goals. For example, in order to change a violent primary school student, such as Xiao Ming, the conceptual or sampling goal can be defined as “Xiao Ming will get along well with classmates in school”, and specific and objective goals can be positioned as “since the involvement starts on March 2nd, Xiao Ming will reduce the times of attacks on classmates in two months.” “Xiao Ming will talk to at least three children every day three months later.” This definite goal is as follows:

1、行为上的具体：例如，减少攻击同学的次数

Specific behavior: for example, reducing the frequency of attacks on classmates;

2、目标的可观察性：例如，与小朋友和睦交谈

The observability of the goal: for example, talking with other children;

3、目标的可测量性：例如，两个月后、三个月后每日

The measurability of the goal: for example, every day two or three months later;

4、时间标准：3月2号开始介入后

Time standard: since the involvement starts on March 2nd

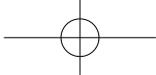
目标细分例表 Table of Goal Subdivisions	
整体目标 Overall Goal	客观 / 任务目标 Subjective/Task Goal

逐渐取得对情绪的控制 Gradually gain control over emotions	减少发怒的次数与强度，经由辨认引发怒气的线索，用内在的理性平息怒气，并运用放松的程序来对抗怒气 Reduce the number and intensity of anger, identify clues that trigger anger, calm down with inner rationality, and use relaxed procedures to fight anger
加强社会关系 Strengthen social relations	主动去找人开始对谈，并能妥善运用倾听技巧 Take the initiative to converse with someone, and make good use of the listening skills
增强与社会环境互动 Enhance interaction with the social environment	为儿童寻找一个儿童中心的居住安排及是否提供社交活动 Develop a living schedule for children in the children center and determine whether to provide social activities
增强自尊 Enhance self-esteem	聚焦在优势、正向归因和生活质量；表达自我认可。 Focus on strengths, positive attribution and life quality; express self-recognition.
增强亲职质量 Enhance the quality of parental duties	显示能胜任并有责任地保证持续的儿童照护，能计划并准备营养餐点及保持足够的卫生状况 Show competence and responsibility to provide ongoing childcare; plan and prepare nutritious meals, and maintain adequate hygiene
增强团体中的社会参与 Enhance social participation in groups	开始讨论、提出个人观点与在团体中问问题 Start discussions, present personal opinions, and ask questions in groups
增强沟通技巧 Enhance communication skills	当与他人互动时，专注倾听不插话 When interacting with others, focus on listening with no interjection
展现冲突极小化 Minimize conflicts	学习冲突解决技巧 Learn conflict resolution skills
持续性参与计的责任感 Responsibility for continuous participation	规律地参与学校活动 Regular participation in school activities

二、如何设定目标

II. How to Set Goals

(一) 案主的投入与参与

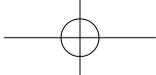


(I) Input and participation of the client

所有的目标设定要以案主对自己需求做导引，工作者的角色是要能协助案主做具体目标的设定。因而，目标设定的主体是案主，案主的投入与参与是一过程目标，亦即，案主的参与除了能让所设定的目标符合其问题和需求外，也能够让案主从参与中获得学习和成长。案主的弱势特性往往是参与目标设定的障碍，一种无法表达及对自己生活处境的无力感，往往让案主对意见的表达有畏惧感或缺乏信心，以及期待获得的仅是问题的立即或短暂的解决。对抗目标设定之有意或无意的障碍，工作者要能够从充权的观点介入，逐步地建立和发展案主的自信心，顺势引导案主朝向更独立、更舒适和更具能力的方向迈进。为鼓励主的参与和投入，除激发案主的潜能和信心外，工作者在目标设定上，早期要能以一种领导者的角色，让案主的弱势能有转圜的方向；过程中，工作者也必须适时地给予策略性的协助，同时要一次只为一个目标，以具体且短期目标的达成，逐步朝向更长远目标迈进；唯有当短期目标的达成，能让案主更具信心地往下一个目标前进，最终则是要让案主能够主导自己的生活，并提升自己的生活质量。

All goals should be guided by the client's own needs. The role of the worker is to assist the client in setting specific goals. Therefore, the subject of the goal setting is the client. The input and participation of the client is a process goal. That is to say, the participation of the client can guarantee the goals start from the current problems and needs, and also enable the client to get involved in learning and growth. Client's weakness are often the obstacles to participation in the goal setting. An unspeakable feeling of helplessness towards the life often gives the client a fear or lack of confidence when expressing the opinions, and the client only expect the immediate or temporary solutions to the problems. In order to counter the intentional or unintentional obstacles for the goal setting, the worker should be able to intervene from the perspective of empowerment, gradually establish and develop the self-confidence of the client, guide the client to move forwards as a more independent, free and capable individual. In order to encourage the participation and input of the client, in addition to stimulating the potential and confidence, the worker must be able to use the role of a leader in the early stage of the goal setting, so that the weakness of the client can be converted; In the meantime, workers must also give strategic assistance in a timely manner, setting one goal for each time so that the completion of specific and short-term goal can facilitate the long-term goal achievement. Only when short-term goals are achieved can it make the client more confident in moving toward the next goal. The ultimate goal is to enable the client to lead the life and improve the quality of life.

(二) 目标的优先次序



(II) Order of priority

个案管理处理的个案往往是具有复杂问题或需求的案主。在评估案主的问题和需求后，工作者要能有系统地归纳问题或需求的本质，以及案主对问题或需求的关心度和态度，排定目标的优先次序，以作为处遇或服务介入的导引。个案管理目标的设定是多元的，有些目标可能是互补的或共存的，有些目标可能会因实务上的矛盾而造成紧张，进而可能使得其成就难以捉摸。例如，工作者依其被期待的角色做事，但对案主问题的解决却很有限；抑或虽然在资源的使用上很有效率，但却未能有效地解决问题。在资源有限且多元目标可能相互矛盾的状况下，哪些目标是合乎标准且应优先去做的呢？这必须看一个特定服务输送体系的目的和角色而定。

The subjects of the case management are often clients with complex problems or needs. After assessing the client's problems and needs, the worker must be able to systematically summarize the nature of the problem or needs, as well as the client's interest and attitude toward the problem or needs. It is necessary to define the order of priority as a guide for problem-solving process or service. The goal setting of case management is diversified. Some of the goals may be complementary or coexisting. Some of the goals may cause tension because of the practical conflicts, which may make the achievements elusive. For example, workers do things according to the role they are expected to be, but their ability to solve problems is limited; or although it is efficient in using resources, it does not solve the problem effectively. Under the condition where the resources are limited, and multiple goals may be contradictory, which goals are standards-compliant and should be prioritized? This must depend on the purpose and role of a particular service delivery system.

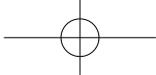
一般而言，排在较优先的目标往往是案主目前最关心的需求，“生死攸关”的议题，以及投入合理的时间和努力后，成功可能性很大的目标。

In general, the priority is often given to what the client concerns the most including the issue of “a life-and-death matter”, and the achievable goal after investing in reasonable time and efforts.

(三) 目标的弹性和协商

(III) Flexibility and negotiation

个案管理的目标达成往往需要一段时间，过程中可能因案主情境的变化或服务输送体系的变异，而影响到整个介入计划的执行。为此，目标设计之初，尽管要能具体客观，但



却不宜过度僵化。为使所设定的目标能与其所处环境的变异有调适的可能，所设定的目标宜持某种程度的弹性。此外，务实的目标不仅可激发案主的期待，也可提升案主参与或投入的意愿，对实务工作者在漫长的介入过程中，也可激发其工作士气与成就感。

It takes time to achieve the goal of case management, and the process may be affected by the changing condition of the client or the variety of service delivery system, which affects the implementation of the entire intervention plan. To this end, at the beginning, the goal should be concrete and objective, instead of excessively rigid, in order to allow the goal to be adapted to the changing environment; that is, the set goals should be somewhat flexible. In addition, the pragmatic goal can not only stimulate the expectation of the client, but also enhance the willingness of the client to participate or invest. It can stimulate the morale and sense of accomplishment of the worker during the long-term intervention.

一般来讲，目标的协商过程如下列陈述：

In general, the negotiation process is as follows:

①决定案主是否准备好要协商目标。

Decide whether the client is ready to discuss the goal.

②解释目标的功能和目的。

Explain the function and purpose of the goal.

③参与选择适合的目标。

Participate in selecting the right goal.

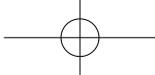
④明确定义目标，并说明案主想要改变的程度。

Clearly define the goal and explain the extent to which the client wants to change.

⑤决定目标的可行性，并讨论在的利益与危险。

Determine the feasibility of the goal and discuss the potential interests and risks.

⑥帮助案主选择他们能认同的明确目标。



Help the client choose the clear goals they can recognize.

⑦根据案主的优先级，决定目标顺序。

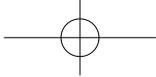
Determine the goal order based on the priority of the client.

三、适用于确定儿童发展目标的指导原则

III. Guidelines for Setting up Goals in the Work with Children

以专业眼光看待儿童的亲职（父母、亲子）冲突问题，涉及了家庭系统、学校转介、同侪影响力、教养行为、危机或是父母因他们问题化的行为寻求协助等，上述原因均会对目标发展产生影响。父母或是法定监护人对于他们的孩子，常是以学校或是课程内容设定为目标。工作者与他们不同之处是，采取较广泛的认定，即“从案主处开始”的思维运用在此服务目标。只有这样，才能从命令式的目标中与案主对谈，工作者的目标是藉由法律所提供的安全和福利，对案主进行干预。但儿童本身不了解成年人所提供协助动机的真相，因此常导致他们在协助过程中受伤。藉由儿童他们自己的故事，吸引他们了解目标和他们所认可的问题，并且使用这些信息支持他们发展目标。相对往昔，发展目标的参考依据大多是由权威，如老师所提供。但老师常将问题界定在“在校园内是危险的、不服从及态度怠慢”，或是描述他们的家庭或是所居住的小区，是单亲或功能失衡的小区，青少年的声音不见了。建立倾听儿童的叙说氛围，是目标发展或解决问题的起始点。叙述取向是以开放式问题，允许儿童叙说他们的故事，通过经验和感受来探究这世界的互动影响。

The worker should observe the family (parents, parent-child) conflicts from a professional perspective because the child may seek for help due to the family system, school referral, peer influence, parenting behavior, crisis, or bad behavior of the parents, etc. The above-mentioned factors will impose influence on the goal development. Parents or legal guardians often set goals for their children on the basis of the school or curriculum. Workers differ from them in that they take a broader view that the “starting from the client” mentality is used as the service goal. Only in this way can the workers talk to the client from an imperative goal. The goal of the worker is to intervene based on the security and welfare provided by the law. However, children themselves do not understand the motivations provided by adults, and as a result they often get injured during the assistance process. Their own stories can be used to attract them and understand the goals and issues they recognize, and to support their development goals. In the past, the reference for development goals was mostly provided by authorities, such as teachers. But teachers tend to define the children as “dangerous, disobedient, and sloppy in the school,” or describe their



family or community as single-parent family or the dysfunctional community; thus, the voices of teenagers are gone. Establishing a narrative atmosphere for the children is the starting point for the goal development or resolution of problems. Narrative orientation is an open-ended question that allows children to tell their stories and explore the interactive influence of the world through experience and feelings.

第二节 资源评估

Section II Resources Assessment

经过问题诊断与目标设定的阶段后，为达成个案服务的目标，接着便需要着手拟订服务计划以作为服务的指南。对许多个案管理的体系而言，计划即是一种资源分配的操作，特别是在经费、人员或时间有限的情况下，一份好的计划需要解决需求和资源供间的两难。尽管个案管理强调的是需求导向的原则，但在现实的生活里，除非有充分的资源，否则该原则是不易实现的，特别是需求超过供给是社会服务领域常有的情境。

After the problem diagnosis and goal setting, it is necessary to develop a service plan as a guide for service in order to achieve the goal of case service. For many case management systems, planning is a resources allocation operation, especially when funding, personnel or time is limited, a good plan should address the dilemma between demands and resource supply. Although case management emphasizes the principle of demand orientation, this principle is not easy to achieve unless there are sufficient resources, especially when demand exceeds supply, which is a common situation in the social services.

资源存在与否和资源网络的建立是案例管理的实务基础。一般而言，案主寻求服务，往往是因本身或非正式资源上的不足与缺乏，抑或是案主未能予以善用。工作者的职责即是要能够协助案主取得资源、整服务输送及倡导新政策或方案。如果想要对案主提供准确且恰当的服务，对服务资源的配置状况不仅要能充分掌握，对资源的存在与运用状况，也要能予以了解和确认。

The existence of resources and the establishment of resource networks are the practical basis for case management. In general, the client seeks service due to lack of personal or informal resources, or the client fails to make good use of it. The worker should be able to assist the client in obtaining resources, transporting the entire service and advocating new policies or programs. If the workers want to provide accurate and appropriate services to the client, not only the

configuration of the service resources should be fully grasped, but also the existence and use of resources should be understood and confirmed.

针对案主需求的许多计划或服务皆与资源的配置有直接的关联，资源分配决定人工成本、提供支持程度、服务个案数以及案主可用的方案和服务，资源分配甚至也关系到工作者可花在特定任务的时间。

Many plans or services required by the client are directly related to the redistribution of the resources. The resource allocation determines the labor cost, the degree of support, the number of served cases, and the programs and services available to the client. Meanwhile, it is even related to the time of the workers on a specific task.

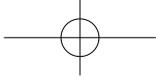
在拟订计划时，工作者必须知道有哪些可协助案主解决问题或满足需求的资源，而这些资源可能是案主内在的资源，如案主的内在技巧、知识、能力和正面积极的态度。机构内部资源，即机构服务的内容种类，如医疗照顾、食物和居家服务等直接的协助，以及安排训练、安排就医的间接协助；抑或是机构的外部资源，如政府或其它民间单位的服务。

When developing a plan, the worker must know what resources are available to assist the client in resolving the problem or meeting the needs, and the resources may be inherent resources of the client, such as the intrinsic skills, knowledge, ability and positive attitude. Internal resources of the institution are diversified, including direct assistance in medical care, food and home services, and indirect assistance in arranging training, medical treatment, or external resources from government or other civil units.

资源评估包括评估可用于服务的地点或场所，并描述其特性及使用的相关信息。

The resources assessment covers the venues suitable for the services as well as the characteristics and usage information of the venues.

资源评量表		
Resources Assessment		
	优势 Strengths	限制 Limitations
内在资源 Internal resources		
外在资源 External resources		



第三节 儿童保护个案管理的模式选择与运行

Section III Model Selection and Operation of Child Protection Case Management

本书第四章第三节对儿童保护个案管理的常用模式和选择进行了介绍，在实际项目开展过程中，如何根据不同儿童保护项目选择合适的模式并加以运用？本节将着重介绍模式运行的具体流程。

Section III of the Chapter IV introduces the commonly used models and choices of child protection case management. In the actual project development, how to choose the appropriate model according to different child protection projects and use them? This section will focus on the specific process of model operation.

一、任务中心模式

I. Task-centered Model

任务中心模式的工作程序：

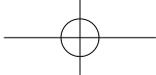
Work procedures of the task-centered model:

(1) 确认目标问题与目标

(1) Confirm the target problem and goal

确认问题的基本原则是：第一，案主知道这个问题存在；案主承认这是一个问题，否则案主将不会有意愿发生改变；第三，案主在明确问题后有意愿处理这个问题，主动性是行动的先导；第四，案主有能力处理这个问题，一般来讲，我们相信案主的行动能力可以通过增权、赋能等方式进行支持和提升。

The basic principles of confirming the problem include: First, the client knows that the problem exists; second, the client admits that this is a problem, otherwise the client will not have the motivation to change; third, the client is willing to deal with the problem after identifying the problem. Initiative is the forerunner of action; fourth, the client has the ability to deal with this problem. Generally speaking, we believe that the client's ability to act can be supported and enhanced through empowerment.



在问题处理形式的基本原则是：首先，问题必须是有限度及其清晰表达；其次，问题可以转化为行为；最后，案主有正常的能力去实施一般性任务。

The basic principles in the problem solving are: First, the problem must have limits and clear expression; second, the problem can be transformed into behavior; finally, the client has normal ability to perform general tasks.

一般来讲，问题的类型有这么几类：

In general, there are several types of problems:

人际冲突、不良社会性关系、与正式组织互动中产生的问题、角色扮演上的困难、社会环境变化所带来的问题、反应性情绪困扰、社会资源不足。

Interpersonal conflicts, bad social relationships, problems arising from formal interactions, difficulties in social roles, problems caused by changes in the social environment, reactive emotional distress, and insufficient social resources

与案主共同确认问题的步骤主要有：

The steps to confirm the problem together with the client are:

①列出案主所关心的问题

List the concerns of the client

②将列出来的问题的不同层面加以明确说明帮助案主分析问题。

Explain the different aspects of the listed issues to help the client analyze the problem.

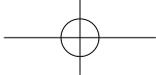
③根据案主情况，将问题按照严重程度排列。

According to the condition, the questions are arranged according to the severity.

④工作者与案主一起找出核心问题。

Workers work with the client to identify the core issues.

⑤工作者将核心问题归类，即确定问题的类型。



Workers classify the core issues by determining the type of problem.

⑥对核心问题做进一步分析，详述其特质，尽可能的缩小核心问题的范围，便于操作。

Further analyze the core issues, describe their traits and narrow down the scope of core issues as much as possible for convenience.

在明确问题之后，将问题转化为具体的行动目标。准备进行下一步的任务分解。

After clarifying the problem, the workers turn the problem into a specific step-by-step goal in order to prepare for the next task decomposition.

(2) 制定任务计划

(2) Develop a task plan

当工作者与案主已经确认目标问题与相关目标时，就要准备制定任务计划。任务计划是由案主执行的个别行动所组成，每个任务计划都有几个明确的任务，并且是一个接着一个顺序达成目标。

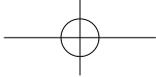
When the worker and the client have confirmed the problem and related goals, it is necessary to prepare a task plan, which consists of individual actions performed by the client. Each task plan has several distinct tasks, and the goals are achieved by completing the missions one after the other.

与案主共同制定一些可选择的任务：

The worker should join hands with the client to develop some alternative tasks:

通过头脑风暴与案主一起产生创意，以供案主进行选择。这个过程的重点是激发案主的自主性以及提高之后任务行动过程中案主的承诺水平。很多案主无法提出过多的想法，通常由工作者发起，然后由案主进行补充并且进行更加细致的分析。

Several choices can be provided after brainstorming with the client. The focus of this process is to stimulate the autonomy of the client and to improve the commitment level of the client in the subsequent mission. The ideas are usually proposed by the workers and then supplemented by the client after a more detailed analysis.



二、危机干预模式

II. Crisis Intervention Mode

危机干预的运行步骤：

The operational steps of crisis intervention:

(1) 第一阶段：定义问题

(1) First stage: define the problem

当工作者在危机状态情境中，要决定危机的独特意义与案主情况的严重性，要听案主谈到危机对他的意义与重要性，将可以舒解情绪，且有高度治疗效果。搜集数据可以让你决定案主如何定义他的问题。评估案主对问题的定义与危机反应中，文化因素相当重要。当你把案主的文化价值、信念与仪式视做重要的参考点时，可以把干预工作做得好。

When the worker is in a crisis situation, he/she should determine the unique meaning of the crisis and the case seriousness, talk about the risk and its significance and importance to the client, which will relieve the emotions and have a high therapeutic effect. Collecting data allows you to decide how the client will define his problem. Cultural factors are important in assessing the definition and the crisis response. When you consider the cultural values, beliefs and rituals of the client as important reference, you can do a good job of intervention.

(2) 第二阶段：确保安全

(2) Second stage: ensure the safety

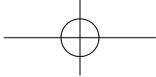
最优先且最重要考虑的就是确保案主的安全性，安全包括案主对自己和他人身体与心理危险降到最低。

The priority is to ensure the safety of the client, including minimizing the client's physical and psychological risks to himself and others.

(3) 第三阶段：提供支持

(3) Third stage: provide support

工作者员必须要确认案主的社会支持系统，动员协助网络对危机干预有非常大的帮助



性。

Workers must confirm the client's social support system and mobilize the assistant network to help the crisis intervention.

(4) 第四阶段：检验各种可能的选择

(4) Fourth stage: test various possible options

工作者要跟案主一起共同讨论哪一些行动最适合他的处境。当然有些选择可能会更好，不过他们要优先选择最可以使用的。其考虑因素有：

Workers should work with the client to discuss which actions are most suitable for his situation. Of course, some options may be better, but they prefer to use the most feasible ones. The considerations are:

1) 情境支持：包括有哪些人关心案主发生什么事

1) Situational support: Including who cares about what happened to the client

2) 因应机制：代表行动、行为与环境的资源，案主去用来处理危机情境。

2) Coping mechanism: resources representing actions, behaviors, and the environment, by which the client uses to deal with crisis situations.

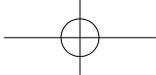
3) 正面与建构性思考的形态：会有效影响案主如何看他的问题，而能够减少压力与焦虑的层次。

3) Positive and constructive thinking: It will effectively influence how the client sees his problems and can reduce the stress and anxiety.

虽然有很多种选择可以稳定案主的情境，然而，过多的选择可能会让案主无所适从。所以应考虑情境和其他因素，作最务实的选择。

Although there are many options to stabilize the client, too many choices may leave the client at a loss. Therefore, we should consider the situation and other factors to make the most pragmatic choice.

(5) 第五阶段：研订计划



(5) Fifth stage: develop plan

案主与工作者必须同意特定的行动、任务与时间限制。任务的差异要根据危机情境，以及每一个人或家庭的独特状况做考虑。工作者在研拟任务中，要诱导案主认定什么样的帮助才能让其回复到危机发生前的平衡，并且要共同确认他的安全是优先计划拟定。在此一阶段中，你与案主的互动需要比较多指导性。

The client and the worker must agree to specific actions, missions, and time constraints. The difference in missions should be considered in terms of the crisis situation and the uniqueness of each individual or family. In the research, the worker should induce the client to determine what kind of help to restore the balance before the crisis, and to jointly confirm that his safety is a priority. In this phase, more guidance is needed in your interaction with the client .

(6) 第六阶段：取得承诺

(6) Sixth stage: commitments

完成任务要考虑案主掌控危机情境的本质。所以，案主与工作者要承诺共同处理特定意图与正向任务，以便回复到他危机前的功能性表现。

To complete the task, it is necessary to consider the nature of client's controls over the crisis situation. Therefore, the client and the worker must commit to jointly dealing with specific intention and forward tasks in order to revert to the functional performance before the crisis.

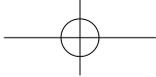
预期性辅导

Precautionary Counseling

六个步骤完成后，可以再进一步与案主共同论未来可能存在的其他潜在性压力。预期性辅导有预防性的意涵，其中包含协助案主预期未来可能的危机情境，并计划未来准备面对压力的因应策略。

After the completion of the six steps, you can further discuss with the client the other potential pressures that may exist in the future. Precautionary counseling has a preventive implication, including assistance to the client in anticipating the possible crisis situations in the near future, and planning to cope with the pressures.

特别是聚焦在未来潜在压力发生时“如果……会怎样”的讨论上。在使用预期性辅导



时,切勿传达案主将来能够独立应付所有未来困难的期望。即使你向案主再保证他们的技巧,并协助其做预期性辅导,你仍然必须向案主澄清,如果未来他们需要协助,随时可以找你与其他人员协助。

In particular, the worker should discuss by using phrases like “what if...” when focusing on potential pressures in the future. When using precautionary counseling, the worker should not promise that the client will be able to cope with all difficulties in the future. Even if you reassure the client of their skills and assist them with the precautionary counseling, you must still clarify that if they need assistance in the future, you and other personnel will always be available.

三、认知重建模式

III. Cognitive Reconstruction Model

认知重建的主要程序:

认知重建主要是通过改变案主对自己、对他人或对事物的看法或者态度,来建立正确的思维方式,减少错误认知所造成的情绪及行为的不良后果。主要步骤如下:

The main procedures for the cognitive reconstruction include:

Cognitive reconstruction is to assist the individual in perceiving the self-defeating and wrong ideas. Its main goal is to change the thoughts, feelings in the thinking process, narratives and behaviors. The main steps are as follows:

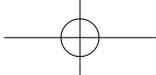
步骤 1: 主要是向案主解释认知重建,以协助案主接受其自我陈述、假设和信念,勾起他对生活世界的情绪反应与理解。

Step 1: Explain the cognitive reconstruction to the client and assist the client to accept the narrative, hypothesis and confidence, and to evoke his emotional reaction and understanding of life.

步骤 2: 协助案主确认隐含在问题中的自我陈述、思考与思考的形式。

Step 2: Assist the client to identify the narratives, thoughts, and ways of thinking that is implicit in the problem.

步骤 3: 协助案主确认产生失去功能认知的情境。针对发生压力事件的地方,有哪些



关键人，以及使个人面对自我期望的情境，让你与案主能够建构策略。

Step 3: Assist the client to identify the situation in which the functional cognition is lost: The place where the stressful event occurs, what key people are there, and the situation in which the individual faces self-expectation, allowing you and the client to construct a strategy.

步骤 4：协助案主使用功能性的自我对话取代自我击败的认知。

Step 4: Assist the client to replace the self-defeating cognition with a functional self-talk.

步骤 5：协助案主对他们自己成功的因应给自己奖赏。

Step 5: Assist the client to reward themselves for their own coping success.

四、焦点解决模式

IV. Solution-focused Approach

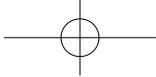
焦点解决模式的程序：

Procedures of solution-focused approach:

作为一种专业的介入，焦点解决的治疗流程与步骤清晰明了，且具有单次咨询的精神。即视每一次的咨询与治疗是第一次也是最后一次，因此每一次的咨询构架都是一样的。整个焦点解决短期治疗的咨询次数可为一次或连续多次（平均为五次）。每次咨询的时间约为 60 分钟。每次咨询的整个过程大致可以分为三个阶段：①建构解决的对话阶段；②休息阶段；③正向回馈阶段。第一阶段约为四十分钟，其余两个阶段皆为十分钟。

As a professional intervention, the treatment process and steps of focus resolution are clear, featuring a one-time counseling. That is, each counseling and treatment is the first and last, so each counseling has the same structure. The counseling during the short-term treatment of the entire focus resolution can be provided for once or several consecutive times (five times on average). The time for each counseling is approximately 60 minutes, comprising three phases: ① the dialogue about the constructive resolution; ② break; ③ Positive feedback. The first phase lasts about forty minutes, and the other two phases are ten minutes.

(1) 建构解决的对话阶段



(1) Dialogue for Constructive Resolution

这一阶段是会谈的主轴，所以我们称之为建构解决的对话阶段，在对话的过程中，工作者通过“建设性预设问句”所选取的方向、所使用的语言而产生的暗示和教育作用，试图影响案主改变其认知，引导出正向解决问题的思考方式。因此，咨询的过程是注重“改变”的对话历程，在这一过程中，强调正向的、积极的、建设性的取向，则解决之道自然会被引发而成。

This phase is the core of the counseling, so we call it the dialogue of constructive resolution, during which the workers adopt some words of “constructive presupposition question” to give hints and educational effect with the attempt of influencing the client to change his or her cognition and leading a way of thinking about solving problems in the positive direction. Therefore, the counseling is a dialogue that emphasizes “change”. In this process, if a positive and constructive orientation is emphasized, the solution will naturally be developed.

1) 准备阶段

1) Preparation

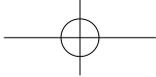
在这个阶段中，工作者与案主寒暄，简介一个小时咨询的流程。在工作者说明的同时，即引导案主进入正向的、未来的及解决导向的会谈中。如果在休息阶段工作者会使用工作小组的形式，亦需在此阶段让案主知道。

In this phase, the worker and the client greet each other and introduce the one-hour counseling. At the same time as the worker explains, the client is guided into positive, forward and solution-oriented counseling. If the worker will invite the working group during the break, the client should be informed at this phase.

2) 问题抱怨阶段

2) Problem complaining

在这个阶段，工作者以倾听、接纳、同理的态度，收集案主的抱怨。然而，与其他学派不同，焦点解决学派强调这一过程聚焦于案主已使用过的解决问题的行动，即肯定案主已经做过的有效的事情。同时，工作者除了反映案主的感受之外，更会暗示事情是有其他可能性存在的，以企图松动案主的负面感受，使案主从抱怨提升为希望改变的目标。



At this phase, the worker collects complaints from the client through listening, accepting, and empathy. However, unlike other modes, solution-focused approach emphasizes that this process should focus on the problem-solving actions that the client has used, i.e. approving the effective things that the client has already done. At the same time, in addition to reflecting the client's feelings, the workers will hint at the existence of other possibilities, in an attempt to release the negative feelings of the client and transfer the complaints into hope for changes.

3) 设定目标阶段

3) Goal setting

这一阶段，工作者会协助案主发展出具体可行的目标，且是案主需要的目标，而非工作者为案主设定的目标。因为有了目标就会有改变的动力。这里所强调的具体可行的目标指的是正向的、具体的、小步的、在案主“可控”范围内的、且实际可行的目标。目标的形成是工作者与案主合作的过程，可以使用奇迹式问句、循环式问句、排序、评量式问句等技巧。

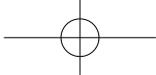
At this phase, the worker will assist the client to develop a concrete and feasible goal, which is also the goal that the client needs, rather than the goal set by the worker for the client. As long as there is a goal, there will be a driving force for change. The specific feasible goals highlighted here refer to positive, specific, step-by-step, and practical goals “controllable” for the client. The formation of the goal requires the cooperation between the worker and the client. The worker can use techniques such as miraculous questions, circular questions, sorting, and assessment questions.

4) 探寻解决方案阶段

4) Exploring the solution

一旦案主设定了正向的目标，接着工作者就会协助案主探索自己的资源，以达到所求的目标。焦点解决学派典型的做法将焦点集中在问题不发生的时间、地点、活动等细节上，运用例外式问句、奇迹式问句、评量式问句等引出例外及其解决问题的弹性，并开发案主的内在资源，让案主发现那时自己是如何做到的，从而引出解决之道。与此同时也暗示案主，工作者相信他们做得到，且他们早已开始做一些有益的尝试。

Once the client has set a positive goal, the worker will then assist the client to explore his or her resources to achieve the desired goal. The typical approach of focus resolution centers on the details, including the time, place, and activities that do not occur. The worker usually uses



exceptional questions, miraculous questions, assessment questions, etc. to introduce exceptions and the problem-solving flexibility so as to explore the intrinsic resources of the client and allow the client to discover how he or she did it at that time. Thus, a solution will be developed. At the same time, the client should be hinted that the workers believe they can do it, and they have already begun to make some useful attempts.

(2) 休息阶段

(2) Break

通常在第一阶段进行四十分钟之后，工作者会告诉案主要休息十分钟，并稍后回来给予回馈。在案主休息的时间里，工作者会独自跳出咨询的情境，回顾这个对话历程并加以整理，或与协同小组中心成员进行讨论，而后回来提供给案主一些回馈。

Usually after 40 minutes in the first phase, the worker will tell the client to take a ten-minute break and receive feedbacks later. During the break, the worker will jump out of the consulting situation alone, review and organize the conversation, or discuss it with the members of the collaborative group center, and then come back to provide some feedback to the client.

(3) 正向回馈阶段

(3) Positive feedback

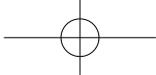
焦点解决的治疗过程有着公式化的回馈。在休息阶段之后，工作者将会用十分钟左右的时间给案主一些回馈。回馈的内容包含：给予赞美和肯定、提供信息及布置家庭作业。

The therapy of focus resolution has a formulaic feedback. After the break, the worker will give the client some feedback in about ten minutes, including giving praise and affirmation, providing information and arranging homework.

1) 给予赞美和肯定

1) Give praise and affirmation

赞美的意义在于赋能 (Empowerment)，通过工作者对于案主自身和其正向资源、能力的鼓励，使得案主注意到自己原本存在但被忽视的内在力量，改变案主的主观认知，从而提升案主为自己负责的能力与意愿，进而鼓舞案主能持续行动以寻求改变。



The significance of praise is empowerment. Through the worker's encouragement to the client and his/her positive resources and ability, the client can notice the inherent strength which had been neglected before and change the subjective cognition. This will enhance the ability and willingness of the client to be responsible, and thus encourage the client to continue to seek changes.

2) 提供信息

2) Provide information

信息的提供，可能是专家的观点或理论，也可能是案主正在做而且有效的行动，或是其他一些想法。其目的在于将案主的问题一般化，或是对问题提供不同的意义和观点，同时提供形成家庭作业的脉络。

The information may be the opinion or theory proposed by the expert, or it may be the effective action that the client is doing, or some other ideas. The purpose is to generalize the problem of the client, or to provide different meanings and opinions to the problem, while providing the context for the homework.

3) 布置家庭作业

3) Homework

家庭作业就是案主于下次会谈前必须完成的作业或任务，这旨在巩固治疗效果、增强改变信心、实现预定目标。

Homework is the works or tasks that the client must complete before the next meeting. This aims to consolidate the treatment effect, enhance confidence, and achieve the desired goals.

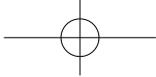
第四节 服务计划制定

Section IV Formulate Care Plan

一、服务计划的内涵

I. Connotation of the Care Plan

服务计划是个案管理的核心功能 / 任务。它指工作者依评估的信息及所设定之短期



和长期目标，再以其专业判断和实务经验为基础，所设计出用以协助案主决问题或满足需求的一套有系统的行动设计。因而，服务方案可作为一种为满足所确认的需求，以及将达到所期待之结果的服务说明。一般而言，服务计划的内容主要包括：

A service plan is a core function/task of case management. It refers to a set of systematic actions designed to assist the client in determining the problem or meeting the needs based on the assessment information, short-term and long-term goals, professional judgment and practical experience of the worker. Thus, the service plan can serve as a service description to meet the identified needs and to achieve the desired results. In general, it mainly includes:

1. 需要改变的是什么，以及需要达到的整体目标

1. What needs to be changed, and the overall goals to be achieved

2. 计划的具体或客观目标为何；

2. What are the specific or objective goals of the plan;

3. 提供的服务是什么？谁将负责提供服务？何时提供服务？

3. What is the service? Who will be responsible for providing the service? When is the service available?

4. 专业人员和案主（或家属）接触的本质和适当时间；

4. The nature and appropriate time of contact between the professional and the client (or family member);

5. 服务和接触的目的；

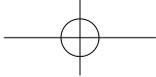
5. The purpose of the service and contact;

6. 案主（或家属）的承诺；

6. The promise of the client (or family member);

7. 专业人员的承诺。

7. Professional commitment.



参与计划设计的包括工作者、案主、潜在的服务代表，也许可能包括实际或潜在的非正式照顾者、亲友、以及受到案主环境影响的代表。

People participating in the design include workers, the client, potential service representatives, actual or potential informal caregivers, relatives, and representatives affected by the client's environment.

服务计划主要包括两个行动的要素，即策略要素和程序要素。前者保指工作者必须要让有效达到先前所决定的目标策略化，这些策略也许包括从发展案主技巧到改变生态系统，策略也需要能够被更详尽地讨论，以作程序要素的实务指南。一般性的策略要素包括选择介入模式，坚持赋权增能、机会平等，都是服务计划的核心工作。

The service plan includes two action elements, namely the strategy elements and the procedure elements. The former means that the worker develops effective strategies to achieve the goals, which may range from the skill development to the change of the ecosystem. The strategy needs to be discussed in more details as a practical guide to the procedure elements. The general strategy elements include choosing the intervention mode, insisting on empowerment and equal opportunity, all of which are the core work of the service plan.

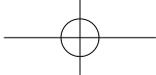
程序要素详细说明策略要如何被执行，包括工作者和案主需要执行的工作。案主必须要能够在计划中有相当程度的涉入：首先，他们往往是最能够确认自己的需求，也因而更有助于服务的成效；第二，案主参与规划过程，对画所列的服务也较具有使用的动机，参与规划的过程同时也是一种建立案主信心和能力的直接方式。

The procedure element details how the strategy is to be performed, including the work that the worker and the client need to perform. The client must be able to have a considerable degree of involvement in the plan: First, they can confirm their own needs, which will be more helpful to provide effective services; second, the client gets involved in the planning and will has the motivation to use the services. This is also a direct way to build the confidence and ability of the client.

服务计划例表

Service Plan

目标:
Goal:
拟定计划时间:
Scheduled Time:



获得解决，但工作者却可能会期待案主能以前瞻性的目标为重。这种歧见若未能善用目标管理予以有效化解，将可能不利于介入计划的执行。

(3) The disagreement between the client and the worker on the goal: The goal of the case/care management is to explore the strengths of the client and apply the empower theory to achieve the autonomy of the client. Generally, the client often hopes that the environment can be changed, or problem can be solved immediately, while the worker may expect the client to focus on the forward-looking goal. If this disagreement fails to be resolved by making good use of goal management, it may be detrimental to the implementation of the intervention plan.

(4) 案主抗拒参与计划的过程：有些个案 / 照顾管理服务的案主，可能因其价值观而形成沮丧、冷漠、依赖、退缩、愤怒、焦虑……等内在障碍，进而拒绝透过服务过程的参与来增能提升自己，仅依赖如何适应他人期待而生活，这将使得强调案主参与和案主自主的个案管理失去其积极性的意义。

(4) The client's resistance to participation in the plan: Some clients may have internal obstacles such as frustration, indifference, dependence, withdrawal, anger, anxiety, etc. due to their values, and then refuse to accept the services favorable to the empowerment. The client relies only on how to adapt to the expectations of others, which will make the case management that emphasizes the involvement and autonomy of the client lose its positivity.

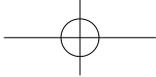
2、设计计划应该注意的事项

2. Attentions needed during the planning

(1) 计划拟订要基于评估与事实：介入计划要尽可能基于所确认的需求而设计，且服务要件要能响应所评量的风险，并能获得案主和照顾者、工作者及机构的同意。

(1) Planning should be based on assessment and facts: The intervention plan should be designed based on the identified needs as much as possible, and the service elements should be able to respond to the assessed risks, and be agreed by the client, caregiver, workers and institutions.

(2) 计划具有明确性与个别性：计划是目标导向和有时间性的，因而它包括长期和短期目标；长期目标说明计划所欲达到的最终结果，短期目标旨在协助案主处理危机或目的需求。工作者要在介入计划时说明哪种需求是最重要的，或其顺序要如何排列。它要能够反映出个案管理的个别化服务的原则，亦即以案主本身的特定情境作为确认目标的基础。



(2) The plan is clear and individualised: The plan is goal-oriented and time-based, so it includes long-term and short-term goals; the long-term goal describes the final outcome of the plan while the short-term goal is to assist the client in dealing with the crisis or needs. Workers need to explain which requirements are the most important when they intervene in the plan, or how they are arranged in order. It should be able to reflect the principle of individualized service; that is, the specific situation of the client should be regarded as the basis for goal setting.

(3) 计划目标是可达成的：目标是一种服务提供所欲达到的结果，而非服务本身。为达到所欲的结果，资源确认必须要成为介入计划的一项重要要素，亦即要能有具体或存在的资源，以用于促使目标的达成。

(3) The goal is achievable: The goal is the desired outcome of the service, instead of the service itself. In order to achieve the desired results, resources identification must be an important element of the intervention plan; that is, there must be specific or available resources to achieve the goal.

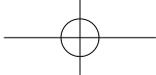
(4) 计划要有具体行动：按部就班的计划可让工作者明确地表明案主和工作者的工作，以及这些工作要如何被完成。此外，也要能确定所订的目标对案主或机构目标的达成，应该是合理且有可能性的。

(4) The specific planned actions: A routined plan allows workers to explain the responsibility of the client and the worker and how the work is to be completed. In addition, it should be reasonable and feasible when determining the goal or the objectives of the client or the institution.

(5) 计划务实的时间安排：接受个案管理服务的案主往往需要长期的服务供给，计划的说明需要在一个相对开放的脉络里，且需要对服务进展的时程做务实的规划，这将有助服务的监管和检视的进行，也可避免让案主和工作者在漫长的处遇过程中失去服务的方向。

(5) Developing the pragmatic scheduling: The client receiving case management services often require long-term services. The description of the plan needs to be in a relatively open context, and it is necessary to make pragmatic planning for the service progress, which will facilitate the service supervision and inspection, and can also avoid the client and the workers from losing the service direction during the long process.

(6) 计划要注意潜在的阻力：潜在的阻力可能包括资格标准、案主态度或抗拒以及



不存在的服务。与资源分析同时进行的计划，应该要能确认和预期这些可能的潜在阻力，并提出克服的方法。

(6) Plan to pay attention to potential resistance: Potential resistance may include eligibility criteria, the attitude or resistance of the client and non-existent services. Plans that are conducted concurrently with resource analysis should be able to identify and anticipate these potential resistances and propose solutions to overcome them.

三、服务计划设计的标准

III. Standards of Care Planning

在完成评估和目标设定的工作后，工作者将根据案主的个别情境进行介入模式选择和策略操作化。个别化的策略一般有这么几个衡量标准：

After completing the assessment and goal setting, the worker will choose the appropriate intervention model and strategize the operational plan according to the individual condition of the client. Individualized strategies generally have several criteria:

1、可行性：该模式与策略能否用于某种特定的情境？目标是否有可能被完成？

1. Feasibility: Can the model and strategy be used in a particular situation? Is the goal likely to be completed?

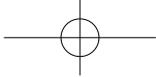
2、有效性：这项策略能否有效地产生所期待的改变？是否有效率？有无正、负面的副作用？该计划能否超越现状？效果能否延续？是否可达到可测量和合理的直接结果？

2. Effectiveness: Can this strategy effectively produce the expected changes? Is it efficient? Are there positive or negative side effects? Can the plan surpass the status quo? Can the effect continue? Can measurable and reasonable direct results be achieved?

3、可接受性：该策略是否符合具有文化上的适当性？是否符合参与者的价值体系？关注的焦点是否是一种积极指向？

3. Acceptability: Is the strategy consistent with cultural suitability? Does it meet the participant's value system? Is the focus of attention a positive direction?

4、可操作性：设计的服务内容是否能被操作？是否有执行该计划的技术？



4. Operability: Can the designed service be operated? Is there a technology to implement the program?

5、充足性：达成目标后是否能够满足案主的需求和要求。

5. Adequacy: Whether the needs and requirements of the client can be met after the goal is achieved.

四、将一项设计转化为实施程序

IV. Transforming the Design into an Implementation Program

将设计转化为实施程序的作法如下：

The detailed procedures are as follows:

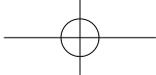
1、确认操作性任务：在计划中，操作性任务是具体说明案主与工作者所要采取的具体任务，他们也许会被细分为几次任务，或者由计划程序的方式组成。任务计划要理清步骤，但是要避免繁杂和机械化。计划的逻辑思考（时间表、地点和服务时间）应该能够反应合理的准确程度以及具体化的介入模式和策略。

1. Confirm operational tasks: In the plan, the operational tasks are specific actions that the client and the worker are to take. They may be divided into several tasks or composed of planning procedures. It needs clear steps instead of some complicated and mechanized procedures. The logical thinking of the plan (timetable, location, and service time) should be able to reflect reasonable accuracy and specific intervention patterns and strategies.

2、灵活使用介入原则：在明确了程序的要素后，我们需要将个案管理的介入原则注入整体的计划，服务的整合、连续性照顾、公平地取得服务、倡导、成本效益原则等。

2. Flexible use of intervention principles: After clarifying the elements during the procedure, we need to inject the intervention principles of case management into the overall plan, including the service integration, continuous care, fair access to services, advocacy, cost-effectiveness principles, etc.

3、优先次序原则：因个案管理的案主是面临多重或者复杂问题的，因此介入计划应该考量多重目标，优先次序的设定有三个基本原则：什么是案主认为最重要的；是否危及生命安全；什么是最容易达成的。除此之外，还需要考虑资源的可行性、可使用性以及适



当性。

3. Priority principle: As the client faces with multiple or complex problems, the intervention plan should consider multiple objectives. There are three basic principles for setting priorities: What is the most important thing for the client; whether it imposes threaten to the client's safety; what is the easiest to achieve. In addition to this, the feasibility, usability and appropriateness of the resources should also be considered.

第五节 签署工作协议

Section V Signing the Service Agreement

一项服务计划是一种执行的协议格式，其内容是有关案主和工作者之间，针对所要执行的行动的明确的协议和共识：所有书面和口头约定的使用，根据工作者和案主的偏好决定，这种形式化的状态让计划明确的指出问题和目标，案主与工作者的任务以及时间表、地点和介入期间等逻辑的安排。就此而言，一项协议指书面或者非书面的方式做的一项共同说明。

A service plan is an enforced protocol containing clear agreements and consensus between the client and the worker about the actions to be taken, including all written and verbal agreements. Based on the worker and the client's preferences, this points out the problem and goals, and clearly identifies the tasks of the client and the worker, and the logical arrangements of timelines, locations, and intervention periods. In this regard, an agreement refers to a joint statement made in written or other forms.

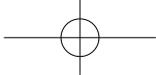
第九章 儿童保护个案管理服务方案的实施

Chapter IX Implementation of Child Protection Case Management Care Plan

第一节 儿童保护工作者的角色

Section I Role of Child Protection Workers

儿童保护个案管理并非是建立在空中楼阁之上的，为了让有限的资源能够有效地运用到个案问题的解决或者需求满足过程中，工作者需要根据其所处的情境以及提供服务的目



标，扮演不同的角色。除此之外，儿童保护的内容和境况极其复杂多元，在更多的时候，支持性的工作和促进案主及所处环境改善的努力是工作者在儿童保护过程中的主要指向。根据不同模式或层次的要求，可以分为直接服务中的角色、间接服务中的角色以及经纪人的角色。

Child protection case management is not the castle in the air. In order to use limited resources effectively to solve individual problems or satisfy clients' needs, workers need to play different roles according to the client's situation and the goal of services. In addition, the content and situation of child protection is extremely complex and diverse. Supportive work and efforts to improve the client and the environment are the only way for workers to protect children. According to the requirements of different modes or levels, it can be divided into the role in direct care, the role in indirect care, and role of brokers.

一、直接服务中的角色

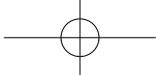
I. Role in Direct Care

1、咨询者

1. Counselor

儿童保护工作者的工作主要在于了解案主的需求，以及教导案主如何为自己开发和维持一个资源网络。工作者通过咨询的过程，以增加、发展、修正或者释放寻求咨询者的知识、技巧、态度或与目前有关的行为，使寻求咨询者能够更加有效地协助案主。儿童保护中的案主与寻求咨询者，可能有案主及其家庭、同侪、学校及老师、相关的政府与民间团体、司法机关等，针对某一个案主或者家庭的进行分析会发现相关的权责人员与组织极其驳杂，需要工作者有更加全面的知识和技术来应对这些问题和咨询。

The work of child protection workers is mainly to understand the needs of the client and to teach the client how to develop and maintain a resource network. Through the counseling, the worker increases, develops, corrects, or releases the knowledge, skills, attitudes, or current behaviors of the client, so that the client can assist the client effectively. The client and the client may be the client himself or the family, peers, the school and the teacher, the government and relevant non-governmental organizations, the judiciary, etc. Responsible personnel and organizations are extremely assorted and require workers to have more comprehensive knowledge and skills to deal with these issues and counselings.



2、治疗者

2. Therapist

案主有可能会为一些个人人格或者家庭问题所困扰，而需要长期的治疗；有时可能因为一些生活上的问题或者家庭危机，而需要短期的治疗。个案管理在处理问题时，应该将家庭纳入，以便可能增强或者维持其朝向正向行为的改变。简单来讲，工作者需要使用所具备的专业技术和手段，通过选择多种治疗模式和介入模式，为案主提供专业化服务。

The client may be troubled by some personal or family problems, so he/she requires long-term treatment; sometimes the client may require short-term treatment because of some life problems or family crises. When dealing with problems, families should be included so that they may enhance or maintain the client's changes toward positive behavior. That is to say, workers need to use the expertise and means to provide professional services to the client by selecting multiple treatment and intervention modes.

二、间接服务中的角色

II. Role in Indirect Care

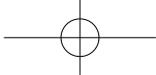
1、协调联系人

1. Contact person and coordinator

需要接受个案管理的案主，所遭遇的问题或者需求往往是多重的，很多时候需要很长时间改变。为了解决多重需求，工作者必须承担着联系的工作，整合机构、政府职能部门、群团组织、司法机关、社区、社会爱心力量等资源。服务的协调和统整可以减少服务的零散和重叠现象，也会促进更加有效地优先次序设定，并在提供的服务间有正向互动。

The client who needs case management often encounters multiple problems or needs, and often needs a long time to change. In order to meet multiple needs, workers must undertake the contact work, and integrate institutions, competent government departments, organizations, judicial organs, communities, public service organizations and other resources. Coordination and integration can reduce fragmentation and overlap of services, promote the implementation with efficient order, and have positive interactions among the services provided.

2、倡导者



2. Advocate

倡导的目的在于主张儿童的权益，由于照顾输送体系的不健全，零散、重复、资源不足以提供所需要的服务，甚至很多时候所需要的服务并不存在，比如遭受暴力伤害的儿童所需要的专业化的心理建设和特殊的照顾场所。为了更好地帮助我们的案主取得服务或者改善服务品质，工作者需要扮演倡导者的角色。

The purpose of advocacy is to advocate the rights of children. The current care delivery system is imperfect. The resources are fragmented, overlapped and insufficient for the provision of the services required. Sometimes, such services even do not exist, e.g. specialized psychological construction services and special care places for the victims of violence. In order to better help our clients to get services or improve service quality, workers need to play the role of advocate.

3、使能者

3. Enabler

在很多时候中，个案管理的目标是要让案主达到所确认和同意的目标，并透过参与的过程逐渐地负起更多的责任，这种过程是一种使能和增能的过程。作为工作者，必须要知道每位案主在过程中参与的能力，并能够鼓励案主逐渐负起更多的责任，以便让案主在无须经福利服务情况下，经营自己的生活。

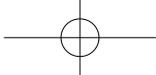
In many cases, the goal of case management is to allow the client to achieve the confirmed and agreed goals, and to gradually assume more responsibility through the participation. This process is characterized by enabling and empowering. As a worker, it is necessary to know the ability of each client to participate in the process, and to encourage the client to gradually assume more responsibilities so that the client can run his/her own life without relying on welfare services.

4、设计者

4. Designer

个案管理的主要责任之一，在于规划案主所接受的方案，包括：设定目标、以及决定案主、其他专业人员及其它机构所投入的计划。工作者始于助人过程的初期，且持续到服务终止。计划也许会包括转介的期间，直到案主能够处理自己的状况。

One of the main responsibilities of case management lies in making the plan accepted by



the client, including: setting goals, determining outcomes and deciding plans for the client, other professionals, and agencies. Workers begin in the early stages of the helping process and continue until the service is terminated. The plan may include a referral until the client can handle his/her situation.

5、促进者

5. Promoter

个案管理的促进含有促进在一个案主的家庭或者朋友体系中支持机会，或将案主所在的社区建立新的助人网络。一个长期成功的个案管理过程中，家庭、朋友、社区、邻里等增能。

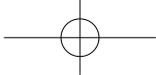
The promotion of case management involves promoting the supports from the family or friend system of the client or establishing a new network of helpers in the community in which the client lives. In a long-term successful case management, families, friends, communities, neighborhoods, etc. are all promoters.

三、经纪人的角色

3. Role as the Agent

儿童保护工作者在扮演服务经纪人的角色时（即中介者），将人们与所需的资源加以连结，需要将案主与其所需要的服务连接在一起，一旦案主的需求是明确的，经纪人会协助案主选择最适当的服务，且磋商服务输送的条件。在这个角色中，工作者必须熟悉社区的资源系统，以便在案主需要时做适当的转介。此外，工作者必须熟悉社会资源的相关政策，并能够与主要联络人保持工作关系。工作者有责任发展简单且有效的转介机制和监督系统，以确定案主是否依循完成转介。

When child protection workers play the role as service brokers (i.e. intermediaries), they need to link people to the resources and the services they need. Once the client's needs are clear, the broker will assist the client in selecting the most appropriate service and negotiating the conditions under which the service will be delivered. In this role, the worker must be familiar with the community's resource system in order to make appropriate referral when the client needs it. In addition, the worker must be familiar with policies related to social resources and able to maintain working relationships with some key contact persons. Workers are responsible for developing simple and effective referral mechanisms and monitoring systems to determine whether the client is completing the referral.



第二节 介入要素

Section II Intervention Elements

介入要素是计划干预过程中用来改变条件、改善环境、回应团体或者社区中的特定需求所采取的策略。我们选取有儿童保护相关的六种策略进行介绍。

Intervention elements are strategies used by the worker to change conditions, improve the environment, and respond to specific needs in a group or community during the process of intervention planning. Here we will introduce six strategies related to child protection.

一、扩展及整合资源

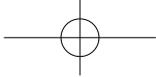
I. Expand and Integrate Resources

在儿童保护中，案主所遭遇的问题或者需求往往是多元且复杂的，如果要单一主体提供样样俱全的服务，有实质上的困难。对于需要保护的儿童群体来说，他们对于使用这些资源是毫无经验的，他们并不知道什么服务是真正需要的，亦或是有需要也不知如何去取得服务。个案管理根据每个案主的实际境况与需求，将正式和非正式的服务结合在一起，提供一揽子的打包服务。因此，在个案管理中，资源的扩展与整合就是工作者扮演经纪人和资源协调者的角色，准确地将资源引导到协助案主解决问题或者满足需求上。

When protecting children, the problems or needs encountered by the client are often diverse and complex. It is difficult for a single subject to provide all kinds of services. For children who need protection, they are inexperienced in using these resources. They don't know what kind of services they need, or how to get services. Case management combines formal and informal services based on the actual situation and needs of each client to provide a package of services. Therefore, in case management, the expansion and integration of resources mean that the workers, who play the role of broker and resource coordinator, accurately use these resources to assist the client in solving problems or meeting needs.

在个案管理的实践中，扩展资源包括了对政策制定者、民间社会组织、社会福利组织的影响和教育，让他们了解儿童当前的处境，为受助儿童的利益进行倡导。那么在资源扩展之前，首先要对资源有一个基本的了解，下面是资源扩展的几个问题：

In the case management, the resources expansion includes the influence and education of



policy makers, non-governmental organizations and social welfare organizations, which advocate for the interests of the children after understanding the current situation. Then before the resources are expanded, we must first have a basic understanding of the resources. Here are a few questions about resource expansion:

- ①针对儿童保护中的特定群体或个人，他（们）所需要的资源是什么？
- ②案主会如何形容他们对于资源的需求？
- ③当前的服务有什么不足？
- ④有什么障碍导致无法使用现在的资源？
- ⑤现有的服务有效吗？

1 What are the resources needed by a particular group or individual in child protection?

2 How will the client describe his/her demand for resources?

3 Is there any deficiency about the current services?

4 What are the obstacles that make it impossible to use the current resources?

5 Is the existing service effective?

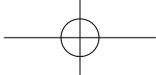
在进行需求评估后，根据相关的信息，确认还未满足的资源需求，并进行在儿童保护体系中的资源有效整合，在成本效益的原则下最大限度地发挥资源的作用。

After the need assessment, the unsatisfied resource requirements can be confirmed based on the relevant information, and resources can be effectively integrated in the child protection system which assure the cost-effective utilization of resources.

二、社区支持体系与网络

II. Community Support System and Network

在儿童保护的实践中，儿童保护工作者的干预逐渐将正式及其非正式网络进行了整合，并且为特定群体发展除了符合其需求的资源。非正式资源网络是一种自然网络，最主要是由家人、亲友和邻里组成，家庭在网络中占据着重要的角色。根据学者的分类，支持类型



与可能的分类分别是①家人②朋友和邻居③社区 / 邻里团体④自助团体（自助团体的典型行动包括危机协助、互助、自我发展和社会行动）。

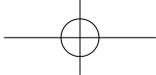
In the practice of child protection, child protection worker gradually integrates formal and informal networks and provides resources, besides the required ones, for specific groups. The informal resource network is a natural network, which is mainly composed of family members, relatives, friends, and the neighbors. The family plays an important role in the network. According to the classification proposed by scholars, the different supports may come from ① family members ② friends and neighbors ③ community/neighbor groups ④ self-help groups (typical actions of self-help groups include crisis assistance, mutual assistance, self-development and social action).

亲戚、朋友、邻居或者社区内的社群和组织这类自然的互助系统，在灾难来临时即可回应需求。当社区居民能确认并解决他们关注的问题、能动员或者运用相关的支持系统，意味着精神上与实务上的增权。我们必须明确，专业人员职能在有限的时间内帮助案主，但是一旦发生危机，社区支持系统的成员能够较早地发现并且能快速地回应并持续地予以支持。

Natural support system composed by relatives, friends, neighbors, or groups and organizations within the community can respond to needs in the event of a disaster. When community residents identify and address their concerns, mobilize or use relevant support systems, they get empowered both mentally and practically. We must be clear that the professional workers can help the client in a limited time, but in the event of a crisis, members of the community support system can find it early, respond quickly and support the client continuously.

包括朋友、亲戚与邻居的自然支持系统，可以协助工作者支持有儿童虐待或者忽视危机的家庭。研究发现，寂寞和孤立感是造成亲职虐待与忽略的危险因素。容易忽略或虐待儿童的家长通常不太会利用支持网络。其他像是社区居委会、亲属照顾、以及由邻里团体和网络等所提供的支持系统，也是小区层次的保护因素。非正式网络支持系统和自然支持系统亦可以作为资源和预防措施。

Natural support system comprising friends, relatives and neighbors can help workers support families with child abuse or neglect crisis. The study found that loneliness and isolation are risk factors for parental abuse and neglect. Parents who tend to neglected or abused children often do not use the support network. The support system established by the neighborhood committee,



caring relatives, neighborhood groups and networks are also a protective factor at the community level. Informal network support system and natural support system can also be used as resources and preventive measures.

三、社区干预

III. Community Intervention

社区实务策略的基本方法，包括地区发展模式、社会策划模式。根据在儿童保护工作的实践研究来看，地区发展模式和社会策划模式是个案管理宏观层面中干预策略的重要组成部分。

The basic methods of community strategies include regional development model, and social planning model. According to the practice and research on child protection, the regional development model and the social planning model are important components of the intervention strategy in the macro level of case management.

1、地区发展模式

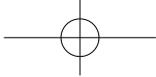
1. Regional development model

地区发展模式强调社区共同定义问题并决定目标。有学者将地区发展定义为寻求建立社区关系并促进社区整合。地区发展要根据现有的议题发展策略，在儿童保护的实务工作中，一般性的策略有以下几种：

The regional development model emphasizes that communities define issues and determine goals together. Some scholars define it as seeking to establish inter-community relations and promote community integration. Regional development features the following universal strategies based on existing development strategies:

1、社区内部资源例如组织资源：社区居委会、社区活动中心；人力资源：党员、社区骨干、楼门长、社区热心居民、社区志愿者、适龄儿童等；以及其他相应涉及到的各类资源。外部资源例如专业的儿童保护与发展的社会组织及其项目，开展支持性与发展性的项目。

1. Use community internal resources, including neighborhood committees, party members, community backbone workers, building supervisors, residents and community volunteers, activity centers, school-age children and other relevant labor, financial and material resources. Use external



resources, including professional social organizations for child protection to carry out supportive and development-based projects.

2、注重居民的组织和教育，尤其是家庭教育中的夫妻关系、亲子关系的和谐关系建设，以及儿童暴力伤害预防办法、现有的法律法规保护等。

2. Pay attention to the organizing and education of residents, especially the establishment of harmonious husband-wife and parent-child relationships, the prevention of violence against children, and protections provided by the existing laws and regulations in family education.

3、建立社区组织之间的沟通协调机制，建立以儿童保护及发展为目的的社区自组织。

3. Establish communication and coordination mechanisms between community organizations and establish community-based organizations with the goal of child protection and development.

2、社会策划模式

2. Social planning model

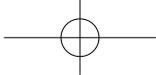
社会策划模式是需要集合专家、顾问和专业技术人员援助解决问题，这些人与社区领导人（社区居委会等）合作，其重点是扩大、发展和协调社区资源和社区服务。在儿童保护领域的社区层面，社会策划模式更多地应用于社区服务项目，即儿童暴力伤害处置或儿童保护预防项目。

The social planning model requires experts, consultants, and professional technicians to jointly solve problems. These people work with community leaders (neighborhood committees in the community, etc.) with a focus on expanding, developing, and coordinating community resources and services. At the community level, social planning model is more used in community service projects, namely child violence treatment or child protection and prevention programs.

社区服务项目策划的基本包括：

The basics of community service planning include:

(1) 明确项目组织者的理念和能力。如社区居委会，则必须明确自己的行政责任与动员、组织能力，做好各类资源的配置。



(1) Clarify the concept and ability of the project organizer. For example, neighborhood committees must clarify their administrative responsibilities and the abilities to mobilize and organize, and appropriately allocate various resources.

(2) 本社区儿童发展境况的调查分析。可以针对一般性儿童，也可以针对有儿童暴力伤害风险的儿童，前者开展支持性和发展性的服务；后者开展阶段性的预防和危机处置服务。

(2) Investigate and analyze the children development in this community. Supportive and developmental services can be provided for children in common cases while prevention and risk management services should be provided for children suffering violence.

(3) 需求和目标界定。

(3) Define the requirements and objectives.

(4) 澄清自己可动员的资源。

(4) Clarify the resources that can be mobilized.

(5) 服务方案的制定、分析和优选。

(5) Formulate, analyze and optimize service plans.

(6) 方案的执行、评估与反馈、调整。

(6) Implement, evaluate, give feedback to and adjust the program.

(7) 结项。⁴⁸

(7) Close the program.

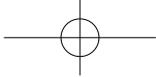
四、倡导

IV. Advocacy

在个案管理中，倡导指一个团体或个人或其代表者，为其案主向有影响力的他人争取

48 由于本《指南》基本涉及到（3）到（7）点，可以进行一般性参考，在此处不予赘述。

Since the content from (3) to (7) are provided in this guideline as general reference, no specific explanation is provided here.



使用或改善其所需的服务，其过程意图和结果应是可增加个人或团体的权力感，有助于增强信心。

In case management, advocacy refers to a group, individual or its representative seeking the use or improvement of the required services from others for the client. The process, intention and result should be helpful for enhancing the sense of power and confidence of the individual or group.

儿童保护中倡导的指标：

Advocacy indicators in child protection:

(1) 当儿童（涵盖一般儿童和特殊需求儿童）无法取得他们应得的服务或者福利时。

(1) Children (including normal children and children with special needs) are unable to obtain the services or benefits they deserve.

(2) 当儿童所得到的服务或者实务工作室没有人性或者强迫性质的，如儿童福利组织中的虐待、疏忽事件。

(2) The service or practices that the child receives is inhuman or compulsive such as maltreatment or neglect in child welfare organizations.

(3) 当服务或者福利的落差造成极度困难或形成障碍时。

(3) The gap in service or welfare causes extreme difficulties or creates obstacles.

(4) 当适龄儿童无法代表或者参与会影响其生活的决定时。

(4) The school-aged children are unable to represent or participate in decisions that affect their lives.

(5) 当政府或者地区的政策和程序，或者社区、工作场所的惯例对儿童产生负面影响时。

(5) The government or regional policies and procedures, or practices in the community or workplace have a negative impact on children.

(6) 当某个特定的儿童群体的一般需求所需要的资源无法取得时。

(6) The resources required by a particular group of children are not available.

(7) 当儿童行使公民或者法定权利被拒绝时。

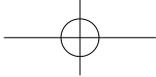
(7) Children are not allowed to exercise civil or legal rights.

系统改变是宏观层次的倡导的整体目标。倡导的可能对象包括了个人、小区或组织、政府官员、制定政策的组织、法庭、立法机构与政府部门。面对不同的目标系统有不同的接触方式，必须要深入了解组织或小区的结构与运作方式、立法和制度决策过程。倡导也包了不同层次的活动，从积极且密集的讨论与教育，到高层次的社会行动与组织动员。倡导所需要的技巧包括：政策分析、团体促进、面谈、整合与分析多面向与系统性信息的能力。团体促进和组成的技巧在建立联盟时非常有用。汇整问题以及问题对于团体或小区的影响程度的信息也是非常重要的。倡导和社会行动都需要工作者的多种角色、问题解决过程的知识以及专业价值与伦理。倡导和社会行动还需要懂得集信息与评估状况。有些决定可能造成不想要或困窘的结果，因此为了避免提出过早和仓促的结论，必须小心细致地进行评估。

System change is the overall target of advocacy at the macro level. Possible targets for advocacy include individuals, communities or organizations, government officials, policy-making organizations, courts, legislative bodies, and government agencies. Different target systems need different ways of contact. It is necessary to have an in-depth understanding of the structure and operation of the organization or community, legislative and institutional decision-making processes. Advocacy also includes activities at different levels, ranging from active and intensive discussions and education to high-level social action and organizational mobilization. The skills required for advocacy include policy analysis, group promotion, interviews, integration, and analysis of multi-faceted and systematic information. Group promotion and composition are very useful when building alliances. Information on the integration and the extent to which the problem affects the group or community is also very important. Advocacy and social action require multiple roles of workers, knowledge of problem-solving, and professional values and ethics. Advocacy and social action also require the worker to understand information collection and assessment. Some decisions may result in unwanted or dilemmatic results, so in order to avoid premature and hasty conclusions, careful assessment must be made.

五、服务协调与组织间的合作

V. Service Coordination and Cooperation among Organizations



个案管理过程中，儿童保护工作者需要经常在儿童保护体系中的组织系统中进行互动。例如，转介、购买服务，或者有些社会组织需要公用社区服务中心的空间。这种互动可能是一种合作，机构之间的关系是自由的，有着特别的或者符合需要的互动形态，而且每一个组织都有自己的资源、能力、目标或者使命。国外学者将合作定义为：促进支持与协助，以符合个别的资源掌控者们的特定目标。组织间的协调和合作的类型包括跨专业或者多专业的团队，共同计划或进行方案以及个案管理。

In the case management, child protection workers need to interact with each other frequently in the organizational system of the child protection system, such as the process of referral, purchase, or the conditions where some social organizations need to use the public community service center. This interaction can be regarded as a kind of special or desired cooperation. Each organization has its own resources, capabilities, goals or mission. Foreign scholars define cooperation as promotion, support and assistance to meet the specific goals of individual resource controllers. The types of coordination and cooperation include that interdisciplinary or multi-disciplinary teams join hands in planning or implementing project and case management.

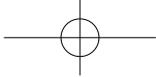
联盟的尝试

Alliance attempt

联盟的含义很丰富，近来常常以包裹式的服务来说明此种关系。联盟并非是组织间的服务协调，而是创建出了共同愿景和发展新目标。组织间的联盟是由两个或者两个以上的组织清楚界定互利关系以完成共同目标。这个关系需要组织承诺以下各项：相互关系与目标的界定、共同发展的组织与分担责任、为任务成功所需的共同权威与责任、分享资源与回报。

The meaning of the alliance is very rich, and it has often been illustrated by packaged services. The alliance is not a service coordination among organizations. Instead, it creates a shared vision and a new development goal. An alliance among organizations is defined by two or more organizations that clearly define mutually beneficial relationships to achieve common goals. This relationship requires the organization to confirm the definition of mutual relationships and goals, the organization and shared responsibility of common development, the common authority and responsibility, shared resources and rewards required for completing the task.

组织联盟要勾勒出集体的优势、知识和每个团体的专长，以达成单一组织无法独立完成共同成效。联盟的主要步骤有：设定共同问题；协议；计划的履行与技巧；创造可以维持、



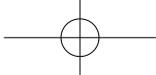
评估合作关系并长期滋养合作成果的长期组织。组织联盟是宏观层面的做法，需要资源的交叉运用：可以创造共同目标、共同做决策的相关系统，并创造出一个组织来完成共同决定的目标。

Organization alliances must outline collective strengths, knowledge, and the expertise of each group to achieve a common outcome that a single organization cannot accomplish independently. The main steps include recognizing the common problems; developing agreements; implementing the plan and utilizing skills; creating a long-term organization that can maintain, evaluate, and nourish the results of cooperation. Organization alliance is a macro-level approach that requires the cross-cutting of resources, a system that creates common goals, makes decisions together, and an organization to accomplish the goals agreed by both parties.

例如：司法社会工作者在接到未成年人间的儿童暴力伤害犯罪的案例时，可以与当地的司法机关建立联盟的方式。双方都想要降低青少年犯罪率，当然，在联盟过程中会出现一系列的问题，双方的身份背景和工作模式差异导致的关注焦点可能不同，在服务计划上可能会出现价值观和方法的冲突，最突出的能在于一线人员之间的关系矛盾上。除此之外，社会和政治因素也会影响彼此间的联盟。公私组织之间结构性阻碍：每个组织的文化、信念和彼此员工在联盟前的关系，这些因素都会对一线人员的工作产生影响。

For example, criminal justice social workers can establish alliances with local judicial authorities when they receive the report on child violence crimes among minors. Both parties want to reduce the rate of juvenile crime. Of course, there will be a series of problems in the alliance. The differences in the background and working patterns of the two parties may lead to different concerns. There may be conflicts between values and methods in the service plan. The most prominent one lies in the contradiction between the frontline personnel. In addition, social and political factors can also influence the alliance. There may be structural barriers between public and private organizations, each organization's culture, beliefs, and relationships with each other's employees before the alliance, all of which will have an impact on the frontline personnel.

工作者在联盟中扮演着十分重要的角色，首先，工作者与案主的接触可以明确需求和机会；其次，工作者可以协助问题解决和资源协调；最后，工作者可以使用专业的方法来调和彼此之间的行动和理念，从而使之能够支撑起长效联盟机制，共同服务案主。



Workers play a very important role in the alliance. First, the contact between the worker and the client can clarify the needs and opportunities. Second, the worker can assist with problem solving and resource coordination. Finally, workers can use professional methods to reconcile actions and ideas so that they can support a long-term alliance mechanism and serve the client together.

第三节 介入视角

Section III Intervention Perspective

增能与优势是我们个案管理中持续性坚持的两个介入视角，通过这两个视角，工作者能够更好地在针对儿童的具体服务中运用方法与技术，坚持需求与资源导向并举，制定出契合儿童发展及其保护的个案管理方案。

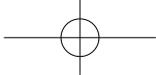
Empowerment and strengths are two intervention perspectives in the case management, through which workers can better apply methods and techniques in providing specific services for children, adhere to the integrated guidance of demand and resource, and develop a case management programme that is compatible with child development and protection.

一、增能

I. Empowerment

增能是个案管理的目标之一，其目的旨在让案主于服务过程能有完全的参与。儿童保护个案管理过程中的案主一般是社会上的弱势群体，他们为自己所无力控制的环境和事件所困，再加上因本身的技能不足以及缺乏信息等，从而陷入困境、受到伤害。在个案管理的应用上，增能是一种开发潜能与认定，工作者不仅要协助案主适应其环境，同时也要考虑到可创造有益于案主的社会和心理环境的行动，以便能够提升案主能够更加有效地扮演职责和能力。

Empowerment is one of the goals of case management, and its purpose is to enable the client to have full participation in the service process. The clients related to the child protection case are generally disadvantaged groups in the society. They are trapped by the environment and events that they are unable to control and suffer constantly because of their lack of skills and useful information. In the application of case management, empowerment means to develop potential and identify. Workers must not only assist the client to adapt to his or her environment, but also consider creating a social and psychological environment that is beneficial to the client so that the



client can perform the duties and abilities more effectively.

在儿童保护的领域里，大多数服务使用者相对上都是缺乏权力的，特别是那些被认定为失能者，他们可能遭遇到忽略、歧视或者刻板印象。尽管需求导向的趋势下他们对自己的服务有更多的选择权，但是却可能因缺乏如何与体系互动的知识，而对任何可能的改变感到无望，且往往缺乏从事改变的必要的自尊。因此，增能并非是一蹴而就的，必须通过渐进式的激发、教导和提升自尊，以便让案主相信他们具有向服务提供者互动的能力。

In the field of child protection, most service users are relatively powerless, especially those who are identified as disabled, who may experience neglect, discrimination or stereotypes. Despite the demand-oriented trend, which makes them have more choices about services, they may be hopeless for any possible changes due to lack of knowledge about how to interact with the system, and often lack the necessary self-esteem to engage in change. Therefore, empowerment is not a one-time move, and it can produce a remarkable effect through gradual motivation, teaching, and self-esteem promotion so that the client can believe that they have the ability to interact with service providers.

有学者提出了五种计入案主转变的增能过程：（1）接受案主对问题的定义；（2）确认和建立现存的优势；（3）对案主的处境进行一种权力分析；（4）教授特定技巧；（5）为案主动员资源和倡导。

Some scholars have proposed five processes of empowerment to facilitate the client's transformation: (1) accepting the client's definition of the problem; (2) confirming and establishing the existing strengths; (3) conducting a power analysis of the client's situation. (4) teaching specific skills; (5) mobilizing resources and advocacy for the client.

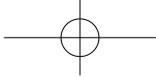
妥善运用这些技术且发挥实效，能够强化案主自主目标的实现。

Proper use of these techniques and effective results can help the client to realize his/her own goals.

二、优势视角

II. Strength-based Perspective

在社会工作中，建立案主优势是一种基本的助人视角。优势视角相信案主有极大的能力能够继续成长与自主。工作者的实务工作在于协助案主发掘与利用优势和资源，协助他



们达到目标。

In social work, establishing the client's advantage is a basic perspective for helping others. The advantage perspective believes that the client has great ability to grow and become autonomous. The practical work is to assist the client in exploring and utilizing the strengths and resources to help them achieve the goals.

优势视角的内涵有：

The connotations of the advantage perspective are:

(1) 协助人们达到自己所欲达到的目标，而非他人认为他需要达到的目标；

(1) Assisting people in achieving the goals they want to achieve, rather than in what others think they need to achieve;

(2) 优势观点并不提议要做什么事，而是尽量要赞成服务参与者所要的，并将它用于强化助人计划。

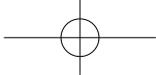
(2) The advantage perspective does not propose to do anything, but to support the service user to participate as much as possible and use it to strengthen the helping process.

优势视角的基本原则：

The basic principles of the advantage perspective are:

(1) 助人过程应着重于每个人的优势、兴趣、能力、知识和潜力，而非其诊断、不足、病征和弱势：每个人、团体、家庭和社区区皆有其优势，如资产、资源或智能与知识，优势观点在于协助辨识这些有助于案主改变不幸、克服疾病、减缓痛苦达到目标的优势和潜在资源。

(1) The helping process should focus on each individual's strengths, interests, abilities, knowledge, and potential, rather than their diagnosis, deficiencies, symptoms, and weaknesses: each individual, group, family, and community has its own strengths, such as assets, resources, intelligence and knowledge. The advantage perspective is to help identify these strengths and potential resources that help the client to change the misfortune, overcome the disease, and eliminate the pain to achieve the goal.



(2) 每个人皆应其自己的复原负起责任，并将创伤视为是挑战与机会的来源：创伤和虐待、疾病和争斗也许是有害的，但也可能是挑战和机会的来源，尽管案主可能遭遇到负面的经验而被视为是受害者，特别是童年时期的经验，但若能将这种伤害模式转化为挑战模式，亦即以乐观和积极的态度，将所遭遇到的负面经验视为是一种考验、历练及发展个人特质的机会，反而会使得个人在往后处于较佳的位置。

(2) Everyone should take responsibility for their own recovery and treat trauma as a source of challenge and opportunity: trauma and abuse, disease and fighting may be harmful, but it may also be a source of challenges and opportunities. The client may have suffered from some negative experiences, especially those in childhood, and thus be regarded as a victim. Nevertheless, a better scenario may be achieved if this victim model is turned into a challenge model with an optimistic and positive attitude. That means to regard the negative experience as an opportunity to test, experience and develop personal traits.

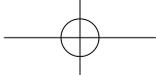
(3) 所有的人皆有学习、成长和改变之与生俱来的能力：亦即，善用个人、团体和社区的抱负，并视他们的成长和改变能力是无穷的。

(3) All people are born with ability to learn, grow, and change: that is, to make use of the ambitions of individuals, groups, and communities, and to see their growth and change ability as infinite.

(4) 助人过程是要建立合作、互助和伙伴关系的，要能分享权力而非控制：优势观点认为独立和依赖的概念会失去其效用，所有的人皆是相互依存的。每位人群服务的专家和服务参与者，要将自己的经验、知识、技巧和个人的计划用于协助对方，每个人皆是相互依存的

(4) Helping people is to establish cooperation, mutual assistance and partnership. It is necessary to share power rather than control: the dominant view is that the concepts of independence and dependence lose their utility, and all people are interdependent. Experts and service participants working on group services must use their experience, knowledge, skills and personal plans to assist each other, each of whom is interdependent

(5) 整个小区应被视为是有助于服务参与者之潜在资源的绿洲，既有的资源存在于每位案主生活的环境脉络中，是可开发出协同合作者的，社会工作者的主要任务是要协助案主发掘并灵活运用小区的各项资源，包括正式与非正式资源。



(5) The whole community should be regarded as an oasis of potential resources, which can be used to serve the participants. The extant resources exist in the environment of each client, and it is possible to attract cooperators. The main task of social workers is to assist the client in exploring and flexibly using both formal and informal resources of the community.

第十章 结案与评估

Chapter X Case Closure and Evaluation

第一节 结案

Section I Case Closure

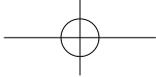
任何助人的活动都会有一个期限，结案与评估阶段的任务就是结束服务的关系，并对于开展的服务流程进行一个回顾和总结。目的是巩固已经有的改变，从而增强案主自身解决问题的能力。结案与评估是个案工作中最为重要的一环，巩固得当可以将收获转化为积极的力量，一旦处理不当也会造成前功尽弃。结案对于工作者来说是一个很大的挑战。

There will be a deadline for all activities aiming to help people, and the task during the case closure and evaluation stage is to end the service relationship, review and summarize the whole service process. The goal is to consolidate the changes that have already occurred, so as to strengthen the ability of the client to solve problems. Case closure and evaluation is the most important part of the case management. Appropriate consolidation can turn the harvest into a positive force. Once it is handled improperly, it will lead to waste of previous efforts. Case closure is a big challenge for workers.

一、结案的原因

I. Reasons for Case Closure

在一些情况下，结案时候并不是意味着案主的问题得到了全部解决，导致进入结案阶段的可能有多种原因：工作者和案主觉得目标都已经达到，在这种情况下进行结案；案主觉得离开工作者可以自行解决自己的问题。在案主接受服务的过程中，不断与工作者讨论自己的问题，不断对自己的问题进行思考，也许问题还没解决，案主就知道自己将如何解决自己的问题，而且相信自己有能力去面对这些问题，就决定自己进行提前结案；在一些



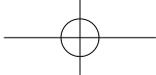
情况下，工作者或者案主在服务过程中都觉得因为各种原因导致双方或者一方对另一方的不信任，在这种情况下工作者就需要进行结案或者对案例进行转介；工作者感觉到案主出了一些新的问题需要其他一些机构为案主继续提供服务。在服务过程中工作者已经完成了自己能力范围内所能提供的服务，对于案主的其他问题需要其他机构进行服务，可进行转介；还有一些其他的原因比如工作者要离开所属机构或者由于其他原因要离开服务所在地，在经过案主同意之后要进行转案。

Sometimes, case closure does not mean that the client's problems have been fully resolved. There are many possible reasons for entering the stage: the worker and the client feel that the goal has been achieved; the client feels that the problem can be solved without the help of the worker. In the process of accepting the service, the client constantly discusses his/her own problems with the workers and thinks about such problems. Perhaps even though the problem has not been solved, the client knows how to solve it, and believes that he/she has the ability to solve it; then he/she decides to close the case ahead of time; in some cases, the worker or the client feels that during the service, the two parties do not or one party does not trust the other party for various reasons. In this case, the worker needs to close the case or transfer the case; the worker feels that the client has some new problems that require other agencies to provide services. If there are other issues to be solved by other institutions when the worker has completed the services that can be provided within his or her own capabilities, the case can be transferred. If the worker leaves the organization or the service location for other reasons, the case can be transferred after getting approved by the client.

二、结案过程中案主的心理及处理方式

II. Psychological Conditions of the Client during Case Closure and Related Handling Measures

案主在结案的时候会产生各种情绪，这时工作者要学会处理案主的各种情绪。在结案时候案主可能会有矛盾的心理，一方面案主为自己的改变和服务的成效感到高兴，另一方面又会因为即将离开一段值得信任和依赖的关系而感到难过，也会对自己将来独自面对问题信心不足而感到焦虑；有些案主在面临结案是会产生倒退的行为，尤其是在儿童个案工作的时候，想到与自己信任的工作者产生离别，就会表现出行为的退化、并且恢复到早期的行为模式；有些情况下可能会出现案主否认结束和拒绝结束的情况，感觉自己的问题没有解决，仍需要进行服务。

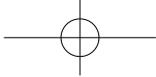


During case closure, the client may have various moods. At this time, the worker must learn to deal with the various emotions of the client. At the closing stage, the client may have controversial emotions. On the one hand, the client is happy with the changes and the effective service. On the other hand, the client will feel sad because he/she is about to leave a relationship worth trusting and relying on and is worried about the lack of confidence in solving problems alone in the future. Some clients will face retrogression in the face of closing the case. Especially when working on the child case management, they will show signs of degeneration and resume the behaviors at the early age when they think of parting with workers they trust; in some cases, the client denies and refuses case closure, thinking that the problem is not solved and he/she still needs the service.

工作者在处理案主面对结案的心理时候，应该做好提前告知，根据服务的进程和时间对结案的时间有一个大致的估计，并对案主进行提前告知，以便于案主做好充分的思想准备，避免案主在没有思想准备的情况下结案，导致前功尽弃。工作者可以用例如：“还有两次的会谈，我们就会结束工作关系，希望你能够做好结束的心理准备”，在结案时候应当稳定并进一步增强案主已经获得的成就。

When dealing with these psychological changes, the worker should give notice in advance, and have a rough estimate of timeframe according to the service progress and arrangement so that the client can get prepared. It is necessary to avoid closing the case when the client is not ready, which may lead to the consequence that all efforts have been in vain; Workers can use remarks such as “there are two more sessions of counseling before we will end the working relationship, I hope that you can be prepared for the closing”. Besides, the worker should stabilize and further enhance the achievements of the client when the case is closed.

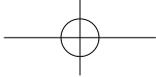
工作者需要帮助案主回顾整个个案的过程，从经验中肯定案主日后处理问题的能力和适应生活的能力，巩固案主已经获得的成就，增强结案后案主面对自己问题的信心。在此环节工作者可以用这样的问题询问和启发案主例如：“你能否回忆自从我们在一起交谈以来你的变化吗？你觉得哪些方面你有改进？哪些方面你的能力有所长进？今后你仍需要做些什么来巩固你的进步”；工作者需要与案主一起探讨影响案主问题解决的因素。进一步讨论对案主的问题有影响的因素，目的是协助案主更深刻地认识到离开工作者之后要面对的处境，对未来有更多的把握和信心。工作者可以启发案主：你认为在将来会有什么因素影响你已经取得的进步和成就？是否有应对的策略和方法；工作者需要处理案主与工作者分离的情绪。案主在离开工作者的时候会有种种的情绪反应，工作者面对案主各种情绪的时候不要认为这些情绪都是负面的，处理的过程对案主来说也是二次学习的机会。工作者



要鼓励案主将结案的情绪表达出来，与案主一起回顾整个服务的过程，讨论结案的事情以及结案后的跟进计划等，让案主感受到并不是工作者放弃了案主，而是自己有能力面对问题。同时工作者也要把握自己的情绪，过度的情感介入不但会影响案主的独立成长，也会让自己受到伤害。在结案时工作人员应当填写《个案结案表》。

Workers need to help the client review the whole process, during which the client's ability to handle problems and adapt to life in the future should be affirmed. Meanwhile, it is necessary to consolidate the achievements that the client has already achieved and enhance the confidence in facing his/her own problems after the case is closed. In this session, workers can ask and inspire the client with questions, like "Can you recall your changes since we talked together? What aspects do you think you have improved? What aspects of your ability have been improved? What do you still need to do in the future to consolidate your progress?" Workers need to discuss the factors that affect the resolution of the client's problem together with the client. Further discussion of the factors that have an impact on the problems aims at assisting the client in understanding the situation to be faced after leaving the workers so that the client will have more confidence in the future. Workers can inspire the client by questioning, such as what factors do you think will affect your progress and achievements in the future? Whether there are strategies and methods to deal with them? Workers need to deal with the emotions of the client produced because of the separation. When the client leaves the worker, there will be various emotional reactions. When the workers face the various emotions of the client, they should not think that these emotions are negative. The handling process is also an opportunity for the client to study more. Workers should encourage the client to express the emotions, review the whole service process with the client, and discuss the case and the follow-up plan after the case, so that the client feels that the worker does not abandon him/her, but the time for him/her to face problems alone comes. At the same time, workers must also master their own emotions. Excessive emotional intervention will not only affect the independent growth of the client, but also hurt them. The worker should complete the form of Child Case Closure Form when the case is closed.

儿童个案结案表			
Child Case Closure Form			
儿童姓名		受理编号	
Name		Case No.	
出生日期		性别	
Date of birth		Gender	
身份证号		受理渠道	
ID No.		Source of the Case	



主要监护人姓名及地址 Name and address of the principal guardian	
是否转介而来以及转介原因 Whether it is a referral case and the reason of referral	
结案的理由 Reasons for case closure	
儿童监护人的意见 Opinions of the guardian	
决定结案的参会成员 Decision-making members on case closure	
受理日期及负责人 Handling date and person in charge	

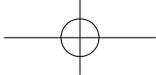
三、转案

III. Case Referral

在会谈的过程中并非所有的结案都顺利，前面所提到的几种情况下工作者要做转案的工作。转案是指在本机构接受服务的案主，在有充分理由的前提下，转介给其他的机构或者工作者继续按照工作程序为其提供服务。

Not all of the cases are completed smoothly after the counseling. In the case of the situations mentioned above, the workers have to refer their cases to other institutions. Case referral refers to a situation where the service user of one institution is transferred, based on sufficient grounds, to another institution or worker for further services in accordance with working procedures.

有些案主得知自己需要转案后，可能会产生被抛弃、工作者不负责或者对自己缺乏关心等感觉，加上怀疑接替者的工作能力，对转案表现出抵触情绪。工作者也会因为转案表



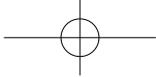
现出对案主的内疚、对新的接替者不信任。新的接替者可能会为自己不能提供像原来工作者一样的有效帮助以及要与案主重新建立一种信任关系等而表现出一些焦虑和担心。三方的情绪在转案过程中都要认真对待和处理，在涉及转案的情况时，工作者需要介绍接替自己的人员与案主认识，等到接替者离开后与案主讨论对于接替者的看法。在转案时候也应当填写转案登记表。

When they know that they need to be transferred, some clients may have a feeling of being abandoned, or even think that workers are not responsible or lack of concern for them. The clients may doubt the working ability of the new workers, showing resistance to the referral. Workers will also show guilty about the case referral and distrust of the successor. The successor may show some anxiety and worry about not being able to provide effective help like the previous worker and re-establishing a trust relationship with the client. The emotions of the three parties must be treated and dealt with seriously during the referral. The worker needs to introduce the person who takes over the case to the client and discusses with the client about the successor after the successor leaves. The referral registration form should also be completed at the time of the referral.

第二节 评估

Section II Evaluation

在个案服务结束之后，同样需要对服务成果进行评估。在此环节的评估主要是对案主提供的服务进行有效的评定，目的是为了积累经验，成为以后工作的一个借鉴。



专业服务同意书

Service Agreement

案主姓名

Name of client

住址 省 市 县

Address: (county/city/province)

同意书的纲要是为了完成工作目标，加入计划付诸行动也是为了完成目标。

The agreement is to make all people accomplish the goals together. Joining the plan and putting it into action are also expected to achieve the goal.

1. 问题 / 所关心的议题：定义和明确化

1. Questions/topics of concern: Clarified definition

2. 优先目标和一般性任务

2. Prioritized objectives and general tasks

目标 一般性任务

Goal General task

3. 什么环境下目标可能改变或是其他附加的修正

3. Under what circumstances the goal may change or other additional corrections can be added

4. 合适的时间限制：时间架构可能影响到目标的完成率或是目标明显的进步是需要书面证据的

4. Appropriate time limit: The time structure may affect the completion of the goal or an obvious progress requires documentary evidence.

5. 周期：会谈时间、次数和期间、场所、开始与结束日期，以及全部周期

5. Period: Time, number and duration of counseling, venue, beginning and ending dates, and all phases

6. 服务对象：个人、夫妻或家庭、团队或是混合形式

6. Client: individuals, couples or families, teams or mixed forms

7. 费用：同意服务付费

7. Fee: Agree to pay for the service

8. 评估：如何监控进步和测量，包括案主的参与，藉由检视目标计划评估每次的进步程度，

在结案时进行最后的评估。

8. Assessment: How to monitor progress and measurement, including the involvement of the client. Assessing each progress can be completed by reviewing the goal planning and developing the final assessment is needed at the end.

报告和记录：记录及相关的咨询保密，以及谁有权阅读报告。

9. Reports and records: Records and related confidential counseling, and who has the right to read the report.

10. 委托报告的必要条件

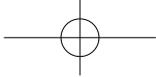
10. Necessary conditions for commissioning the report

11. 同意书：在任何时候同意书可再协商

11. Consent: the consent can be discussed at any time

签名（案主 / 家庭 / 团队成员）

Signature (Client/Family/Team Member)



姓名 日期

Name: Date:

12. 儿童保护个案管理工作:

12. Child protection case management workers:

(1) 我同意为了达成服务同意书所记载的目标纲要, 愿意与 一起工作, 并且随后其他的同意亦然。

(1) I agree that I am willing to work with in order to complete the goal outline as stated in the service agreement, as well as other consents.

(2) 我同意遵守 机构对其工作人员的要求, 并且遵守管理的法律和伦理准则指导我的专业服务。

(2) I agree to abide by the (agency name)'s requirements for its staff and provide professional services in accordance to the legal and ethical guidelines of management.

(3) 我已提供适当的机构咨询、可用的机构资源给予我所服务的案主。

(3) I have provided appropriate institutional advices and available resources to the clients I serve.

我已阅读完本同意书, 并且保证竭尽所能协助案主达成列表目标, 其他随后的同意亦然。

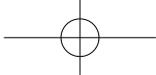
(4) I have read this consent and I pledge to do my utmost to assist the client in achieving the goals, as are other subsequent consents.

专业人员签名:

日期

Staff signature:

Date



After the case service is over, it is also necessary to assess the results. The evaluation in this session effectively assesses the services provided to the client. The purpose is to accumulate experience and use it as a reference for future works.

一、总结评估的目的和意义

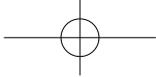
I. Purpose and Significance of the Evaluation

评估的目的是为了解整个服务的效果。对工作者来说，可以从评估结果中看到自己的工作成果和能力，促进自己专业能力进一步成长。对案主来说，可以从中学学习一些解决问题的策略，对机构来说，可以更好地把握工作者服务的域效，以便为衡量工作者的工作效果和机构服务质量提供依据。评估的过程是一个对工作者自己、案主、机构、社会以及对专业交代的过程，表明工作者对工作的严谨态度和认真负责。同时也是个案管理员对服务的严谨态度以及责任心的体现，也是专业伦理的体现。

The purpose of the evaluation is to understand the effectiveness of the entire service. For the workers, they can see their achievements and abilities from the evaluation and promote the professional ability to further grow. Meanwhile, the client can learn some strategies to solve problems. For the organization, it is a good opportunity to better master the domain of the worker services so as to provide a basis for measuring the work effect of the worker and improving the service quality of the organization. The evaluation is a process of giving the workers, the client, the institution, the society, and the profession a conclusion, indicating that the worker is rigorous and responsible for the work. At the same time, it is not only the case manager's rigorous attitude towards service and the embodiment of responsibility, but also the embodiment of professional ethics.

在个案管理实务中，我们常常会遇到这样的问题：案主的问题的性质和范围是什么？可以采取哪些方法来处理案主的问题？哪些方法对某些特定的人群有效？这些方法如何对这些人群发挥作用？是否有效？成本有多大？成本和效益之比如何？很多情况下，用语言描述很难就上述问题提供一个令人满意的回答。因此，就有了评估。在个案管理实务中，开展评估，可以帮助我们回答上述问题，同时还可以实现以下的目标。

In the case management, we often encounter such a problem: what is the nature and scope of the client's problem? What methods can be used to deal with the client's problem? What methods are effective for the certain groups of people and how do these methods work for these people? Are they effective? How much is the cost? What is the ratio of cost to benefit? In many cases, it



is difficult to provide satisfactory answers to the above questions by language. Therefore, there is an evaluation. In the case management, conducting an evaluation can help us answer the above questions and achieve the following goals.

协助行政决策。评估的目的之一就是向机构管理者提供已经完成的服务项目的信息，反映该项目对服务对象所产生的影响。这些信息可以帮助管理者对各种资源的分配、员工的培训模式、是否为某些特定的人群增加或者减少服务项目、是否发展开拓新的服务领域以及可行性服务方案进行选择。

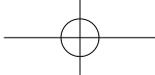
Assist in administrative decision-making. One of the purposes of the evaluation is to provide the organization manager with information on the completed service project, reflecting impact of the project on the client. This information can help managers to choose between various resource allocations, employee training patterns, whether to increase or decrease services for the certain groups of people, whether to develop new service areas, and to make feasible service plans.

改善服务质量。评估可以促进服务机构系统地进行资料收集以及分析和研究。评估的结果可以帮助机构明确自己的服务质量和提供服务的方法，方面可以对自己的服务方式和工作经验进行总结，另一方面可以发现自己的不足，从而在未来的服务提供中加以改进。

Improve the quality of service. Evaluation can facilitate the systematic data collection, analysis and research by service agencies. The results of the evaluation can help the organization to clarify its own service quality and service delivery methods. It can summarize its own service methods and work experience, and on the other hand, the worker can find his/her shortcomings and improve it in future service delivery.

明确服务介入与案主改变之间的因果关系和目标达成的程度。评估可以让我们在服务提供和案主期望的改变之间建立某种因果关系。在很多情况下，个案管理员要回答这样的问题：你的服务有效吗？案主有改变吗？案主的改变与你的服务之间的关系是怎样的？案主的改变程度有多大？这些问题可以通过严格的研究设计，在服务提供和行为改变之间建立某种内在的关系。

Identify the causal relationship between the service intervention and the change of the client and the extent to which the goal is achieved. The evaluation allows us to establish a causal relationship between the service offering and expected changes of the client. In many cases, case managers have to answer the question: Is your service effective? Has the client changed? What is the relationship between the change of the client and your service? How much is the change?



These issues can be rigorously designed to establish an intrinsic relationship between service delivery and behavioral change.

给相关部门一个交代。有很多社会服务机构得到了政府部门或者其他来源的机构的赞助，为了给这些机构一个令人信服的交代，通过评估可以得到更多人士的支持和理解，让公众更加支持服务，同时还可以鼓励员工对自己的服务进行不断的改进和提高。

Give the relevant department an explanation. There are many social service organizations that are sponsored by government departments or other institutes. In order to give these sponsors a convincing explanation, there comes the evaluation, through which more people can support and understand these works, the public can be more supportive towards the service and employees can constantly improve their services.

增加机构的竞争力和信誉。评估结果可以证明机构的服务绩效，从而提高机构的信誉和竞争能力，吸引更多服务对象以及优质的员工，提高机构的生存能力，获得源源不断支持。

Increase the competitiveness and credibility of the organization. The evaluation result can prove the service performance of the organization, thereby improving its reputation and competitiveness, attracting more clients and high-quality employees, improving the viability of the organization and obtaining continuous support.

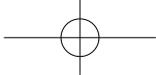
为社会科学知识填补空白。评估作为社会科学研究的一种研究方法，可以帮助我们发现新知识，丰富人们的认识，为社会科学知识填补空白。

Bridge the gaps in social science. As a research method of social science, evaluation can help us discover new knowledge, enrich people's understanding, and fill gaps in social science.

二、总结评估的困难及策略

II. Difficulties and Strategies of the Evaluation

评估环节在工作过程中常常被忽视，一方面可能由于机构或者工作者自身认识不到其重要性，另一方面是评估的技术不够，很难对一个复杂的过程进行清晰的评估，加上有时候案主也不配合，因此使得评估程序缺失或流于形式。鉴于此，首先机构要制定出详细的评估制度和措施，其次工作者要学习和掌握一些评估的方法可供借鉴，同时工作者在服务的最后要根据自己的服务创造性地发展一些评估方法。在评估过程中最重要的是工作者要突破自己的面子，勇于评估自己的工作成效，真实地分享自己的经验和不足。



The evaluation is often neglected in the course of work. On one hand, the organization or the worker cannot recognize its importance. On the other hand, the evaluation technology is not capable enough, making it difficult to clearly assess a complicated process. If the client did not cooperate, some of evaluation procedures may be lost or become formalistic. In view of this, firstly, the organization should formulate detailed evaluation systems and measures. Secondly, workers should learn and master some evaluation methods for reference. At the same time, workers should creatively develop some methods according to their own services. The most important thing in the evaluation process is that workers should not be afraid of being dishonored but be brave in assessing the effectiveness of their work, and share the experiences and deficiencies with others.

三、总结评估应注意的方面

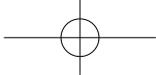
III. Tips for Evaluation

注意让案主参与。评估不是工作者单方面的评估，而是和案主一起进行的一个评估过程。关键是引导案主对整个过程进行回忆、总结。案主参与评估过程很重要，因为评估是案主回顾自己成长过程的一个重要途径，为案主提供一个再学习的机会，另外对于工作者的工作是否有成效，案主最有发言权，只有经过案主认可的工作成果才是真正的工作成果，案主的评价是评估工作者工作绩效的重要指标。

Make the client get more involved in the case. The evaluation is not a unilateral evaluation of the worker, but an evaluation process carried out with the client. The key is to guide the client to recall and summarize the whole process. It is important for the client to participate in the evaluation process, because the evaluation is an important way for the client to review his/her own growth process, providing the client with a chance to re-learn. The client has the final say on whether the client's work is effective. It can be called the real work result after getting approved by the client. The evaluation of the client is an important indicator for assessing the works.

坚持为案主保密。保密是工作者自始至终都需要遵守的职业道德。在评估中机构要用一些资料，可能涉及案主的一些隐私，工作者和机构一定要坚持案主为本的思想，妥善处理。

Keep confidentiality of the case. Confidentiality is the professional ethics that workers need to follow from beginning to end. In the evaluation, the organization needs to use some information, which may involve some private information of the client. Workers and institutions must adhere to the person-centered philosophy and properly handle the work.



工作者要透明、坦诚。评估过程中涉及对工作者工作绩效以及工作者态度等的反思和检讨，因此对工作者来说也许是一个不愉快的过程，尤其在同事和督导评估时，工作者更要做到坦诚、透明，正确对待大家的评估意见。

Workers must be transparent and honest. The evaluation process involves reflection and review of workers' work performance and attitudes, so it may be an unpleasant process for workers. Especially when colleagues and supervisors participate in the evaluation, workers must be transparent and honest and treat everyone's opinions correctly.

四、评估的类型

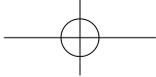
VI. Evaluation Types

由于评估的目的是多元的，划分评估的类型标准也是多种多样的。下面是一些常用的分类方法。

The purposes of the evaluation is diversified, so does the classification criteria of evaluations. Here are some common classification methods.

从评估者的角度分类可以分为内部评估、外部评估和小组评估。内部评估指由机构内部的工作人员开展的评估。其优点在于：第一，内部人员的评估对服务的宗旨、内容和方法比较了解；第二，能够使评估具有延续性和持续性。其缺点在于第一，内部人员能缺乏应有的评估技术，第二，难以保证客观性。外部评估指由机构以外的专家开展的评估。其优点在于：第一，具有客观性和中立性；第二，可以避免机构内部评估时出现的角色和地位的不一。其缺点在于第一，代价大；第二，难以在现场观察服务提供过程。小组评估指由机构工作人员和外部专家联合组成小组对机构的服务进行的评估。其优点在于：第一，评估的结果可信度较高；第二，对服务改进的影响更大。其缺点在于机构个案管理员与专家之间对评估方法的理解和使用上会有一定差距。

Classification from the assessor's perspective can be divided into internal evaluation, external evaluation and group evaluation. Internal evaluation refers to an evaluation conducted by staff within the organization. The strengths are: firstly, the staff are relatively familiar with the purposes, content and methods of the service; secondly, the evaluation can be extended and sustainable. The disadvantage is that firstly, internal staff lack the evaluation techniques. Secondly, it is difficult to guarantee objectivity. An external evaluation is conducted by experts from other organizations, which is objective and neutral. Additionally, it can avoid the inconsistency of roles and status that



arise during the internal evaluation. The disadvantages are that it is costly and is difficult to observe the service process on site. A group evaluation is conducted by a team of internal and external experts on the organization's services. The strengths are: first, the results are more credible; second, the impact on service improvement is greater. The disadvantage is that there will be differences on the understanding and use of evaluation methods between the case managers and the experts.

从评估性质来看，评估可以分为目标达成评估和因果关系评估。目标达成评估主要立足于对工作方案或干预目标的评估。在目标达成评估中，需要考虑的变量包括案主的情况，干预方案的内容，案主的态度和认知的改变，以及最后的结果等。因果关系评估主要评估服务方案如何产生期望的效果，利用因果关系来评价干预计划是否对症下药。

In terms of its nature, evaluation can be divided into goal achievement evaluation and causality evaluation. The former primarily refers to an evaluation of the working plan or intervention goals. In the goal achievement evaluation, the variables to be considered include the condition of the client, the intervention plan, the attitude and cognitive changes of the client, and the final result. The causality evaluation primarily assesses how the service plan produces the desired outcome and uses the causal relationship to evaluate whether the intervention plan is effective.

从评估的程序来看，评估可以分为过程评估和结果评估。过程评估探讨在干预过程中，哪些因素导致了预期的变化。这种评估主要从三个方面来进行：方案的监测、操作过程的监测和时间监测。结果评估是针对干预结果进行的评估，主要是希望了解在干预过程中，哪些变化发生了，哪些变化是预期的变化，哪些变化不是预期的变化。通常将案主接受服务前后的状况进行对比，找出前后的区别，从而发现干预的结果和作用。

In terms of the procedures, the evaluation can be divided into process evaluation and outcome evaluation. Process evaluation explores factors that cause the expected changes during the intervention. This evaluation is mainly carried out in three aspects, namely monitoring of the program, the operation process and time. The outcome evaluation is an evaluation of the intervention outcomes, centering on which changes occurred during the intervention and which were (not) the expected changes. Usually the worker will compare the conditions before and after the client receives the service, find out the differences, and then identify the results and effects of the intervention.

五、总结评估的内容

V. Evaluation Content

实现目标的测量。每个个案都是不同的，因此很多情况下，工作者和案主会在结束时讨论出自己的目标测量体系，用等级测量或者其他形式测量。

Measure the achieved goals. Cases are different, so many workers and the clients will figure out their own goal measurement systems at the end, using grading or other forms of measurement.

对案主影响的测量。可以用问卷的形式或者口头表达的方式让案主自我陈述对自己的影响。这种方法的优点是比较简单，花时间少，但评估不够深入。

Measure the impact on the client. The client can describe the influences he/she feels by a questionnaire or verbal expression. The advantage of this method is that it is relatively simple and takes less time, but the evaluation is not deep enough.

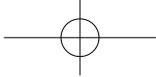
督导和同事对工作进展的评估。不同的机构有一套自己的专业评估方法，来评估工作者的工作质量，这些评估过程不免产生很多的专业判断，因此评估过程中双方的讨论以及工作者本人的坦诚开放的心态很重要。对于评估的具体方法，工作者可以根据自己的经验和服现状灵活选用或者创造性发明。

Supervisors and colleagues assess the work progress. Different organizations have their own professional evaluation methods to assess the quality of workers' work. These evaluation processes inevitably produce a lot of professional judgments. Therefore, the discussion between the two parties and the honest and open mindset of the workers themselves are very important. For the specific methods of evaluation, workers can flexibly choose or creatively invent methods according to their own experience and service status.

六、跟进计划

VI. Follow-up Plan

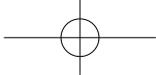
结案并不意味着完全终止了服务，一般来说，工作者根据需要与案主讨论结案后的跟进事宜，让案主自己说出适合他（她）的跟进方式。另外对工作者来说，跟进也是持续评估工作绩效的一部分，如果案主离开工作者后仍能保持服务的效果，在某种程度上说明服务起到了良好的作用如果案主离开服务关系后很快恢复了原来的现状，可能工作者也要检视自己的服务效果。因此跟进计划应该是整个服务的一部分，而不能可有可无。但跟进的程度要根据案主的需要和问题的解决情况而定。



Case closure does not mean complete end of the service. Generally speaking, the worker should discuss the follow-up works after the case is settled with the client so that the client can provide the suitable follow-up method. In addition, for the workers, follow-up is also a part of the continuous evaluation of the performance. If the effects of the service can still be maintained after the client leaves the worker, it is safe to conclude that to some extent, the service is effective. If the client quickly gets back to his/her original status after the service relationship ends, the worker may need to review his/her service effects. Therefore, the follow-up plan should be an indispensable part of the entire service. However, the extent of follow-up depends on the needs of the client and the resolution of the problem.

儿童结案评估表			
Child Case Closure Evaluation Form			
评估者		受理编号	
Evaluated by		Case No.	
评估时间		评估人员	
Evaluation time		Evaluation staff	
评估类型		记录员	
Evaluation type		Recorded by	
参与人员			
Participants			
主要评估内容			
Main evaluation content			
评估结论			
Evaluation conclusions			
案例中存在的优势			
Strengths of the case			
案例中存在的不足			
Disadvantages of the case			
工作者意见			
Worker's opinions			

第三节 维持干预成果与制定维持策略



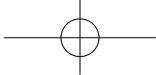
Section III Developing Strategies for Case Maintenance

除了处理结案的情绪以及行为反应之外，另一个结案任务是维持干预成果并订立策略以维持这些转变。案主没有办法维持的干预成果的因素有很多，包括：自然而然回到过去习惯的行为模式；个人或环境的压力源；环境中缺乏社交或休闲的机会；缺乏正向积极的支持体系；不适当的社会技巧；缺乏功能性的行为增强物；对环境的改变没有适当的预备；回到失功能的家庭环境；等。工作者想维持干预结果时，必须预期到上述干扰因，并且协助案主储备足够能力去面对。对于部分案主而言，持续一段时间的陪伴与观察是必要的，随案主支持系统建构起来，逐渐缩短次数及频率，如同断奶的过程，让案主逐渐将对工作者的支持及依赖，转移至发展新的社会支持。同时也需要传达机构及工作者的协助意愿，邀请案主在问题又渐趋严重时，返回机构寻求进一步协助，并承诺继续协助案主。

In addition to dealing with the emotional and behavioral responses of the client, another task is to maintain the outcomes of the intervention and develop strategies to sustain these changes. There are many factors for the client to fail to maintain the outcomes of the intervention, including natural resuming of the old behavioral patterns; personal or environmental stress sources; lack of social or leisure opportunities in the environment; lack of positive support systems; inappropriate social skills; lack of functional behavioral enforcement; lack of proper preparation for environmental changes; back to a dysfunctional family environment; lack of appropriate and adequate new behavioral patterns. When workers want to maintain the intervention outcomes, they must anticipate the above-mentioned causes of interference and assist the client in developing capacities to face it. For some clients, companionship and observation for a period of time are necessary. With the construction of the client support system, the number and frequency of such help from workers should be gradually reduced. As a result, the client can replace dependence on the workers with newly developed social supporters. At the same time, it is necessary to convey the agencies and workers' willingness and promise of ongoing assistance to the client, inviting him/her to seek for further help when the problem becomes more serious.

后续追踪阶段不论是对案主或对工作者而言，都是很重要的阶段。许多案主在结案后持续成长，后续追踪阶段有助于确认干预成效，鼓励案主继续努力；另外，也提供短暂且额外的协助，帮助案主面对仍有困难的部分。同时也让工作者有机会检视案主改变的持久性，以确认案主是否能够在短暂助人关系后，持续干预成效。当然，后续追踪阶段也可减缓结案的影响。

The follow-up phase is a very important stage for both the client and the worker. Many



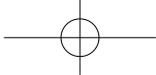
clients continue to grow after the case is closed. The follow-up phase helps to confirm the effectiveness of the intervention and encourages the client to seek more growth. In addition, it provides short-term and additional assistance to help the client face the difficult part. It also gives workers the opportunity to review the persistence of the change to confirm whether the client can be continuously benefited by the effective intervention after the short-term assistance relationship. Of course, the follow-up phase can also reduce the impact of case closure.

为避免案主误认为工作者想干扰他们的私生活，或是想满足自己的好奇心，工作者必须解释后续追踪是干预过程的一部分这一概念，从而让案主理解。不必和案主订出特定的后续追踪会谈的日期，只要强调一段时间之后会与案主联络，而没有联系的这段时间，是检视的机会，让正式助人过程中的学习及其所得进一步整合到日常生活中。

In order to prevent the client from misunderstanding that the worker wants to interfere with or be curious about their private life, the latter must explain to the client that follow-up is a part of the intervention process. There is no need to set a specific date for follow-up meeting with the client. Instead, the worker can emphasize that they will contact him/her after a period of time, during which the latter should review the process and further integrate knowledge getting from the assistance relationship into daily life.

在后续追踪的会谈中，工作者和案主的互动方式，不应该像正式干预历程一般正式。通常在适当的社交问候后，直接探讨案主进展并进行适度的测量。追踪是工作者进一步评估干预成效的绝佳机会，回顾的层面包含：工作者干预中最有利的要素为何？最不重要的为何？另外，案主有哪些从干预历程中学习到的策略，可以继续在生活中运用？同时，追踪阶段也有助于适时干预，以避免案主功能退化。最后，工作者可以进一步且正式与案主约定，如果有进一步的需要，机构及工作者可以继续提供必要之协助。针对后续追踪阶段，必须提醒工作者这一阶段可能会导致案主无法与助人关系完全切割。部分有分离困扰的案主，可能运用后续追踪延长与工作者的接触，而持续性的依附关系，对于案主改变历程是有害的，妨碍了案主与社会网、或其他助人专业者建立良好依附关系的机会。因此工作者在规划后续追踪阶段时，应该对这种可能性保持警觉，并确认案主了解追踪阶段的目的及工作焦点。

In the follow-up interview, the interaction between the worker and the client should not be as formal as an intervention one. Usually after the appropriate social greetings, the worker can directly discuss the progress with the client and make a moderate measurement. Tracking is a great opportunity for workers to further assess the effectiveness of interventions, which includes:

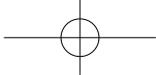


What are the most beneficial factors in the intervention? What are the least important factors?

In addition, what strategies the client has learned from the intervention can continue to be used in life? At the same time, the tracking phase also enhances the results of intervention and avoids the degradation of the client's functions. Finally, the worker can make a formal agreement with the client that the organization and the worker can continue to provide necessary assistance if further needs arise. However, the worker must understand that the follow-up phase may cause the client to be unable to completely cut the relationship with the worker. Some clients trapped by the separation anxiety may use follow-up to extend the relationship with workers. Nevertheless, such continuous attachment is harmful to the change process, which hinders the client from developing social network or attachment with other professional helpers. Therefore, workers should be alert to this possibility when planning the follow-up phase and confirm that the client fully understands the purpose and focus of the tracking phase.

在许多机构中，结案需包含一种庆祝或仪式，以作为目标达成及关系结束的记号。举例来说，有些会以类似毕业典礼的方式作为结案的仪式。成员可以对即将离去的成员，回馈其所观察到的成长，并相互表达对未来的衷心祝福。证书、纪念册、卡片，是结案案主能够从工作者或其他成员手中所获得的象征性纪念品。对于个别或家庭工作的结案，工作者可能可选择小礼物，例如：书本、盆栽、鼓励寓意的文具，或者是其他可以代表助人关系的象征物。针对以仪式来表示结案关系的决定，应该考虑对案主的了解、从机构角度思考适当性、案主对仪式或行动可能赋予的意义三方面因素。举例来说，对于部分案主而言，给案主个人祝贺卡片，可能被误解为亲密友谊关系的象征；然而对其他案主，例如：即将离开寄养家庭到长期安置处所的孩子而言，可能是一种心理安慰的来源。太贵重的礼物，将让案主因为觉得应该有所回报而感觉不舒服，反而会可以强化案主的成就感及自信，或是降低他们因为结案所产生的难过或矛盾心理。有时毕业仪式也会唤起案主过去的失望及挫败经验，举例来说，如果家庭成员拒绝参与毕业仪式，也不愿意承认案主的改变成就，就可能造成案主再次经验负面情绪。

In many organizations, case closure includes a celebration ceremony to mark achievement of goals and end of the relationship. For example, some will hold a graduation ceremony, during which members will give feedback and heartfelt blessings to the graduates. Clients can get certificate, commemorative album, and cards from workers or other members as symbolic souvenirs. Some special individuals or families might get books, pot plants, encouraging stationery or other items representing the assistance relationship from workers. Decisions on whether to hold a ceremony should take the following three factors into consideration: understanding of the client,



appropriateness (from the view of the organization) and significance of the ceremony imposed by the client. For example, some clients might regard congratulation cards as a symbol of intimate friendship; however, others, such as children who are about to leave a foster home to a permanent resettlement premise, might take the cards as a kind of psychological comfort. An expensive gift will be misunderstood as a request for return, making the client feel uncomfortable. The separation will strengthen the client's sense of accomplishment and self-confidence, or reduce the sadness or ambivalence caused by the case closing. Unfortunately, sometimes the graduation ceremony will also arouse the past disappointment and frustration of the client. For example, if the family member refuses to participate in the graduation ceremony and is not willing to admit the change, the client may experience negative emotions again.

第四节 工作报告与存放标准

Section IV Work Report and Archiving Standards

文档的记录与报告是个案结束之后个案管理所发挥重要作用的步骤。其中文档是关于个案开展资料以及其个案管理的信息汇集，这些信息有助于工作者实施服务计划并且进行后续跟进，从而为儿童提供更好的服务。如果需要对个案进行回顾或者需要采取一些行动时提供儿童信息，文档可以提供重要的支持。在开展服务的儿童个案中，文档应该包括儿童基本信息表、儿童个案转介表、儿童个案受理表、会谈记录表、儿童问题评估表、儿童服务计划表、儿童个案结案表等开展相关工作的表格。报告是对已经接收的个案数量和类型进行概述，这些数据有助于对与儿童福利状况相关的趋势进行跟踪，同时为儿童的发展与保护提供依据。

The document and report play an important role in case management after the case closure. Document is a collection of information about casework and its management. The information helps workers implement service plans and follow up to provide better services for children. The document can provide important support if the worker needs to review the case or takes some actions. In the child case management, the document should include relevant forms like Basic Information of the Child, Referral Form of Child Protection Case, Intake Form of Child Protection Case, Counseling Records, Child Protection Case Assessment, Service Plan of Child Case Management (and its revisions), Child Case Closure Form, etc. The report provides an overview of the number and types of cases that have been received, which can help the worker to track the welfare condition received by the children while providing a basis for child development and

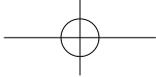
protection.

关于文档存档的标准，应该有专人使用统一的格式和编号进行整理，将所有文档汇总成一个核心的文档，这些信息包括以上所说的基本信息表、转介表、受理表、会谈记录表、评估表、服务计划表（及其修订）、个案进展表以及与儿童相关的重要信息、结案表、结案评估表。以便形成儿童完整的档案。除了定期保存的个案文档之外，对于接受的案例形成一个统整报告，以便于向有关单位进行汇报，为儿童保护工作提供借鉴。具体相关表格如下。

Regarding the standard of document archiving, special people should be appointed to use a uniform format and serial numbers to organize all the documents into a complete file about the child, including the above-mentioned forms and other related important information. In addition to the case file that is regularly recorded, a consolidated report should be formed for all cases, so that it can be reported to relevant units to provide reference for child protection work. The relevant forms are as follows.

个案统计表			
Statistics Form about Received Cases			
机构名称		统计时间	
Name of the organization		Date of data collection	
填表人		联系方式	
Filled by		Contact information	
机构内承接案例数量	案例总数		
	The number of cases		
Number of cases accepted by the organization	新发现案例		
	New cases		
儿童遭受伤害类型			
	Type of children's injuries		
具有特殊情况的案例			
Special cases			
案例的处理情况统计			
Statistics about active cases			

儿童个案信息摘要表	
Information Digest of Child Case Management	



儿童姓名 Name of the child		案例编号 Case No.	
儿童性别 Sex of the child		案例负责人 Person in charge	
儿童出生日期 Date of birth of the child		接案日期 Case intake date	
服务次数 Number of services		结案日期 Case closure date	
监护人及联系方式 Name and contact information of the guardian			
儿童联络地址 Address of the child			
个案处理方式 Case intervention method			
注意事项 Items needing attentions			
资料附表内容 Attachments			

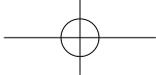
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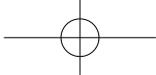
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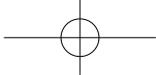
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第三篇 中国儿童保护体系及国际经验

第十一章 我国的儿童保护体系

Chapter XIII Child Protection System in China

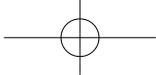
我国儿童保护体系的建设已经走过了几十年的路程，形成了较为完备的保障体系。法制保障方面，与国际儿童公约接轨，形成了一系列法律，涉及儿童保护的方方面面。儿童的管理机构方面，全国妇联、民政部、教育部、卫生计生委等都下设不同部门专门负责儿童事务。此外，2013年，民政部下发《民政部关于开展适度普惠型儿童福利制度建设试点工作的通知》，提出为困境儿童建立基本生活保障制度，标志着中国的儿童福利制度已经进入了前所未有的变革时代。

It has been decades since the establishment of China's child protection system. A relatively complete security system has been formed. In terms of legal protection, there are series of laws in line with international convention for children covering all aspects of child protection. As for child management institutions, All-China Women's Federation (ACWF), Ministry of Civil Affairs of the People's Republic of China (MCA), Ministry of Education of the People's Republic of China (MOE) and National Health and Family Planning Commission (NHFPC) have all set up different departments to take charge of children's affairs. Furthermore, in 2013, MCA issued the Notice of Ministry of Civil Affairs of the PRC on Further Carrying out the Pilot Works for Moderate Universal Child Welfare System, proposing the establishment of a basic living security system for children in difficulty, marking that China's child welfare system has entered an unprecedented era of change.

第一节 有关儿童保护的法律规定

Section I Legal Framework on Child Protection

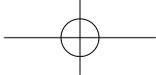
我国儿童保护的法律规定，与国际接轨，但国际公约规定的权利，需要通过国内的法制建设进一步落实和实现。就国内的法制建设而言，我国于1991年颁布实施了第一部关于未成年人的专门的法律《中华人民共和国未成年人保护法》。其最新修订版本为《中华人民共和国未成年人保护法》（2012年修正本），于2013年1月1日起实施。这是儿童保护最重要的法律依据之一《中华人民共和国未成年人保护法》（2012年修正本）第10条



规定禁止对未成年人实施家庭暴力，禁止虐待、遗弃未成年人，禁止溺婴和其他残害婴儿的行为，不得歧视女性未成年人或者有残疾的未成年人。”第 41 条规定：“禁止拐卖、绑架、虐待未成年人，禁止对未成年人实施性侵害。”第 43 条规定未成年人救助机构、儿童福利机构及其工作人员应当依法履行职责，不得虐待、歧视未成年人；不得在办理收留抚养工作中牟取利益。”第 70 条规定：“未成年人救助机构、儿童福利机构及其工作人员不依法履行对未成年人的救助保护职责，或者虐待歧视未成年人，或者在办理收留抚养工作中牟取利益的，由主管部门责令改正，依法给予行政处分。”就这些规定来看，《中华人民共和国未成年人保护法》（2012 年修正本）对针对未成年人的暴力行为有所规定。

China's child protection laws are in line with international standards, but the rights stipulated in international convention for children need to be further implemented and realized through the construction of domestic legal system. Domestically, in 1991, China promulgated and implemented the Law of the People's Republic of China on the Protection of Minors, the first special law on minors. Its latest revision (Law of the People's Republic of China on the Protection of Minors (2012 Amendment)) came into effect on January 1, 2013. As one of the most important legal grounds for child protection, it stipulates in Article 10 that, domestic violence against minors is prohibited. Maltreating or forsaking of minors is prohibited. Infanticide by drowning, brutally injuring or killing of infants is prohibited. No female or handicapped minors may be discriminated against. It stipulates in Article 41 that, abduction, kidnapping and maltreatment of minors shall be prohibited, and sexual assault against minors shall be prohibited. It stipulates in Article 43 that, relief agencies for minors, child welfare agencies and their personnel shall perform their duties according to law and shall not abuse or discriminate against minors. Making profit in the handling the adoption is prohibited. It stipulates in Article 70 that, relief agencies for minors, child welfare agencies and their personnel that fail to perform the duty of rescue and protection of minors according to law, maltreat and discriminate against minors, or make profit in handling the adoption, shall be made corrections ordered by competent departments and given administrative sanction according to the law. In terms of those articles, the Law of the People's Republic of China on the Protection of Minors (2012 Amendment) provides for acts of violence against minors.

除此之外，儿童受到多重法律的保护。《中华人民共和国宪法》（1982 年施行，2004 年修正）第 46 条、49 条，《中华人民共和国民法通则》（1987 年）第 11 条、12 条、14 条、16 条、18 条、104 条和 133 条，以及《中华人民共和国收养法》《中华人民共和国婚姻法》《中华人民共和国教育法》《中华人民共和国义务教育法》《中华人民共和国刑法》《预防未成年人犯罪法》《治安管理处罚法》《妇女权益保障法》《残疾人保障法》

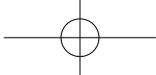


《禁止使用童工规定》等也规定有“禁止虐待和忽视儿童”及儿童福利方面的内容。

In addition, children are protected by multiple laws. A number of laws provide for the prohibition of child abuse and neglect and for the welfare of children, such as the Articles 46 and 49 of Constitution of the People's Republic of China (enacted in 1982 and amended in 2004), Articles 11, 12, 14, 16, 18, 104 and 133 of General Principles of the Civil Law of the People's Republic of China (1987), Adoption Law of the People's Republic of China, Marriage Law of the People's Republic of China, Education Law of the People's Republic of China, Compulsory Education Law of the People's Republic of China, Criminal Law of the People's Republic of China, Law of the People's Republic of China on Prevention of Juvenile Delinquency, Public Security Administration Punishments Law of the People's Republic of China, Law of the People's Republic of China on the Protection of Women's Rights and Interests, Law of the People's Republic of China on the Protection of Disabled Persons and Provisions on the Prohibition of Using Child Labor.

除了专门针对儿童的规定外，其他一些法律法规也规定了禁止对妇女儿童等家庭成员实施家庭暴力的内容。2001年修订的《中华人民共和国婚姻法》规定“禁止家庭暴力。禁止家庭成员间的虐待和遗弃”。2008年，全国妇联、中央宣传部、最高人民检察院、公安部、民政部、司法部、卫生部联合制定《关于预防和制止家庭暴力的若干意见》（以下简称《意见》）。《意见》首次在国家层面制定专门、系统的反家庭暴力规范对相关部门在处理家庭暴力案件中的职责、处理程序、合作机制以及对受害人的综合救助，做出了比较系统的规定。由此可以看出，我国已经逐步形成反对家庭暴力的系统制度，但是除了《中华人民共和国未成年人保护法》（2012年修正本）的专门规定外，还将儿童保护纳入主要针对反对妇女遭受家庭暴力的规范之中（佟丽华，2013）。

In addition to provisions for children, other laws and regulations also stipulate the prohibition of domestic violence against family members such as women and children. For example, Marriage Law of the People's Republic of China (revised in 2001), stipulates that family violence shall be prohibited. Maltreatment or desertion of any family member shall be prohibited. In 2008, the Opinions on Preventing and Combating Domestic Violence (hereinafter referred to as the Opinions) was jointly formulated by ACWF, the Publicity Department of the CPC Central Committee, the Supreme People's Procuratorate of the People's Republic of China, the Ministry of Public Security of the People's Republic of China, MCA, Ministry of Justice of the People's Republic of China and Ministry of Health of the People's Republic of China. For the first time, the Opinion has systematically stipulated regulations special for anti-domestic violence at the national level, which



specifies the responsibilities, procedures, cooperation mechanisms and comprehensive assistance to victims of the relevant departments in dealing with cases of domestic violence. It can be seen from this that China has gradually formed a systematic system against domestic violence. In addition to the specific regulations of the Law of the People's Republic of China on the Protection of Minors (2012 Amendment), child protection is also included in the regulations targeting at combating domestic violence against women (Tong Lihua, 2013).

第二节 中国内地儿童保护主管机构

Section II Child Protection Authorities in Mainland China

目前，中国国家层面还没有明确的儿童保护主管机构，国务院妇女儿童工作委员会负责我国与妇女、儿童权益保护和发展相关的工作，但这只是一个协调议事机构，妇女儿童工作委员会办公室设在全国妇联。作为其会员单位的政府部门和人民团体目前有 35 个⁴⁹。具体如下：

At present, there are no organizations in charge of child protection at the national level in China. The National Working Committee on Children and Women under State Council (NWCCWSC) is responsible for the protection and development of the rights and interests of women and children in China, but it is only a coordinating body. The NWCCWSC Office is under ACWF. There are currently 35 government departments and people's organizations under ACWF, including:

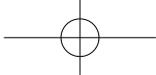
1. 国务院妇女儿童工作委员会（简称国务院妇女儿童工作委员会）

1. National Working Committee on Children and Women under State Council (NWCCWSC)

1990 年 2 月国务院妇女儿童工作协调委员会正式成立，取代了原由全国妇联牵头的全国儿童少年工作协调委员会，成为国务院负责妇女儿童工作的协调议事机构。1993 年 8 月更名为国务院妇女儿童工作委员会，负责调和推动政府有关部门执行妇女儿童的各项法律法规和政策措施，发展妇女儿童事业。其基本职能包括：协调和推动政府有关部门做好维护妇女儿童权益工作；协调和推动政府有关部门制定和实施妇女和儿童发展纲要协调和

⁴⁹ 北京师范大学社会发展与公共政策学院家庭与儿童研究中心著. 儿童保护制度建设研究—目标、策略与路径 [M]. 社会科学文献出版社. 2017:67-69

Research on the Construction of Child Protection System—Objectives, Strategies and Paths [M]. Center for Family and Child Research, School of Social Development and Public Policy, Beijing Normal University. Social Sciences Academic Press (China). 2017:67-69



推动政府有关部门为开展妇女儿童工作和发展妇女儿童事业提供要的人力、财力、物力；指导、督促和检查各省、自治区、直辖市人民政府妇女儿童工作委员会的工作。

Replacing the National Working Coordination Committee on Children and Juveniles led by ACWF, the Working Coordination Committee on Women and Children under State Council was formally established in February 1990, becoming the coordinating body under the State Council responsible for the work for women and children. In August 1993, it was renamed as the National Working Committee on Children and Women under State Council (NWCCWSC), which is responsible for coordinating and promoting relevant government departments to implement various laws, regulations, policies and measures for women and children and to develop the programs of women and children. Its basic functions include: coordinating and promoting relevant government departments to safeguard the rights and interests of women and children, to formulate and implement the program for the development of women and children, and to provide necessary human, financial and material resources for the work of women and children and the development of programs of women and children, as well as guiding, supervising and inspecting the work of the working committees for women and children of the people's governments of all provinces, autonomous regions and municipalities directly under the central government.

2. 民政部

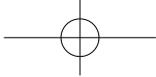
2. Ministry of Civil Affairs of the People's Republic of China (MCA)

民政部与儿童福利和儿童保护相关的司局主要有 3 个：（1）社会福利和善事业促进司，拟订社会福利事业发展规划、政策和标准，特别是老年人孤儿和残疾人等特殊群体权益保护政策。下设的儿童福利处目前有 3 个编制，负责孤儿、弃婴福利政策的制定和中央政府孤儿津贴的发放，以及对全国儿童福利院的业务指导，开展“蓝天计划”和“明天计划”等项目。（2）社会事务司，下设的生活无着人员救助管理处负责协调省际生活无着人员，包括流浪儿童的救助保护工作，正延伸到未成年人保护工作方面；婚收养管理处承办政府间儿童收养政策协调事宜；（3）社会救助司，拟订社会，救助规划、政策和标准，健全城乡社会救助体系，分管城乡贫困儿童（包括受艾滋病影响的儿童）的最低生活保障、“五保”、医疗救助、教育临时救助等。民政部除了行政部门外，还有事业单位中国儿童福利和收中心，负责孤儿的涉外收养和监管工作。⁵⁰

There are three departments related to child welfare and child protection under MCA: (1)

50 中华人民共和国民政部，网址：<http://www.mca.gov.cn/article/jg/>

Ministry of Civil Affairs of the People's Republic of China: <http://www.mca.gov.cn/article/jg/>



Department for the Promotion of Social Welfare and Philanthropy. It formulates development plans, policies and standards for social welfare, especially policies for the protection of the rights and interests of special groups such as the elderly, orphans and the disabled. There are currently three child welfare offices under the Department, which are responsible for the formulation of welfare policies for orphans and abandoned children and the payment of orphans' allowances by the central government, as well as for providing professional guidance to the nationwide child welfare institutes and carrying out projects such as the "Blue Sky Project" and the "Tomorrow Project". (2) Department of Social Affairs. Its Assistance Management Office for the Homeless is responsible for coordinating the homeless at the provincial level, including the rescue and protection of homeless children and the protection of minors. The Administrative Office for Marriage and Adoption is responsible for the coordination of inter-governmental adoption policies for children. (3) Its Department of Social Assistance is responsible for the formulation of social assistance plans, policies and standards, improvement of the urban and rural social assistance systems, and management of the minimum living guarantee, "Five Guarantee", medical assistance, educational assistance and temporary assistance for underprivileged children (including those affected by AIDS) in urban and rural areas. In addition to those administrative departments, China Center for Children's Welfare and Adoption (CCCWA) under MCA, a public institution, is responsible for the foreign adoption and supervision of orphans.

3. 教育部

3. Ministry of Education of the People's Republic of China (MOE)

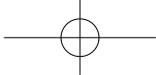
教育部下设基础教育一司和二司，负责儿童学前教育、义务教育和特殊教育政策的制定、业务指导和监管，以及针对各级学校在校贫困生的育救助，保障所有儿童的受教育权利。

The First and the Second Department for Basic Education under MOE are responsible for the policy formulation, professional guidance and supervision for preschool education, compulsory education and special education for children, as well as education assistance for poor students in schools at all levels, so as to protect the right to education of all children.

4. 卫生计生委

4. National Health and Family Planning Commission (NHFPCC)

2013年，卫生部和计生委合并后成立的卫生计生委下设妇幼健康服司，负责拟订妇



幼卫生和计划生育技术服务政策、规划、技术标准和推进妇幼卫生和计划生育技术服务体系建设，指导妇幼卫生、出生缺陷防治等，主要负责儿童健康政策制定和服务。此外，计划生育家庭发展负责计划生育家庭的发展和扶助政策。

In 2013, the National Health and Family Planning Commission (NHFPC) was established after the merger of Ministry of Health of the People's Republic of China and National Family Planning Commission. Its Department of Maternal and Child Health Services is responsible for formulating policies, planning and technical standards for maternal and child health and family planning technical services, promoting the establishment of technical service systems for maternal and child health and family planning, guiding the maternal and child health, and the prevention and treatment of birth deficiency, as well as the formulation of child health policies and services. In addition, the Department of Family Planning and Development is responsible for the development and support policies of family planning.

5. 公安部

5. Ministry of Public Security of the People's Republic of China (MPS)

公安部下设的刑事侦查局，成立了专门的打拐办公室，负责组织、指导打击拐卖妇女儿童犯罪工作。

The Criminal Investigation Bureau under MPS has set up an office special for anti-trafficking that is responsible for organizing and guiding the fight against trafficking in women and children.

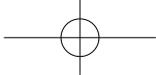
6. 司法部

6. Ministry of Justice of the People's Republic of China (MOJ)

司法部下设社区矫正管理局和法律援助工作司，负责未成年罪犯和教养人员的教育改造和矫治，预防未成年人犯罪，以及为他们提供法律援助等。

The Department of Community Correction Management and the Department of Legal Aid under MOJ are responsible for the reform and correction of juvenile offenders and correctional personnel through education, the prevention of juvenile crimes, and the provision of legal aid to them.

7. 人力资源和社会保障部



7. Ministry of Human Resources and Social Security of the People's Republic of China (MHRSS)

负责基本医疗保险的政策制定和监管，包括儿童的医疗保障，并监管禁止使用不满 16 岁的童工。

MHRSS is responsible for policy development and regulation of basic health insurance, including health care for children and for the supervision of prohibiting child labor under the age of 16.

8. 人民团体

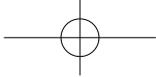
8. People's organizations

妇联、共青团、残联、工会等人民团体关心所儿童，特别是流动儿童、留守儿童和残疾儿童等弱势儿童，也提供一些救助、福利和服务。

Public organizations such as ACWF, Communist Youth League of China, China Disabled Persons' Federation and All-China Federation of Trade Unions provide care for children, especially underprivileged children such as migrant children, left-behind children and disabled children and also offer assistance, welfare and services.

以上强大的机构设置中，没有明确的儿童保护责任主体。我国有关儿童福利和儿童保护的职责分散在很多行政部门和人民团体中，甚至民政部门内部也分为 3 个司局分管孤残儿童、流浪儿童、贫困儿童，机构设置碎片化严重，权责不够分明，可能造成重复工作。各部门习惯根据自己的理解和工作需要各行其政，对儿童的经济救助较多保护服务严重缺乏，容易出现儿童保护“都管”或“都不管”的情况，可能造成受虐待儿童无处求助或求助无效的结果，如南京饿死女童案等。因此，亟须明确个政府部门具体负责儿童保护工作。

No aforementioned institutions are special for the child protection. Responsibilities for the child welfare and child protection are scattered among administrative departments and people's organizations. Even MCA sets up three departments to manage the affairs of orphaned and disabled children, homeless children and underprivileged children. The serious fragmented institution settings and unclear responsibilities may lead to repetitive work. Departments are accustomed to doing their own affairs according to their own understanding and needs. The unbalance between the many financial reliefs and insufficient protection services may lead to ineffective regulation and the absent or ineffective assistance for abused children, such as the case of a little Nanjing



girl starved to death. Hence, there is an urgent need to clarify the specific responsibilities of government departments for child protection.

第三节 建立适度普惠型儿童福利制度

Section III Establishment of Moderate Universal Child Welfare System

2013年6月29日,民政部下发《民政部关于开展适度普惠型儿童福利制度建设试点工作的通知》,提出为困境儿童建立基本生活保障制度,2013年内将在广东省深圳市、江苏省昆山市、浙江省海宁市、河南省洛宁县四地试点。

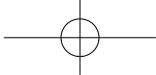
On June 29, 2013, MCA issued the Notice of Ministry of Civil Affairs of the PRC on Further Carrying out the Pilot Work for Moderate Universal Child Welfare System, proposing the establishment of a basic living security system for children in difficulty, which was piloted in Shenzhen (Guangdong Province), Kunshan (Jiangsu Province), Haining (Zhejiang Province) and Luoning County (Henan Province) in 2013.

我国适度普惠型儿童社会福利制度由补缺型儿童社会福利制度变迁而来,是随着我国经济、政治和社会民主进程的发展而逐步建立起来的。我国目前正处于适度普惠型儿童社会福利制度的初级阶段,儿童社会福利覆盖面有待扩大,福利项目有待增加,福利水平有待提高,专门立法有待制定,管理运行有待完善,绩效评价有待规范。在此背景下,建立适度普惠型儿童福利制度可以借鉴其他国家的经验(可参照第十三章),建立多层次救助体系,加大资金支持,以家庭为核心,提供预防性服务,从宏观层面上给予儿童,尤其是流浪儿童、留守儿童、困境儿童以基础性保障。⁵¹

China's moderate universal child welfare system evolves from the complementary type and is established with the development of in China's economy, politics and social democracy. As China is at its dawn of the moderate universal child welfare system, efforts should be made at the coverage of child welfare, welfare projects, welfare level, special legislation, management and operation and performance evaluation. In this connection, the establishment of a moderate universal child welfare system can draw lessons from other countries (see Chapter XIII). Measures include establishing a multi-level relief system, increasing financial support, and providing family-

51 满小欧,李月娥.美国儿童福利政策变革与儿童保护制度——从“自由放任”到“回归家庭”[J].国家行政学院学报.2014(2)

Man Xiao'ou, Li Yue'e. The Reform of American Child Welfare Policy and Child Protection System—From “Laissez-faire” to “Return to Family”[J]. *Journal of Chinese Academy of Governance*. 2014(2)



centered prevention services, so as to offer basic guarantee for children, especially homeless children, left-behind children and children in difficulty from the macro level.

一、保障孤残儿童救助基础上，逐步开展多层次救助

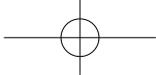
Upgrade the Basic Social Security for Orphaned and Disabled Children to a Sophisticated Multi-layer Security Net for Children in Need

为实现建立适度普惠型儿童福利制度的目标，我们应该立足现有制度，在重点保障孤残儿童救助的基础上，逐步扩大制度的涵盖范围，开展多层次救助。所谓“多层次”，至少应包含以下三方面内涵：一是弱势儿童救助范围多层次，从现有的孤儿、残疾儿童逐步扩展到困境家庭与问题家庭儿童，把更多需要救助的儿童纳入到福利体系；二是救助对象多层次，由于儿童的特殊性，弱势儿童救助应分为针对儿童本身的救助、所在贫困或问题家庭的救助及其生活社区环境救助三个层级，多方面改善弱势儿童生存的不利条件，从源头上降低弱势儿童的产生；三是救助目标多层次，救助目标应从保障儿童基本生活逐步提高到保障儿童受教育、健康、安全等多方面权益，全方位促进儿童的健康发展。

In order to establish a moderate universal child welfare system, efforts should be made to gradually expand the coverage of the welfare system and provide multi-level assistance based on the existing system and providing assistance to orphaned and disabled children. The term “multi-level” contains at least three layers: The first one is the coverage of underprivileged children. In addition to the orphaned and disabled children, more children should be included in the welfare system such as those families and problem families in need. The second one involves the assistance objective. Due to the particularity of children, the assistance objective should include children, needy families/problem families and the community environment. It aims to improve the unfavorable living conditions of underprivileged children in many ways and reduce the number of underprivileged children. The third one is the goals of assistance. The goals of relief should be gradually expanded from guaranteeing children’s basic living to their rights and interests in education, health and safety, so as to promote their healthy development in an integrated/holistic way.

二、发挥政府在儿童救助领域的主导地位，从政策与资金两方面加强支持力度

Government is Leading the Child Rescue and Assistance through Strengthened Support in Policy and Funds



我国政府在未来儿童救助的工作中应进一步加强立法规划，以法律和政策的力量切实引导和推动实际工作的开展。其次，在资金方面，我国政府财政预算缺乏用于儿童救助的专项经费，对儿童的救助常与以家庭为单位的最低生活保障救助等混为一谈，且由于资源和财政划拨方式等限制，儿童救助的资金多存在缺口，以专项计划资金方式划拨的经费也多欠缺稳定性。因此，从我国儿童救助乃至儿童福利事业未来整体发展的长远角度，儿童救助应该处于独立的地位，政府须在政策和资金两方面承担起主导责任。

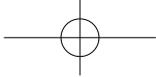
The government should further strengthen the legislative planning in the future child rescue and assistance, and effectively guide and promote the actual work through laws and policies. In terms of the financial support, the government budget lacks special funds for child relief, which is often confused with the family-based minimum living security relief. Worse still, restrained by resources and financial allocation, there are many gaps in the funds for child rescue and assistance, and the funds allocated in the form of special program funds are also lack of stability. Therefore, when it comes to the future development of child relief and child welfare in China in the long run, the former should be placed an independent position, and the government should take the lead in policies and funds.

三、明确家庭对于弱势儿童救助的核心地位，注重预防性服务提供

III. Clarify the Importance of Family Care and Focus on Providing Preventive Services

在未来的儿童救助工作中，我们首先应注重预防性服务的提供，加强对拥有未成年子女困境家庭的政策支持，通过在教育、医疗、生活救助等方式减轻困境家庭的负担，从而避免由于家庭贫困等问题被动造成弱势的儿童产生。其次，对于失去家庭或是无法在原生家庭中获得良好照顾的儿童，政府应该为其提供替代性的家庭照顾服务，并尽可能促进其获得永久性的家庭安置。

When it comes to the child rescue and assistance in the future, the immediate efforts should be made in providing prevention services, strengthening the policy support for needy families with minor children and reducing the burden of needy families in education, medical service and life assistance, so as to avoid the generation of underprivileged children due to the family poverty. Moreover, the governments should provide alternative family care services for children who have lost their families or cannot receive good care in their original families and ensure them permanent family placement where possible.



第十二章 国际视野下的儿童保护体系

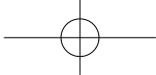
Chapter XIV Child Protection System from the International Perspective

儿童暴力带来的创伤和后果是不可小觑的，有侵犯倾向的儿童在将来更有可能走上暴力犯罪的道路，而那些被侵犯的儿童，或许会产生悲观绝望的情绪，形成消极厌世的性格，甚至会采取“以暴制暴”的对策，转而成为具有侵犯行为的人（张可，张日昇，2004）。因此，儿童保护体系的建立就变得尤为重要。杜亮（2015）指出儿童政策作为一种国家公权力，其作用的发挥必然是对家庭作为儿童养育和保护场所的一种改变和冲击。虽然各个国家和地区都明确了父母及其他保护人是培育子女的最主要的责任人这一基本理念，但当儿童的权益受到伤害时，就需要政策发挥作用，来保障儿童的安全。儿童保护就是指国家依法救助保护受到或可能受到虐待、忽视等伤害的儿童的各种制度、措施和服务，以保障儿童安全。何芳（2015）认为，儿童保护工作是一项公共事业，它是一系列计划、决策、制度和行动的结合，涉及一个国家中各级政府及各种社会部门的协同合作。

The trauma and consequences of violence against children cannot be underestimated. Children prone to violence are more likely to commit violent crimes in the future, and those victims face the prospect of pessimism and desperation, become negative and world-weary, and even adopt a “violence for violence” strategy to become violent persons (Zhang Ke and Zhang Risheng, 2004). Therefore, establishing protection system for children becomes particularly important. Du Liang (2015) points out that, as a national public power, children policy will inevitably have a change and impact on the family as a place for the parenting and protection of children. Although countries and regions have made clear that parents and other protectors are the primary responsible persons in children parenting, necessary policies are required to ensure the safety of children when children’s rights and interests are harmed. The term “child protection” refers to various systems, measures and services that the state rescues and protects children who have been or may be abused or neglected in accordance with the law, so as to ensure the safety of children. He Fang (2015) reckons that, child protection is a public undertaking and a combination of plans, decisions, systems and actions, which requires collaboration between governments all levels and various social sectors in a country.

本章拟通过对欧洲、北美洲及亚洲的儿童保护体系的研究，来更为全面的了解国际视野下的儿童保护体系。

Based on the study of child protection systems in Europe, North America and Asia, this

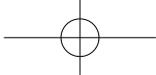


chapter aims to offer a comprehensive child protection system from the international perspective.

首先，在国际方面，1924年国际联盟通过了《日内瓦儿童权利宣言》，首次在国际上提出了“儿童权利”概念，但更多涉及的是成人有义务满足儿童最基本的物质及精神需求，儿童仅是权利的客体。直到1989年联合国提出《儿童权利公约》，才使这些理念得到国际法的认可，以法定的形式使“最大利益”成为保护儿童权利的一项基本原则。公约认为，儿童与成人同样是完整的人，儿童作为权利主体拥有生存权、发展权、受保护权和参与权，特别是参与权的提出更明确了儿童的主体地位。这一具有里程碑意义的公约1990年9月2日正式生效，它以法律的形式厘清了国家和家庭对儿童的责任，西方国家由强调“儿童福利”和“儿童保护”变为强调“儿童和家庭福利”，尊重家庭及父母权利成为主导的政策取向，国家扮演“支持者”角色，提供家庭所需的服务以支持和提升家庭功能（乔东平，谢倩雯，2014）。

First of all, internationally, the League of Nations adopted the Geneva Declaration of the Rights of the Child 1924, putting forward the concept of “the rights of the child” for the first time. However, the concept is more inclined to the obligation of adults to meet the most basic material and spiritual needs of children. Children are only the object of rights. It was not until 1989 that the United Nations put forward the Convention on the Rights of the Child (CRC) that the concept was recognized by international law and the “best interests” became a basic principle for the protection of children’s rights in a statutory form. According to the Convention, like adults, children have the rights of survival, development, protection and participation. Especially, the right of participation proposed clarifies the subject status of children. This landmark Convention entered into force on September 2, 1990. It clarifies the responsibilities of the state and the family towards children in the form of law. The emphasis has shifted from “child welfare” and “child protection” to “children and family welfare” in western countries. Respecting for the rights of the family and parents has become the dominant policy orientation. The state has become a “supporter” to provide services for families to support and enhance family functions (Qiao Dongping and Xie Qianwen, 2014).

其次，就各个国家和地区而言，自工业革命时期济贫法实践和民间慈善对儿童问题及儿童福利的最初关注开始，到西方资本主义进入福利国家时期以来，欧洲和北美社会的儿童福利和儿童保护政策发生了深刻的变化。其中包括“儿童保护导向”的儿童福利，这一模式注重个人的权利和家庭的隐私，只有当儿童的最基本权益受到侵犯时才会介入，依赖法律和司法来实施家庭干预，将受虐儿童带离家庭，例如美国、英国等。另一种模式为“家庭服务导向”，注重父母与儿童之间支持关系的建立，例如瑞典、日本等。随着儿童福利理念的日趋完善，这两种模式逐渐取长补短，显现出儿童保护与家庭支持相辅相成的趋势。



围绕国家和家庭对儿童的责任问题出现以下三方面的新理念：1. 在保障儿童安全的前提下，尽量保留原生家庭和支持家庭。2. 儿童优先，对儿童的投资是效益最好的社会投资。3. 家庭、国家和社会应合作承担儿童福利和保护的责任（乔东平，谢倩雯，2014）。在分析各个国家和地区的儿童保护体系过程中，主要分析了欧洲、北美洲和亚洲的几个典型国家。

Secondly, in terms of countries and regions, the child welfare and child protection policies of European and North American societies have seen profound changes from the practice of poverty relief law and the initial concern of civil charity about children's issues and child welfare during the Industrial Revolution to the welfare state period of Western capitalism. Taking "child protection orientation" for example, this model focuses on the individual rights and family privacy. It only intervenes when the most basic rights and interests of children are violated. It relies on law and justice to carry out family intervention and take abused children away from families, such as the US and Britain. The other model is "Family Service Orientation", which focuses on building supportive relationship between parents and children, such as Sweden and Japan. With the improvement of the concept of child welfare, these two models gradually complement to each other. Three new concepts have emerged around the responsibility of the state and the family for children: 1. Maintain the original family and supportive family as far as possible, while ensuring the safety of children. 2. Adhere to the concept of best interest of the child. Investment in children is the best social investment. 3. The family, the state and the society should cooperate to shoulder the responsibility of child welfare and protection (Qiao Dongping and Xie Qianwen, 2014). This chapter mainly analyzes the child protection systems in Europe, North America and Asia.

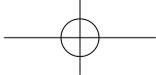
一、欧洲：不同福利模式下的儿童保护体系

I. Europe: Child Protection System under Different Welfare Models

(一) 欧洲理事会的基本政策

(I) The Basic Policy of the European Council

从欧洲理事会制定的各种保护儿童的法律文件中可以看出，欧洲各国一直在努力不断地提高保护儿童的法律标准。虽然在具体法律文件中，这种努力由于所处理问题的具体性而显得有些零碎，但是，在欧洲各国首脑 2005 年的波兰华沙峰会之后，这种努力就形成了一个明确统一的目标。在华沙峰会上，欧洲各国首脑对保护儿童问题达成一个重要的共识：同意了欧洲理事会提出的共同保护儿童的三点主要要求。这就是：第一，“有效地促进儿童权利的发展，完整地符合联合国关于儿童权利公约规定的义务”；第二，“在所有

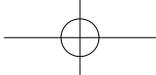


欧洲理事会国家的政策中，使儿童权利主流化，并且协调欧洲理事会所有与儿童有关的活动”；第三，“彻底消除针对儿童的所有形式的暴力，尤其是要发动一个三年计划与特别措施，以反对对儿童的性剥削”。在这次华沙峰会共识的基础上，欧洲理事会逐步形成了清晰的保护儿童的基本政策。在这个基本政策的指导之下，欧洲理事会开始组织构建全面而统一的“为了儿童的欧洲”的战略与原则。

Seen from the various legal instruments for the protection of children drawn up by the European Council, European countries have been striving to constantly raise the legal standards for the protection of children. Although such efforts seemed fragmentary due to the specificity of the issues dealt with in specific legal documents, they formed a clear and unified goal following the 2005 Warsaw Summit of European Council in Poland. At the event, European heads of state reached an important consensus on the protection of children. That was they agreed with the three main requirements of the European Council for the common protection of children. The first one is to effectively promote children's rights and to fully comply with the obligations of the UN Convention on the Rights of the Child. The second one is to mainstream children's rights in all European Council policies and co-ordinate all European Council activities related to children. The third one is to eradicate all form of violence against children, in particular through the launching of a three-year action plan and specific measures against sexual exploitation of children. On the basis of the consensus reached at the Warsaw Summit, the European Council of gradually formulated a clear basic policy for the protection of children. Guided by the basic policy, the European Council began to develop a comprehensive and unified strategy and principles of "Building a Europe for and with Children".

欧洲理事会提出的保护儿童的指导性建议，是以发展全面的保护儿童免遭暴力侵害的国家战略为核心的，目的是为了保护儿童的权利，防止针对儿童暴力的一切形式并与之斗争，促进对保护儿童免受暴力侵害的整体国家战略的采纳、执行与监管，加强保护儿童权利与保护儿童免受暴力侵害的国际合作。

Focusing on developing a comprehensive national strategy for the protection of children from violence, the European Council's guideline for the protection of children aims to protect the rights of children, prevent and combat all forms of violence against children, promote the adoption, implementation and monitoring of integrated national strategies for the protection of children from violence and reinforce international co-operation to safeguard the rights of the child and to protect children from violence.

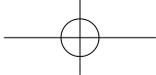


这个指导性建议以八项一般原则与四项实施原则为基础。

The guideline is based on eight general principles and four operative principles.

八项一般原则是：（一）保护儿童免受暴力，包括身体或者心理的一切形式的暴力、伤害或者滥用、忽视、虐待或者剥削（包括性剥削），特别注意父母、法定监护人或者其他有权照顾儿童的人的行为，特别注意暴力不仅包括成年人与儿童之间的暴力，而且包括儿童之间的暴力。（二）生命、生存与发展权的最大化，是儿童与生俱来的固有权利。（三）无歧视。所有儿童不论性别、种族、肤色、语言、宗教、政治或其他观点、国籍或社会出身，也不论民族、财产、出身、性取向、健康状况、残疾或者其他状态，在暴力面前都应当得到同等保护。（四）性别平等。必须全面考虑女孩与男孩面对暴力的不同风险以及暴力对女孩与男孩的不同后果。（五）儿童参与。儿童有权自由表达对影响他们生活的所有事项的意见，并且在他们年龄与成熟程度的基础上使他们的意见得到采纳，在一切司法、行政或者非司法程序中都应当提供听取儿童意见的机会，国家及其他行动者应当认真听取儿童对保护他们免受暴力的政策与项目的意见。（六）国家责任。国家对保护儿童权利及保护儿童免受暴力侵害负有首要责任，国家承认家庭在儿童发展与福利以及保护儿童权利中的中心地位，为家庭培养儿童提供可获得的、灵活且有质量的托儿服务，为积极的家庭和解除提供便利，发展改进父母育儿技术的项目，培养健康向上的家庭环境，在各级政府预算中考虑儿童的权利。（七）其他行动者的义务与参与，所有为了儿童与携手儿童的服务、机构与专业，包括父母、媒体、私人机构、宗教社会与民间社团，都对防止侵害儿童的暴力负有责任。（八）儿童的利益，影响儿童的任何活动，包括保护儿童免受暴力侵害的活动，都必须以儿童的利益作为首要考虑因素。

The eight general principles include: (I) Protection from violence. All children have the right to protect from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child. (II) The right to life and maximum survival and development. Every child has the inherent right to life and to survival and development to the maximum extent possible. (III) Non-discrimination. All children regardless of their sex, race, color, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth, sexual orientation, state of health, disability or other status, should be protected from all forms of violence. (IV) Gender equality. Gender-based violence should be addressed as part of the integrated approach to violence, and due account should be taken of the different risks girls and boys face in respect of violence and of the different consequences of violence for boys and girls. (V) Child participation. Children have the right to

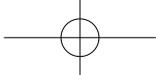


express themselves freely on all matters affecting their lives, and their views should be given due weight depending on the child's age and maturity. For example, children should be provided with the opportunity to be heard in any judicial, administrative or extra-judicial proceedings. The state and other appropriate actors should listen carefully to children's views in the light of the contribution that the child's perspective can bring to the quality of solutions under examination. (VI) A state's obligations. A state holds the primary responsibility for upholding the rights of the child and to protect all children from violence. It has to recognize the central role that families play in children's development and well-being as well as in the safeguarding of their rights. A national government should provide accessible, flexible and quality childcare services, facilitate positive reconciliation of families and draw up programs to improve parental skills. It should also foster a healthy and positive family environment and have its local governments at all levels consider children's rights during budgeting. (VII) Other actors' obligations and participation. The responsibility to prevent violence against children also extends to all services, institutions and professionals working for and with children, parents and the extended family, the media, private sector, religious communities and civil society. (VIII) Best interests of the child. In all actions affecting children, including those to protect them from all forms of violence, the best interests of the child should be the primary consideration.

四项实施原则是：（一）暴力有多种原因，防止孤立地看待暴力的原因；（二）预防需要多方合作，特别包括跨部门、跨地区、跨国与跨社会的合作与协调；（三）防止需要多部门努力，需要文化的、心理的、教育的、行为的、身体的、政治的、社会经济的项目共同作用；（四）消除暴力需要社会各方面的共同努力，包括国家机关、地方机构、非政府组织、各种专业人士、媒体、家庭与孩子的各种形式的努力。

The four operative principles are as follows: (I) violence against children is multidimensional. (II) Prevention of violence requires cross-sectoral cooperation and coordination. This involves, in particular, coordination across central government, across provinces and regions, and between government and civil society. (III) Violence against children demands an integrated approach. This approach allows factors of different orders (cultural, psychological, pedagogical, behavioral, physical, political and socio economic) to be treated on the basis of common ground. (IV) A multi-stakeholder approach is indispensable for the eradication of violence against children, including state institutions, local authorities, non-governmental organizations, professionals, the media, families and children.

（二）欧洲各国的儿童保护体系



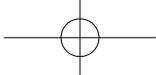
(II) China's Child Protection System across Europe

熊跃根从福利国家的视角来探究欧洲各国的儿童保护体系，主要分析了英国、瑞典和德国三个典型的福利国家。丹麦的社会福利研究专家埃斯平·安德森把福利国家归结为三大类别，即自由的福利国家、社会民主的福利国家和法团主义的福利国家。

Xiong Yuegen explores the child protection across Europe from the perspective of welfare states, mainly analyzing the three typical welfare states of Britain, Sweden and Germany. Gøsta Esping-Andersen, an expert on social welfare in Denmark, classifies welfare states into three categories: free welfare states, socially democratic welfare states and corporatist welfare states.

首先，英国属于典型的自由福利国家，它的儿童保护体系的发展经历了几个阶段，工业革命时期，孤儿、弃儿和失去家庭照顾的贫困儿童都成为当时的一个主要社会问题。随着社会变迁进程不断加快，英国的政府和学界意识到，了解和评估儿童在不同环境下可能面临的风险变得日益重要，这对正确制定和实施儿童保护的相关政策也不可或缺。1942年通过《贝弗里奇报告》（即《社会保险及相关社会服务》）确定了福利国家的核心原则：第一，有酬劳动是公民收入的主要来源，国家的角色是为那些因变故而失去收入的个人或家庭提供有限的补贴；第二，确保充分就业的目标得以实现，从而尽可能减少保险项目的成本；第三，充分就业意味着男性的充分就业。随后，在1945年英国颁布了《家庭津贴法案》，1948年颁布了《儿童法案》。自从20世纪90年代以来，英国的儿童保护体系一直备受争议，由警察和社会工作者组成的针对儿童虐待案件的联合调查小组的工作方式也遭到诟病（熊跃根，2014）。2008年英国废弃了“儿童保护注册局”（The child protection register）这一中央统筹的、针对儿童保护的多机构参与的工作小组。从目前来看，熊跃根认为，就儿童照顾与保护领域而言，英国多年来针对受虐待儿童和被忽视儿童（危机中的儿童）提供的家庭寄养服务，以及在针对儿童的院舍照顾方面的实践经验仍然值得借鉴。

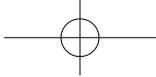
Firstly, Britain is a typical free welfare state. The development of its child protection system has seen several stages. During the Industrial Revolution, orphans, abandoned children and poor children without family care became a major social problem at that time. As the social change accelerates, the British government and academia have realized that it is becoming increasingly important to understand and assess the risks that children may face in different contexts, which is also indispensable for the proper formulation and implementation of child protection policies. The Beveridge Report (Social Insurance and Allied Services) adopted in 1942 and established the core principles of welfare states. Firstly, paid labor is the main source of citizens' income, and the role



of the state is to provide limited subsidies to individuals or families who lose their income due to misfortune. Secondly, it is necessary to ensure that the goal of full employment can be achieved so as to reduce the cost of insurance programs as much as possible. Thirdly, full employment means full employment for men. Subsequently, Britain enacted the Family Allowance Act in 1945 and the Children Act in 1948. Britain's child protection system has been controversial since the 1990s, as have the working methods of the joint investigation team composed of police and social workers on child abuse cases (Xiong Yuegen, 2014). The Child Protection Register, a centrally controlled multi-agency working group on child protection, was scrapped in 2008. For the moment, Xiong Yuegen believes that in the field of childcare and protection, the family foster care services for abused and neglected children (children in crisis) and the practical experience in residential care for children in the UK over the years are still worth learning.

其次，作为社会民主福利国家的代表瑞典，是一个具有深厚社会民主传统的、强调国家责任的国家，儿童福利与照顾服务体系十分完备。儿童津贴、国家提供的低廉的儿童照顾服务、就业的性别平等制度和双亲假期制度（parental leave）都确保了儿童在一个比较好的环境中得到全面照顾与服务。在瑞典，政府在儿童保护领域与志愿部门结成一种伙伴关系，注重在国家、市场与市民社会三者间建立一种混合福利经济。就儿童保护服务而言，瑞典的实践非常重视地方政府的作用，通过对处于危机或风险处境中的儿童的预防、调查、社会支持与家庭治疗和照顾四个主要方式，全面开展针对儿童保护的服务，这些服务都是在法律的框架下由政府承担主要责任并由专业人员（主要是社会工作者）来完成。除此之外，瑞典还建立了比较完善的家庭政策，还在各个层面为不同年龄阶段和不同环境下的儿童青少年提供高质量的照顾与教育服务，这在很大程度上减少了儿童处于风险或危机的机会，从而也确保了国家拥有源源不断的高素质劳动力。总的来说，瑞典在儿童保护领域更注重政府行政管理的责任、地方政府的服务和对家庭政策的实施。

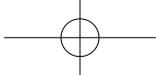
Secondly, as the representative of the socially democratic welfare state, Sweden is a country with a deep social democratic tradition, emphasizing the responsibility of the state. Its child welfare and care service system are very comprehensive. Child allowances, low-cost child-care services provided by the state, the gender equality system in employment and the parental leave system ensure that children get comprehensive care and services in a relatively good environment. In Sweden, the government tends to partner with the voluntary sectors in the field of child protection, focusing on a mixed welfare economy among the state, the market and the civil society. In terms of child protection services, Swedish practice attaches great importance to the role of local governments. Comprehensive child protection services are provided through four main approaches



including prevention, investigation, social support and family treatment and care for children in crisis or at risk. Those services are primarily performed by the government within the framework of the law and by professionals (mainly social workers). In addition, Sweden has also established a more comprehensive family policy and provides high-quality care and education services at all levels for children and adolescents of different ages and in different settings, which greatly reduces the chances of children being at risk or in crisis, thus ensuring a continuous supply of high-quality labor in the country. Generally speaking, Sweden focuses more on the responsibility of government administration, local government services and the implementation of family policies in the field of child protection.

瑞典的儿童保护体系的主要特点如下：1. 儿童保护法律体系完善、详尽，具有较强的可操作性。瑞典是首批签署联合国《儿童权利公约》的国家之一，也是倡议召开世界儿童问题首脑会议的六国之一。2. 儿童保护工作机构完备，体制健全，儿童权益监察专员办公室发挥了重要作用。3. 儿童福利制度补贴和服务并重，强化了对家庭的全方位支持和保障。瑞典采取津贴加服务的福利模式，从现金补贴和福利服务供给两个方面满足儿童需求。瑞典的儿童福利和监护制度主要是立足于家庭，表现为四个层面：一是政府给父母提供足够的公共服务和福利，帮助他们在家庭内更好地抚育儿童；二是当服务仍然不能使儿童在家庭内获得足够照顾时，儿童福利部门会根据特殊需要采取一定的干预措施，只有这些干预措施确实不能改变儿童的状况时，儿童福利部门会采取强制性照顾措施，将儿童带离家庭，安置在寄养家庭；三是对于被带离原来家庭的儿童，如果父母恢复了能够继续抚养的能力，临时不能抚养的原因消除了，儿童福利部门将撤销原来的强制保护令，让儿童重新回到家庭中；四是对于那些被永久带离原来家庭的孩子，绝大部分会在寄养家庭中长大。瑞典的儿童服务注重专业化、社会化，体现了政府主导，社会参与。

The main characteristics of Swedish child protection system are as follows: 1. The legal system of child protection is holistic detailed and highly operational. Sweden is one of the first countries to sign the United Nations Convention on the Rights of the Child (UNCRC) and one of the six countries initiated the convening of the World Summit for Children. 2. Its children's protection agencies are well-established and child protection system is well-structured. The Office of the Ombudsman for Children's Rights and Interests has played an important role. 3. The child welfare system places equal emphasis on subsidies and services and strengthens all-round support and protection for families. Sweden adopts the welfare model of subsidy and service to meet the needs of children in the form of cash subsidy and welfare service supply. Starting from the family, Sweden's child welfare and guardianship system falls into four parts. Firstly, the government



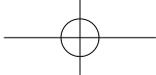
provides parents with adequate public services and benefits to help them better raise children within the family. Secondly, when those aforementioned services still do not enable children to receive adequate care, the child welfare department will take some intervention measures according to their special needs. If those interventions do not change the situation of children, the child welfare department will take compulsory care measures to take children away from the family and place them in foster families. Thirdly, for children taken away from their families, if their parents regain the ability to continue raising them and the reasons for temporary inability to do so are eliminated, the child welfare department will revoke the original compulsory protection order and allow the child to return to the family. Fourthly, the vast majority of children who are permanently taken from their families will grow up in foster homes. Swedish children's services focus on specialization and socialization, reflecting government-led and social participation.

最后，作为欧洲大陆典型的法团主义福利国家，德国的福利体制具有悠久的历史保险和注重志愿服务部门及家庭照顾功能的传统。2000年，德国联邦政府颁布了《教育中严禁暴力的法案》和《反暴力保护法案》，这两部法案都明确了儿童保护的重要性和确保儿童不受暴力伤害的权利，对儿童保护做出了重要贡献。德国的儿童保护服务和立法体系十分强调家庭作为儿童照顾单位的作用和政府对家庭的支持。因此，在儿童保护领域预防服务是极其关键的。与其他国家的儿童保护体系相比，德国的儿童保护体系是“家庭服务导向”和“整体性的”。

Finally, as a typical corporatist welfare state in continental Europe, Germany's welfare system has a long tradition of social insurance and paying attention to voluntary services and family care functions. In 2000, the Bundesrepublik Deutschland (BRD) promulgated the Act on the Strict Prohibition of Violence in Education and the Protection against Violence Act, both of which made an important contribution to child protection by clarifying the importance of child protection and ensuring the rights of children to be protected. Germany's child protection services and legislative system place great emphasis on the role of the family as a childcare unit and on government support for the family. Prevention services are therefore crucial in the area of child protection. Compared with other countries' child protection systems, Germany's child protection system presents family service-oriented and integrated.

二、北美洲：美国联邦制下的儿童保护实践

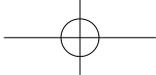
II. North America: Child Protection Practice under the US Federal System



胡巧绒 (2011) 认为, 纵观各国和地区, 美国的做法最为典型, 美国是一个联邦制国家。根据美国宪法, 联邦政府与各州政府作为互不相关的独立实体并存, 各自具有自己的权限范围。因此, 美国没有全国统一的儿童保护体系。不过, 联邦政府就儿童保护设置了法律标准, 各州都必须以此为基础建立自己的儿童保护系统, 只是在具体的政策、立法和实践上有所差异。一般而言, 州和地方各级政府都设有儿童保护工作部门, 通常称为儿童保护服务部 (Child Protective Services)。美国的儿童保护体系建基于一个法律概念——国家亲权 (Parens patriae), 即以国家公权利代替失职的父母亲或法定监护人, 扮演父母的角色以保护未成年人 (何芳, 2015)。

Hu Qiaorong (2011) deems that the United States is the most typical of all countries and regions in the child protection practice due to its federal system. According to the Constitution for the United States, the federal government and the state governments coexist as separate entities, each with its own extend of competence. As a result, there is no unified child protection system in the United States. However, the federal government has established legal standards for child protection, on the basis of which each state government must establish its own child protection system, although there are differences in specific policies, legislation and practice. Generally, states and local governments have child protection units, commonly known as Child Protection Services. The child protection system in the United States is based on the legal concept of “Parents Patriae”. It refers to the public policy power of the state to intervene against an abusive or negligent parent or legal guardian, and to act as the parent of any child or individual who is in need of protection (He Fang, 2015).

美国的儿童保护工作理念先进; 立法先行, 依法实施; 多渠道资金投入; 科学化的管理; 严格的评估制度; 工作细致务实, 措施具体, 工作细致周全。它拥有一套完整的儿童保护法律体系, 其中最重要的美国民事儿童保护立法是 1974 年通过的《儿童虐待预防与处理法》(Child Abuse Prevention and Treatment Act)。之后在 1980 年, 《收养资助和儿童福利法》(Adoption Assistance and Child Welfare Act) 颁布实施, 提倡家庭对儿童的意义, 主张以家庭的维系来弥补寄养照料的不足。这一法案的提出导致家庭维系服务在 20 世纪 90 年代持续扩张, 许多高风险家庭的孩子因此免受寄养安置, 但过分强调家庭维系却牺牲儿童安全的事件也时有发生 (McGowan, B., and Walsh. E.)。为此, 美国国会在 1997 年出台了《收养和安全家庭法案》(Federal Adoption and Safe Families Act), 与之前的《收养援助与儿童福利法案》相比, 它减少了对家庭维系的强调, 要求儿童福利的一切决策应以保护儿童安全为首要原则。虽然这一法案规定, 在将儿童安排到寄养体系之前, 相关机构必须做出“合理努力”, 以降低将儿童从家庭转移的必要性。

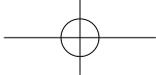


但它同时也强调，如果儿童留在家里可能会受到伤害，相关机构则无须再做出维系家庭的努力。⁵²⁵³

The concept of child protection in the United States is advanced, which is mainly reflected in the following aspects: legislation first and implementation according to law, multi-channel capital investment, scientific management, strict evaluation system, detailed and pragmatic work, concrete measures, and meticulous and comprehensive work. It has a comprehensive child protection legal system, the most important of which is the Child Abuse Prevention and Treatment Act (1974). Later, in 1980, the Adoption Assistance and Child Welfare Act was enacted to promote the meaning of the family to children and to compensate for the lack of foster care through family preservation. The introduction of the act led to the continued expansion of family preservation services in the 1990s, which exempted many children from foster care in high-risk families. However, incidents of overemphasis on family preservation at the expense of children's safety also occurred from time to time (McGowan, B., and Walsh.E.). To this end, the United States Congress introduced the Federal Adoption and Safe Families Act in 1997. Compared with the previous Adoption Assistance and Child Welfare Act, this one reduced the emphasis on family preservation and required that all decisions on child welfare should be based on the primary principle of child safety. Although the act provides that, before placing a child in foster care, the institution concerned must make "reasonable efforts" to reduce the need to transfer the child from the family. At the same time, however, it stressed that there was no need for institutions to make further efforts to preserve the family if children were at risk of harm by staying at home.

52 McGowan, B., and Walsh, E.. Policy challenges for child welfare in the new century [J]. Child Welfare, 2000: 79 (1): 11-27.

53 Adoption and Safe Families Act [Z]. P. L. 105-89, 1997.

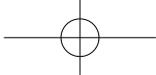


除此之外还包括强制报告制度、受理登记和调查程序、寄养和监护临时措施或长久安置、家庭维护以及将儿童从家庭迁出的司法审理程序（胡巧绒，2011）。强制性报告最先起源于美国，美国联邦政府儿童局在1963年制定通报法范例（Model Reporting Law）。强制性报告制度（Mandatory Reporting）规定与留守儿童密切接触的人员有报告留守儿童受虐的责任。对于知情不报者，法律上规定了罚则。对于善意误报者豁免其法律责任，对于阻挠报告者有相应的罚则⁵⁴。强制性报告要求只要发现性虐待等暴力事件，相关人员就有义务到相应机构进行举报。美国儿童保护工作是针对受虐待（身体虐待、心理伤害、性虐待）和被疏忽的0—18岁儿童及其家庭而开展的系列保护和服务工作。它是美国儿童福利工作内容的一部分，其任务是保障家庭的安全、稳定和福利，保证每一个儿童都能获得教育、健康和发展的权利（王练，2010）。美国的儿童保护工作体系主要有四层：处于最上层的机构是联邦政府的儿童与家庭局（Administration for Children and Families）。第二层是设在州政府的行政管理机构。第三层是设在县级政府的人力资源服务部。该机构的主要职责是负责有关儿童保护的具体事务性工作，开展联邦和州的儿童保护项目。第四层是公、私机构，如儿童看护中心、儿童保护中心、儿童中心、儿童保护委员会、学校、社区等（王练，2010）。

Additional measures include mandatory reporting, registration and investigation procedures, interim measures or permanent placement in foster care and guardianship, family preservation and judicial proceedings for the removal of children from their families (Hu Qiaorong, 2011). Mandatory reporting originated in the United States, where the United States Children's Bureau enacted the Model Reporting Law in 1963. The Mandatory Reporting System imposes a duty on persons in close contact with left-behind children to report abuse of left-behind children. There are legal penalties for failing to report information, exemption from legal liability for bona fide misreport and penalties for obstructing reporting. Mandatory reporting requires persons to report incidents of violence, including sexual abuse, to the authorities concerned. Child protection in the United States is a serial of protection and services for abused (physical, psychological, sexual) and neglected children aged 0-18 years and their families. It is part of the child welfare work in the United States and its mission is to ensure the safety, stability and well-being of families and the rights of every child to education, health and development (Wang Lian, 2010). The child protection system in the United States falls into four levels. At the top is the Administration for Children and Families. The second one is the administrative body located in every state government.

54 李环：《建立儿童虐待的预防和干预机制——从法律和社会福利的角度》，载《青年研究》2007年第4期。

Li Huan: Establishment of Prevention and Intervention Mechanisms for Child Abuse—from a Legal and Social Welfare Perspective, Youth Studies, No.4, 2007.



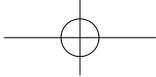
The third one is the human resource department in every county-level government, whose main responsibility is to carry out specific child protection tasks and the federal government's and state government's child protection projects. The fourth one is public and private institutions, such as childcare centers, child protection centers, child activity centers, child protection committees and schools, communities. (Wang Lian, 2010).

三、亚洲：多层次、多元化的儿童保护体系

III. Asia: A Multi-level and Diversified Child Protection System

易谨认为韩国在以儿童福利法为基本法律建立了一个层次多样、完备健全的儿童保护法律体系，形成了中央政府、地方政府、非政府组织、社区、儿童保护机构以及公众共同参与的儿童保护网络；采取建立预防儿童虐待和忽视综合体系、提供全面的儿童虐待受害者的支持服务、提高父母亲职能力、建设有利于儿童成长的社会环境等儿童保护措施。随后又通过了一系列的法律法规：2004年颁布了《校园暴力防治法》；2005年制定了《预防和应对校园暴力五年计划》，旨在创造一个“零容忍”（Zero-tolerance）环境；同年韩国政府又制定了《保护未成年人远离有害环境全面计划》，该计划加强了对有害的媒体和机构的打击，建立了对有害的环境中药物滥用的预防和监控系统；2006年9月宣布把每年的3月和9月的第三个星期一定为“无校园暴力日”（No to School Violence Day）等等。总的来说，韩国的儿童保护体系具有以下特点：1. 健全的法律保护体系 2. 全面的保护网络 3. 系统的儿童保护措施。

Yi Jin believes that the South Korea has established multi-level and comprehensive legal system of child protection based on the Child Welfare Act, and formed a child protection network involving the central government, local governments, non-governmental organizations, communities, child protection agencies and the public. Its child protection measures include the establishment of a comprehensive system for the prevention of child abuse and neglect, the provision of comprehensive support services for child abuse victims, the enhancement of parental capacities and the building of a social environment conducive to the development of children. Subsequently, a series of laws and regulations were passed, including the Act on the Prevention and Control of School Violence in 2004, the Five-Year Plan for the Prevention and Response to School Violence in 2005, aiming at creating a “zero tolerance” environment, as well as the Comprehensive Plan for the Protection of Minors from Harmful Environments, which strengthens the fight against harmful media and institutions and establishes a system for the prevention and control of drug abuse in harmful environments. Moreover, in September 2006, the government

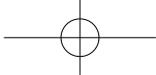


declared the third Monday of March and September as “No To School Violence Day”. Overall, the Korean child protection system has the following characteristics: a sound legal protection system, a comprehensive protection network and systematic child protection measures.

与韩国类似，新加坡的儿童保护法律体系也十分完善。新加坡正式的儿童保护制度始于 1927 年的《儿童保护法令》（Children’s Ordinance），该法旨在为儿童提供保护以防止残暴行为。在第二次世界大战之后，建立了社会福利署，随后经过 60 多年的努力，新加坡的儿童福利制度逐渐形成从综合到专业的儿童权益保护法律体系。包括：1. 制定《儿童和青年法》，该法包括受害儿童的利益保护和未成年人加害人的安置问题两个方面的内容；加入了联合国《儿童权利公约》，明确了儿童的生存权、发展权、受保护权和参与权；2004 年 2 月制定“永久计划”，旨在提供永久的照顾计划来满足孩子的稳定、安全和特殊需求。2. 建立危机处理委员会和审查委员会。3. 确立了社区发展、青年与体育部为国家级的儿童权益保护机构，与其他的政府和非政府组织合作，在全国范围内形成了儿童权益保护体系；建立了儿童虐待登记处为专门的保护儿童权益管理机构，加强和促进对儿童权益的保护（李珊，李小艺，杨健羽，2016）。

Similar to South Korea, Singapore has a well-developed legal system for child protection. Singapore began its formal child protection system with the enactment of Children’s Ordinance in 1927, which aims to protect children from inhumanity. After World War II, the Social Welfare Department was established. After more than 60 years of efforts, Singapore’s child welfare system has evolved from a comprehensive to a professional legal system for the protection of children’s rights and interests. It reflects in several aspects. 1. It has developed the Children and Young Persons Act, which covers both the protection of the interests of child victims and the placement of the minor perpetrators. It has acceded to the UNCRC, clarifying children’s rights to survival, development, protection and participation. Its “Permanent Plan” established in February 2004 provides a permanent care plan to meet the stable, safe and special needs of children. 2. It has established crisis committees and review committees. 3. It has established the Ministry of Social and Family Development as the national child rights protection agency, and has formed a national child rights protection system in cooperation with other governmental and non-governmental organizations. It has also established Child Abuse Register, a special administrative agency for the protection of children’s rights and interests to strengthen and promote the protection of children’s rights and interests (Li Shan, Li Xiaoyi, Yang Jianyu, 2016).

与韩国、新加坡不尽相同，日本的儿童保护体系具有鲜明的“日本特色”。杜亮，王伟剑认为由于日本的儿童福利在很大程度上受到其“儒家文化与市场经济相结合”的经济

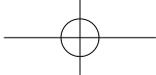


发展模式的影响,故在其儿童福利事业的开展过程中,倾向于将儿童及其家庭作为一个整体。日本虽然没有独立的儿童保护体系,但它的儿童福利政策涵盖了儿童保护等多项内容,形成了特殊的日本型福利国家。1947年日本《儿童福利法》出台,是儿童福利政策的开始,经过几十年的发展、完善,逐渐成为带有浓厚东方传统儒家思想色彩的“日本型儿童福利”,着眼点在于形成对“儿童自立生活援助”。

Different from South Korea and Singapore, Japan's child protection system has distinctive "Japanese characteristics". Du Liang and Wang Weijian believe that the welfare of children in Japan is greatly influenced by its economic development model of "the combination of Confucian culture and market economy". Therefore, Japan tends to regard children and their families as a whole in the course of its child welfare work. Although there is no separate child protection system, Japan's child welfare policy covers many aspects such as child protection, forming a special Japanese welfare state. The enactment of Child Welfare Law in 1947 marked its beginning of the child welfare policy. After decades of development and improvement, the act gradually became a "Japanese type of child welfare" with strong oriental traditional Confucianism, focusing on the "assistance for children's self-supporting life".

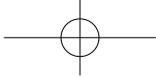
冯博认为日本的儿童福利政策变迁大约包括三个阶段:明治以前、明治后到第二次世界大战结束和战后面向 21 世纪的现代。前两个阶段日本从中世纪封建社会的儿童观——认为孩子对父母要绝对的服从到明治时期把儿童看做国家国力增强的社会资源和未来国家的主人,加强对儿童教育的投入与培养,积极进行对弃儿、病患儿童等进行人道主义救助。直到第二次世界大战以后,以日本战败终结,一方面日本经济萧条,国民生活困窘,大批儿童流离失所,社会不稳定因素增加;另一方面,长期的战争导致社会劳动力的严重不足,大量童工被征用,保护儿童权益问题显得愈发重要。1947年《儿童福利法》的出台,日本真正形成与确立了儿童福利保障制度,它界定了儿童的概念,明确了政府的职责以及确立儿童保护权利的内容。可以说,日本的儿童福利政策是从第二次世界大战以后逐渐形成并完善的。在《儿童福利法》之后,又相继颁布了一系列法律,如《学校教育法》(1947),《少年法》(1948),《生活保护法》(1950),《儿童补贴法》(1971),《育儿假期、对家庭育儿劳动者的福利相关法》(1997),《防止儿童虐待法》(2000)等等,这些法律法规的确立,不仅适应了时代和社会的变化,而且在顾及儿童权益的基础上也明确了在以母亲为中心的家庭结构上国家应负的责任。

According to Feng Bo, the changes of Japan's child welfare policy can be divided into three stages: pre-Meiji era, from post-Meiji era to the end of the World War II, and from post-World War II to the 21st century. In the first two stages, Japan's view on children shifted from one that



children should obey their parents absolutely under the feudal system during the Middle Ages to the other that children should be regarded as the social resources and future masters of the country in the Meiji era. The state strengthened the investment and training in children's education, and actively carried out humanitarian relief for abandoned and sick children. After the World War II, Japan was defeated. On the one hand, Japan was depressed in economy, its people were living in poverty, a large number of children were displaced, and social instability increased. On the other hand, due to a serious shortage of social labor in the long-term war, a large number of child labor was requisitioned. Hence, the protection of children's rights and interests was becoming increasingly important. With the promulgation of the Child Welfare Law in 1947, Japan officially formed and established a child welfare security system, which defined the concept of children, the responsibilities of the government and the content of child protection rights. It can be said that Japan's child welfare policy gradually formed and improved after the World War II. Following the Child Welfare Act, a series of laws have been promulgated, such as the School Education Law (1947), Japanese Juvenile Law (1948), Livelihood Protection Law (1950), Child Subsidy Law (1971), Act on the Welfare of Workers Who Takes Care of Children or Other Family Members Including Child Care and Family Care Leave (1997) and the Law on Child Abuse Prevention (2000). The establishment of those laws and regulations not only adapts to the changes of the times and society, but also clarifies the responsibilities of the state in the context of a mother-centered family structure on the basis of taking into account the rights and interests of children.

综合对日本福利政策的研究，冯博总结出日本的福利政策的有以下几个特点：1. 儿童福利以津贴的形式体现在家庭生活中，主要包括儿童性津贴、儿童抚养津贴、特别儿童抚养津贴以及残疾儿童福利补贴。2. 日本儿童福利政策覆盖面广，适用于所有的日本国籍儿童以及有合法在留资格、一切无论国籍、种族在日本生活的儿童，同时涵盖了生活、就医、教育等方方面面。3. 日本根据儿童相关的各种法律和政策主要由厚生劳动省（相当于中国的劳动部）来承担公众责任作为执行的国家行政机关进行具体的运营实施，同时在各地方政府中管理儿童、妇女、家庭福利的各部门和科室承担具体执行职能。除此之外，还设立儿童相谈所、福利事务所、保健所、民生委员和儿童委员来进一步保障儿童福利的落实，这也形成了中央、地方、民间多元化辅助模式下的相互补充。4. 儿童福利政策不仅仅是为了扶助儿童，还包括了以母子为核心的家庭成员，形成了以母子一体为共同的福利对象。5. 针对儿童生活在法律法规上进行多样化、细致全面的保障，避免了国民对国家的强烈依赖，形成儿童福利化模式的多元供给，国家在儿童福利模式中扮演指导、咨询与监督的角色，同时由各级儿童规划部门协助合作，帮助儿童的个人自立。



Based on the study of Japan's welfare policy, Feng Bo summarizes the following characteristics of Japan's welfare policy: 1. Child welfare is reflected in family life in the form of allowances, mainly including child allowance, child support allowance, special child support allowance and disabled child welfare allowance. 2. Japan's child welfare policy covers a wide range of areas and is applicable to all children of Japanese nationality and those who are legally qualified to stay in Japan, regardless of nationality or race. It also covers all aspects of life, medical treatment, education, etc. 3. The Ministry of Health, Labour and Welfare (equivalent to Ministry of Human Resources and Social Security of the People's Republic of China) takes public responsibility for the implementation of various child-related laws and policies and carry out specific operations as the executing state administrative organ. Meanwhile, the departments and sections of local governments that manage the welfare of children, women and the family take specific executive functions. In addition, Ji Dou Sou Dah Jyo, welfare offices, health care centers, people's livelihood committees and children's committees have also been set up to further ensure the implementation of children's welfare. That has also formed mutual supplement under the multi-support model of the central government, local governments and the people. 4. In addition to children, child welfare policy also expands its scope to include family members with a mother and a child at the core, forming a mother-child common welfare mode. 5. The diversity and meticulous and comprehensive protection of children's life in laws and regulations helps to avoid the strong dependence of the people on the state and form a diversified supply of child welfare model. The state plays a guiding, consulting and supervising role in the child welfare model, while child service planning departments at all levels offers assistance and collaborate with each other to help children become self-reliant.

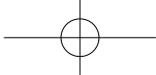
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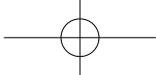
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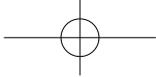
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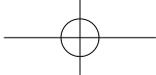
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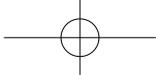
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附录

Appendix

一、本手册政策及其法律法规汇总

I. Summary of Policies, Laws and Rules in the Manual

《中华人民共和国宪法》

Constitution of the People's Republic of China

(2018年3月11日第十三届全国人民代表大会第一次会议通过的《中华人民共和国宪法修正案》修正)

(Amended in accordance with the Amendments to the Constitution of the People's Republic of China adopted at the First Session of the Thirteenth National People's Congress on March 11, 2018)

第四十六条 中华人民共和国公民有受教育的权利和义务。国家培养青年、少年、儿童在品德、智力、体质等方面全面发展。

Article 46 Citizens of the People's Republic of China have the duty as well as the right to receive education. The State promotes the all-round development of children and young people, morally, intellectually and physically.

第四十九条 婚姻、家庭、母亲和儿童受国家的保护。

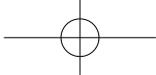
Article 49 Marriage, the family and mother and child are protected by the State.

夫妻双方有实行计划生育的义务。

Both husband and wife have the duty to practise family planning.

父母有抚养教育未成年子女的义务，成年子女有赡养扶助父母的义务。

Parents have the duty to rear and educate their children who are minors, and children who



have come of age have the duty to support and assist their parents.

禁止破坏婚姻自由，禁止虐待老人、妇女和儿童。

Violation of the freedom of marriage is prohibited. Maltreatment of old people, women and children is prohibited.

《中华人民共和国刑法》

Criminal Law of the People's Republic of China

(《中华人民共和国刑法》由1979年7月1日第五届全国人民代表大会第二次会议通过，1979年7月6日全国人民代表大会常务委员会委员长令第五号公布，自1980年1月1日起施行。2017年11月4日第十二届全国人大常委会第三十次会议表决通过修订。)

(Criminal Law of the People's Republic of China was adopted at the Second Session of the Fifth National People's Congress on July 1, 1979, promulgated by Order No.5 of the President of the Standing Committee of the National People's Congress on July 6, 1979 and entered into force as of January 1, 1980. It was amended at the Thirtieth Session of the Twelfth National People's Congress on November 4, 2017.)

第二百三十六条 以暴力、胁迫或者其他手段强奸妇女的，处三年以上十年以下有期徒刑。

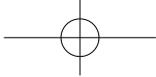
Article 236 Whoever rapes a woman by violence, coercion or any other means shall be sentenced to fixed-term imprisonment of not less than three years but not more than 10 years.

奸淫不满十四周岁的幼女的，以强奸论，从重处罚。

Whoever has sexual intercourse with a girl under the age of 14 shall be deemed to have committed rape and shall be given a heavier punishment.

强奸妇女、奸淫幼女，有下列情形之一的，处十年以上有期徒刑、无期徒刑或者死刑：

Whoever rapes a woman or has sexual intercourse with a girl under the age of 14 shall, in any of the following circumstances, be sentenced to fixed-term imprisonment of not less than 10 years, life imprisonment or death:



(一) 强奸妇女、奸淫幼女情节恶劣的；

(1) The circumstances being flagrant;

(二) 强奸妇女、奸淫幼女多人的；

(2) Raping a number of women or girls under the age of 14;

(三) 在公共场所当众强奸妇女的；

(3) Raping a woman before the public in a public place;

(四) 二人以上轮奸的；

(4) Raping a woman with one or more persons in succession; or

(五) 致使被害人重伤、死亡或者造成其他严重后果的。

(5) Causing serious injury or death to the victim or any other serious consequences.

第二百三十七条 以暴力、胁迫或者其他方法强制猥亵妇女或者侮辱妇女的，处五年以下有期徒刑或者拘役。

Article 237 Whoever acts indecently against or insults a woman by violence, coercion or any other forcible means shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

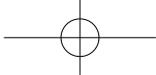
聚众或者在公共场所当众犯前款罪的，处五年以上有期徒刑。

Whoever gathers a number of people to commit the crime mentioned in the preceding paragraph or commits the crime before the public in a public place shall be sentenced to fixed-term imprisonment of not less than five years.

猥亵儿童的，依照前两款的规定从重处罚。

Whoever acts indecently against a child shall be given a heavier punishment in accordance with the provisions of the preceding two paragraphs.

第二百四十条 拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处罚金或者没收财产；情节特别严重的，



处死刑，并处没收财产：

Article 240 Whoever abducts and traffics in a woman or child shall be sentenced to fixed-term imprisonment of not less than five years but not more than 10 years and shall also be fined; if he falls under any of the following categories, he shall be sentenced to fixed-term imprisonment of not less than 10 years or life imprisonment and shall also be fined or sentenced to confiscation of property; if the circumstances are especially serious, he shall be sentenced to death and also to confiscation of property:

(一) 拐卖妇女、儿童集团的首要分子；

(1) Being a ringleader of a gang engaged in abducting and trafficking in women and children;

(二) 拐卖妇女、儿童三人以上的；

(2) Abducting and trafficking in three or more women and/or children;

(三) 奸淫被拐卖的妇女的；

(3) Raping the woman who is abducted and trafficked in;

(四) 诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；

(4) Enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;

(五) 以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的；

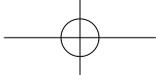
(5) Kidnapping a woman or child by means of violence, coercion or anaesthesia for the purpose of selling the victim;

(六) 以出卖为目的，偷盗婴幼儿的；

(6) Stealing a baby or an infant for the purpose of selling the victim;

(七) 造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；

(7) Causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or



(八) 将妇女、儿童卖往境外的。

(8) Selling a woman or a child out of the territory of China.

拐卖妇女、儿童是指以出卖为目的，有拐骗、绑架、收买、贩卖、接送、中转妇女、儿童的行为之一的。

By abducting and trafficking in a woman or child is meant any of the following acts: abducting, kidnapping, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

第二百四十一条 收买被拐卖的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

Article 241 Whoever buys an abducted woman or child shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

收买被拐卖的妇女，强行与其发生性关系的，依照本法第二百三十六条的规定定罪处罚。

Whoever buys an abducted woman and forces her to have sexual intercourse with him shall be convicted and punished in accordance with the provisions of Article 236 of this Law.

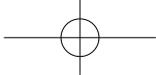
收买被拐卖的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱等犯罪行为的，依照本法的有关规定定罪处罚。

Whoever buys an abducted woman or child and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal acts such as harming and humiliating the victim, shall be convicted and punished in accordance with the relevant provisions of this Law.

收买被拐卖的妇女、儿童，并有第二款、第三款规定的犯罪行为的，依照数罪并罚的规定处罚。

Whoever buys an abducted woman or child and commits the criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes.

收买被拐卖的妇女、儿童又出卖的，依照本法第二百四十条的规定定罪处罚。



Whoever buys an abducted woman or child and sells the victim afterwards shall be convicted and punished in accordance with the provisions of Article 240 of this Law.

收买被拐卖的妇女、儿童，按照被买妇女的意愿，不阻碍其返回原居住地的，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以不追究刑事责任。

Whoever buys an abducted woman or child but does not obstruct the woman from returning to her original place of residence as she wishes or does not maltreat the child nor obstruct his or her rescue may be exempted from being investigated for criminal responsibility.

第二百四十二条 以暴力、威胁方法阻碍国家机关工作人员解救被收买的妇女、儿童的，依照本法第二百七十七条的规定定罪处罚。

Article 242 Whoever, through violence or threat, obstructs functionaries of a State organ from rescuing a sold woman or child shall be convicted and punished in accordance with the provisions of Article 277 of this Law.

聚众阻碍国家机关工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者使用暴力、威胁方法的，依照前款的规定处罚。

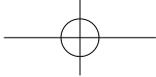
The major culprit who gathers people to prevent functionaries of a State organ from rescuing a sold woman or child shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; the other participants who resort to violence or threat shall be punished in accordance with the provisions of the preceding paragraph.

第二百六十二条 拐骗不满十四周岁的未成年人，脱离家庭或者监护人的，处五年以下有期徒刑或者拘役。

Article 262 Whoever abducts a minor under the age of 14, thereby separating the child from his family or guardian, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

第三百零一条 聚众进行淫乱活动的，对首要分子或者多次参加的，处五年以下有期徒刑、拘役或者管制。

Article 301 Where people are gathered to engage in licentious activities, the ringleaders and the persons who repeatedly take part in such activities shall be sentenced to fixed-term



imprisonment of not more than five years, criminal detention or public surveillance.

引诱未成年人参加聚众淫乱活动的，依照前款的规定从重处罚。

Whoever entices a minor to join people in licentious activities shall be given a heavier punishment in accordance with the provisions of the preceding paragraph.

第三百四十七条 利用、教唆未成年人走私、贩卖、运输、制造毒品，或者向未成年人出售毒品的，从重处罚。

Article 347 Whoever makes use of minors or aids and abets them to smuggle, traffic in, transport or manufacture narcotic drugs or sells narcotic drugs to minors shall be given a heavier punishment.

第三百五十三条 引诱、教唆、欺骗他人吸食、注射毒品的，处三年以下有期徒刑、拘役或者管制，并处罚金；情节严重的，处三年以上七年以下有期徒刑，并处罚金。

Article 353 Whoever lures, aids and abets, or cheats another person into drug ingestion or injection shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance and shall also be fined; if the circumstances are serious, he shall be sentenced to fixed-term imprisonment of not less than three years but not more than seven years and shall also be fined.

引诱、教唆、欺骗或者强迫未成年人吸食、注射毒品的，从重处罚。

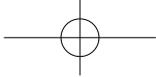
Whoever lures, aids and abets or cheats a minor into drug ingestion or injection or forces a minor to ingest or inject narcotic drugs shall be given a heavier punishment.

第三百五十九条 引诱不满十四周岁的幼女卖淫的，处五年以上有期徒刑，并处罚金。

Article 359 Whoever lures a girl under the age of 14 to engage in prostitution shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.

第三百六十条 嫖宿不满十四周岁的幼女的，处五年以上有期徒刑，并处罚金。

Article 359 Whoever whores with a girl under the age of 14 shall be sentenced to fixed-term imprisonment of not less than five years and shall also be fined.



第四百一十六条 对被拐卖、绑架的妇女、儿童负有解救职责的国家机关工作人员，接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报，而对被拐卖、绑架的妇女、儿童不进行解救，造成严重后果的，处五年以下有期徒刑或者拘役。

Article 416 Any functionary of a State organ who is charged with the functions and responsibilities to rescue a woman or child who is abducted, sold or kidnapped fails to do so on receiving a request for rescue by the victim or by his or her family members or on receiving a report thereon made by any other person, thus causing serious consequences, shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention.

《刑法》附件：全国人民代表大会常务委员会关于严惩拐卖、绑架妇女、儿童的犯罪分子的决定：

Appendix of the Criminal Law: Decision by the Standing Committee of the National People's Congress Regarding the Severe Punishment of Criminals Who Abduct and Traffic in or Kidnap Women or Children:

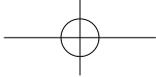
为了严惩拐卖、绑架妇女、儿童的犯罪分子，保护妇女、儿童的人身安全，维护社会治安秩序，对刑法有关规定作如下补充修改：

With a view to severely punishing criminals who abduct and traffic in or kidnap women or children so as to protect the personal safety of women and children and maintain the public security order, the relevant provisions of the Criminal Law are supplemented or amended as follows:

一、拐卖妇女、儿童的，处五年以上十年以下有期徒刑，并处一万元以下罚金；有下列情形之一的，处十年以上有期徒刑或者无期徒刑，并处一万元以下罚金或者没收财产；情节特别严重的，处死刑，并处没收财产：

1. Whoever abducts and traffics in a woman or a child shall be sentenced to fixed-term imprisonment of not less than five years and not more than ten years, and shall concurrently be punished with a fine of not more than 10,000 yuan; if under any of the following circumstances, the offender shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, with the concurrent punishment of a fine of not more than 10,000 yuan or confiscation of property; if the circumstances are especially serious, the offender shall be sentenced to death with the concurrent punishment of confiscation of property:

(一) 拐卖妇女、儿童集团的首要分子；



(1) Being a ringleader of a gang engaged in abducting and trafficking in women and children;

(二) 拐卖妇女、儿童三人以上的；

(2) Abducting and trafficking in three or more women and/or children;

(三) 奸淫被拐卖的妇女的；

(3) Raping the woman who is abducted and trafficked in;

(四) 诱骗、强迫被拐卖的妇女卖淫或者将被拐卖的妇女卖给他人迫使其卖淫的；

(4) Enticing or forcing the woman who is abducted and trafficked in to engage in prostitution, or selling such woman to any other person who would force her to engage in prostitution;

(五) 造成被拐卖的妇女、儿童或者其亲属重伤、死亡或者其他严重后果的；

(5) Causing serious injury or death to the woman or child who is abducted and trafficked in or to her or his relatives or any other serious consequences; or

(六) 将妇女、儿童卖往境外的。

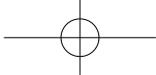
(6) Selling a woman or a child out of the territory of China.

拐卖妇女、儿童是指以出卖为目的，有拐骗、收买、贩卖、接送、中转妇女、儿童的行为之一的。

Abducting and trafficking in a woman or child mean any of the following acts: abducting, buying, trafficking in, fetching, sending, or transferring a woman or child, for the purpose of selling the victim.

二、以出卖为目的，使用暴力、胁迫或者麻醉方法绑架妇女、儿童的，处十年以上有期徒刑或者无期徒刑，并处一万元以下罚金或者没收财产；情节特别严重的，处死刑，并处没收财产。

2. Whoever kidnaps a woman or a child by means of violence, intimidation or anaesthesia for the purpose of selling the victim shall be sentenced to fixed-term imprisonment of not less than ten years or life imprisonment, and shall concurrently be sentenced to a fine of not more than 10,000 yuan or confiscation of property; and if the circumstances are especially serious, the offender shall



be sentenced to death with the concurrent punishment of confiscation of property.

以出卖或者勒索财物为目的，偷盗婴幼儿的，依照本条第一款的规定处罚。

Whoever steals a baby or an infant for the purpose of selling the victim or extorting money or property shall be punished in accordance with the provisions in the first paragraph of this Article.

以勒索财物为目的绑架他人的，依照本条第一款的规定处罚。

Whoever kidnaps any other person or persons for the purpose of extorting money or property shall be punished in accordance with the provisions in the first paragraph of this Article.

三、严禁收买被拐卖、绑架的妇女、儿童。收买被拐卖、绑架的妇女、儿童的，处三年以下有期徒刑、拘役或者管制。

3. It shall be strictly prohibited for anyone to buy a woman or a child who is abducted and trafficked in or kidnapped. Whoever buys a woman or a child who is abducted and trafficked in or kidnapped shall be sentenced to fixed-term imprisonment of not more than three years, criminal detention or public surveillance.

收买被拐卖、绑架的妇女，强行与其发生性关系的，依照刑法关于强奸罪的规定处罚。

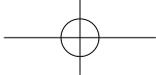
Whoever buys a woman who is abducted and trafficked in or kidnapped and has sexual relations with her against her will shall be punished in accordance with the provisions on the crime of rape in the Criminal Law.

收买被拐卖、绑架的妇女、儿童，非法剥夺、限制其人身自由或者有伤害、侮辱、虐待等犯罪行为的，依照刑法的有关规定处罚。

Whoever buys a woman or a child who is abducted and trafficked in or kidnapped, and illegally deprives the victim of his or her personal freedom or restricts his or her personal freedom, or commits any criminal act such as hurting, insulting or maltreating the victim, shall be punished in accordance with the relevant provisions in the Criminal Law.

收买被拐卖、绑架的妇女、儿童，并有本条第二款、第三款规定的犯罪行为的，依照刑法关于数罪并罚的规定处罚。

Whoever buys a woman or a child who is abducted and trafficked in or kidnapped, and



commits any criminal act as specified in the second or third paragraph of this Article shall be punished in accordance with the provisions on combined punishment for several crimes in the Criminal Law.

收买被拐卖、绑架的妇女、儿童又出卖的，依照本决定第一条的规定处罚。

Whoever buys a woman or a child who is abducted and trafficked in or kidnapped and sells the victim afterwards shall be punished in accordance with the provisions in Article 1 of this Decision.

收买被拐卖、绑架的妇女、儿童，按照被买妇女的意愿，不阻碍其返回原居住地的，对被买儿童没有虐待行为，不阻碍对其进行解救的，可以不追究刑事责任。

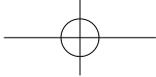
Whoever, having bought a woman or a child who is abducted and trafficked in or kidnapped, does not obstruct the woman from returning to her original place of residence according to her will, or does not maltreat the child nor obstruct his or her rescue, shall be exempted from being investigated for criminal responsibility.

四、任何个人或者组织不得阻碍对被拐卖、绑架的妇女、儿童的解救，并不得向被拐卖、绑架的妇女、儿童及其家属或者解救人索要收买妇女、儿童的费用和生活费用；对已经索取的收买妇女、儿童的费用和生活费用，予以追回。

4. No individual or organization may obstruct the rescue of a woman or a child abducted and trafficked in or kidnapped, nor may any individual or organization extort the costs he or she or it has paid for buying such woman or child and the living expenses thereof from the woman or child who is abducted and trafficked in or kidnapped, or his or her family members, or his or her rescuers. In case such costs and expenses have been extorted, they shall be recovered.

以暴力、威胁方法阻碍国家工作人员解救被收买的妇女、儿童的，依照刑法第一百五十七条的规定处罚；协助转移、隐藏或者以其他方法阻碍国家工作人员解救被收买的妇女、儿童，未使用暴力、威胁方法的，依照治安管理处罚法的规定处罚。

Whoever obstructs with violence or intimidation State functionaries from rescuing a woman or a child who has been bought shall be punished in accordance with the provisions in Article 157 of the Criminal Law; whoever obstructs, by providing assistance in transferring or hiding the victim or by other means, State functionaries from rescuing a woman or a child who has been bought, but without using violence or intimidation, shall be punished in accordance with the



provisions in the Regulations on Administrative Penalties for Public Security.

聚众阻碍国家工作人员解救被收买的妇女、儿童的首要分子，处五年以下有期徒刑或者拘役；其他参与者，依照本条第二款的规定处罚。

Major culprits who gather crowds to prevent State functionaries from rescuing a woman or a child who has been bought shall be sentenced to fixed-term imprisonment of not more than five years or criminal detention; other participants in the offence shall be punished in accordance with the provisions in the second paragraph of this Article.

五、各级人民政府对被拐卖、绑架的妇女、儿童负有解救职责，解救工作由公安机关会同有关部门负责执行。负有解救职责的国家工作人员接到被拐卖、绑架的妇女、儿童及其家属的解救要求或者接到其他人的举报，而对被拐卖、绑架的妇女、儿童不进行解救，造成严重后果的，依照刑法第一百八十七条的规定处罚；情节较轻的，予以行政处分。

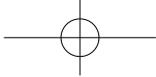
5. The people's governments at various levels shall have the functions and responsibilities to rescue a woman or a child who is abducted and trafficked in or kidnapped. The rescue work shall be carried out by the public security organs in conjunction with the departments concerned. Any State functionary charged with functions and responsibilities to rescue who fails to make any rescue effort on receiving a request for rescue by a woman or a child who is abducted and trafficked in or kidnapped or by his or her family members or on receiving a report thereon made by any other person and therefore results in serious consequences, shall be punished in accordance with the provisions in Article 187 of the Criminal Law; if the circumstances are relatively minor, such State functionary shall be subject to administrative sanctions.

负有解救职责的国家工作人员利用职务阻碍解救的，处二年以上七年以下有期徒刑；情节较轻的，处二年以下有期徒刑或者拘役。

Any State functionary charged with functions and responsibilities to rescue who, by taking advantage of his or her office, hinders the rescue, shall be sentenced to fixed-term imprisonment of not less than two years and not more than seven years; if the circumstances are relatively minor, such State functionary shall be sentenced to fixed-term imprisonment of not more than two years or criminal detention.

六、拐卖、绑架妇女、儿童的非法所得予以没收。罚没收入一律上缴国库。

6. The illegal incomes gained from abducting and trafficking in or kidnapping a woman or a



child shall be confiscated. All the incomes from fines and confiscations shall be turned over to the State Treasury.

七、本决定自公布之日起施行

. This Decision shall enter into force as of the date of promulgation.

《中华人民共和国民法通则》

General Principles of the Civil Law of the People's Republic of China

(中华人民共和国民法通则，是中国对民事活动中一些共同性问题所作的法律规定，是民法体系中的一般法。1986年4月12日由第六届全国人民代表大会第四次会议修订通过，1987年1月1日起施行。2009年第十一届全国人民代表大会常务委员会第十次会议修订。)

(General Principles of the Civil Law of the People's Republic of China covers legal provisions for national circumstances of civil activities and is a general law in the civil law system. It was adopted at the fourth session of the sixth National People's Congress, entered into force as of January 1, 1987 and was amended at the 10th session of the eleventh Standing Committee of the National People's Congress in 2009.)

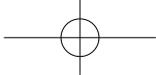
第十一条 十八周岁以上的公民是成年人，具有完全民事行为能力，可以独立进行民事活动，是完全民事行为能力人。

Article 11 A citizen aged 18 or over shall be an adult. He shall have full capacity for civil conduct, may independently engage in civil activities and shall be called a person with full capacity for civil conduct.

十六周岁以上不满十八周岁的公民，以自己的劳动收入为主要生活来源的，视为完全民事行为能力人。

A citizen who has reached the age of 16 but not the age 18 and whose main source of income is his own labor shall be regarded as a person with full capacity for civil conduct.

第十二条 十周岁以上的未成年人是限制民事行为能力人，可以进行与他的年龄、智力相适应的民事活动；其他民事活动由他的法定代理人代理，或者征得他的法定代理人的同意。



不满十周岁的未成年人是无民事行为能力人，由他的法定代理人代理民事活动。

Article 12 A minor aged 10 or over shall be a person with limited capacity for civil conduct and may engage in civil activities appropriate to his age and intellect; in other civil activities, he shall be represented by his agent ad litem or participate with the consent of his agent ad litem. A minor under the age of 10 shall be a person having no capacity for civil conduct and shall be represented in civil activities by his agent ad litem.

第十四条 无民事行为能力人、限制民事行为能力人的监护人是他的法定代理人。

Article 14 The guardian of a person without or with limited capacity for civil conduct shall be his agent ad litem.

第十六条 未成年人的父母是未成年人的监护人。注：未成年人的父母已经死亡或者没有监护能力的，由下列人员中有监护能力的人担任监护人：

Article 16 The parents of a minor shall be his guardians. If the parents of a minor are dead or lack the competence to be his guardian, a person from the following categories who has the competence to be a guardian shall act as his guardian:

(一) 祖父母、外祖父母；

(1) Paternal or maternal grandparent;

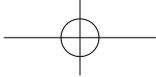
(二) 兄、姐；

(2) Elder brother or sister; or

(三) 关系密切的其他亲属、朋友愿意承担监护责任，经未成年人的父、母的所在单位或者未成年人住所地的居民委员会、村民委员会同意的。

(3) Any other closely connected relative or friend willing to bear the responsibility of guardianship and having approval from the units of the minor's parents or from the neighbourhood or village committee in the place of the minor's residence.

对担任监护人有争议的，由未成年人的父、母的所在单位或者未成年人住所地的居民委员会、村民委员会在近亲属中指定。对指定不服提起诉讼的，由人民法院裁决。



In case of a dispute over guardianship, the units of the minor's parents or the neighbourhood or village committee in the place of his residence shall appoint a guardian from among the minor's near relatives. If disagreement over the appointment leads to a lawsuit, the people's court shall make a ruling.

没有第一款、第二款规定的监护人的，由未成年人的父、母的所在单位或者未成年人住所地的居民委员会、村民委员会或者民政部门担任监护人。

If none of the persons listed in the first two paragraphs of this Article is available to be the guardian, the units of the minor's parents, the neighbourhood or village committee in the place of the minor's residence or the civil affairs department shall act as his guardian.

第十八条 监护人应当履行监护职责，保护被监护人的人身、财产及其他合法权益，除为被监护人的利益外，不得处理被监护人的财产。

Article 18 A guardian shall fulfil his duty of guardianship and protect the person, property and other lawful rights and interests of his wards. A guardian shall not handle the property of his ward unless it is in the ward's interests.

监护人依法履行监护的权利，受法律保护。

A guardian's rights to fulfil his guardianship in accordance with the law shall be protected by law.

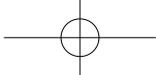
监护人不履行监护职责或者侵害被监护人的合法权益的，应当承担责任；给被监护人造成财产损失的，应当赔偿损失。人民法院可以根据有关人员或者有关单位的申请，撤销监护人的资格。

If a guardian does not fulfil his duties as guardian or infringes upon the lawful rights and interests of his ward, he shall be held responsible; if a guardian causes any property loss for his ward, he shall compensate for such loss. The people's court may disqualify a guardian based on the application of a concerned party or unit.

第一百零四条 婚姻、家庭、老人、母亲和儿童受法律保护。

Article 104 Marriage, the family, old people, mothers and children shall be protected by law.

残疾人的合法权益受法律保护。



The lawful rights and interests of the handicapped shall be protected by law.

第一百三十三条 无民事行为能力人、限制民事行为能力人造成他人损害的，由监护人承担民事责任。监护人尽了监护责任的，可以适当减轻他的民事责任。

Article 133 If a person without or with limited capacity for civil conduct causes damages to others, his guardian shall bear civil liability. If the guardian has done his duty of guardianship, his civil liability may be appropriately reduced.

有财产的无民事行为能力人、限制民事行为能力人造成他人损害的，从本人财产中支付赔偿费用。不足部分，由监护人适当赔偿，但单位担任监护人的除外。

If a person who has property but is without or with limited capacity for civil conduct causes damages to others, the expenses of compensation shall be paid from his property. Shortfalls in such expenses shall be appropriately compensated for by the guardian unless the guardian is a unit.

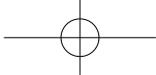
《中华人民共和国治安管理处罚法》

Regulations of the People's Republic of China on Administrative Penalties for Public Security

(2005年8月28日第十届全国人民代表大会常务委员会第十七次会议通过 2005年8月28日中华人民共和国主席令第三十八号公布 自2006年3月1日起施行 根据2012年10月26日第十一届全国人民代表大会常务委员会第二十九次会议通过 2012年10月26日中华人民共和国主席令第67号公布 自2013年1月1日起施行的《全国人民代表大会常务委员会关于修改〈中华人民共和国治安管理处罚法〉的决定》修正)

(Adopted at the 17th Meeting of the Standing Committee of the Tenth National People's Congress on August 28, 2005 and promulgated by Order No.38 of the President of the People's Republic of China on August 28, 2005; amended in accordance with the Decision on Amending the Regulations of the People's Republic of China on Administrative Penalties for Public Security that was adopted at the 29th Meeting of the Standing Committee of the Eleventh National People's Congress on October 26, 2012, promulgated by Order No.67 of President of the People's Republic of China on October 26, 2012 and entered into force as of January 1, 2013)

第十二条 已满十四周岁不满十八周岁的人违反治安管理的，从轻或者减轻处罚；不



满十四周岁的人违反治安管理的，不予处罚，但是应当责令其监护人严加管教。

Article 12 Where a person who attains to the age of 14 but is less than 18 years old violates public security administration, he shall be given a lighter or mitigated punishment. Where a person who is less than 14 years old violates public security administration, he (she) shall be immune from punishment, but his guardian shall be ordered to offer him strict custodian education.

第二十一条 违反治安管理行为有下列情形之一的，依照本法应当给予行政拘留处罚的，不执行行政拘留处罚：

Article 21 Where a violator of public security administration is under any of the following circumstances, if he should be given a punishment of administrative detention under this Law, the punishment of administrative detention shall not be executed:

(一) 已满十四周岁不满十六周岁的；

(1) He (She) attains to the age of 14 but is under the age of 16;

(二) 已满十六周岁不满十八周岁，初次违反治安管理的；

(2) He (She) attains to the age of 16 but less than the age of 18 and violates public security administration for the first time;

(三) 七十周岁以上的；

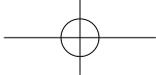
(3) He (She) attains to the age of 70 or more; or

(四) 怀孕或者哺乳自己不满一周岁婴儿的。

(4) She (is) pregnant or is breast-feeding her baby of less than 1 year old.

第四十条 有下列行为之一的，处十日以上十五日以下拘留，并处五百元以上一千元以下罚款；情节较轻的，处五日以上十日以下拘留，并处二百元以上五百元以下罚款：

Article 40 Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and shall be concurrently fined not less than 500 yuan but not more than 1,000 yuan. If the circumstances are relatively lenient, he (she) shall be detained for not less than 5 days but not more than 10 days, and shall be concurrently fined not less than 200 yuan



but not more than 500 yuan:

(一) 组织、胁迫、诱骗不满十六周岁的人或者残疾人进行恐怖、残忍表演的；

(1) Organizing, coercing or inducing any minor who hasn't attained to the age of 16 or a disabled person to make terrific or cruel performances;

(二) 以暴力、威胁或者其他手段强迫他人劳动的；

(2) Forcing any other person to work by violence, menace or by any other means; or

(三) 非法限制他人人身自由、非法侵入他人住宅或者非法搜查他人身体的。

(3) Illegally restricting the personal freedom of any other person, illegally intruding the house of any other person or illegally searching the body of any other person.

第四十三条 殴打他人的，或者故意伤害他人身体的，处五日以上十日以下拘留，并处二百元以上五百元以下罚款；情节较轻的，处五日以下拘留或者五百元以下罚款。

Article 43 Anyone who blows any person or intentionally injures the body of any person shall be detained for not less than 5 days but not more than 10 days, and shall be fined not less than 200 yuan but not more than 500 yuan. If the circumstances are lenient, he (she) shall be detained for not more than 5 days or shall be fined not more than 500 yuan.

有下列情形之一的，处十日以上十五日以下拘留，并处五百元以上一千元以下罚款：

Anyone who commits any of the following acts shall be detained for not less than 10 days but not more than 15 days, and shall be fined not less than 500 yuan but not more than 1, 000 yuan:

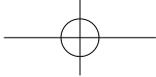
(一) 结伙殴打、伤害他人的；

(1) Beating or injuring any person by forming a group;

(二) 殴打、伤害残疾人、孕妇、不满十四周岁的人或者六十周岁以上的人的；

(2) Beating or injuring any person who is disabled, pregnant, under the age of 14 or more than 60 years old; or

(三) 多次殴打、伤害他人或者一次殴打、伤害多人的。



(3) Beating or injuring any person for two or more times, or beating or injuring several people at a time.

第四十四条 猥亵他人的，或者在公共场所故意裸露身体，情节恶劣的，处五日以上十日以下拘留；猥亵智力残疾人、精神病人、不满十四周岁的人或者有其他严重情节的，处十日以上十五日以下拘留。

Article 44 A person who molests another person or intentionally exposes his/her body in a public place, if the circumstances are abominable, shall be detained for not less than 5 days but not more than 10 days; if a person molests a mentally disabled person, or a person suffering mental disorder, or a person who has not attained to the age of 14, or commits such act with other serious circumstances, he shall be detained for not less than 10 days but not more than 15 days.

第四十五条 有下列行为之一的，处五日以下拘留或者警告：

Article 45 Anyone who commits any of the following acts shall be detained for not more than 5 days or shall be given a warning:

(一) 虐待家庭成员，被虐待人要求处理的；

(1) Maltreating his (her) family member; the maltreated person requests for punishing him or her; or

(二) 遗弃没有独立生活能力的被扶养人的。

(2) Abandoning any person who hasn't the abilities of living by himself and shall be supported by him (her).

第八十四条 询问笔录应当交被询问人核对；对没有阅读能力的，应当向其宣读。记载有遗漏或者差错的，被询问人可以提出补充或者更正。被询问人确认笔录无误后，应当签名或者盖章，询问的人民警察也应当在笔录上签名。

Article 84 The interrogatory transcripts shall be presented to the interrogated for verification. If the interrogated cannot read, the transcripts shall be read out to him. Where there is any omission or mistake in the transcripts, the interrogated may suggest a supplement or correction. When the interrogated assures that there is no error or mistake in the transcripts, he shall affix his signature or seal to the transcripts, to which the people's policeman who effects the interrogation shall also

affix his own signature.

被询问人要求就被询问事项自行提供书面材料的，应当准许；必要时，人民警察也可以要求被询问人自行书写。

Where the interrogated requests for providing written materials by himself regarding the matters he is interrogated of, such request shall be permitted; where necessary, the people's policeman may also demand the interrogated to produce written materials by himself.

询问不满十六周岁的违反治安管理行为人，应当通知其父母或者其他监护人到场。

To interrogate any violator of public security administration who is under the age of sixteen, the parents or any other guardian of the violator shall be informed to be present.

《中华人民共和国婚姻法》

Marriage Law of the People's Republic of China

(1980年9月10日，第五届全国人民代表大会第三次会议通过新的《中华人民共和国婚姻法》，自1981年1月1日起施行。2001年4月28日第九届全国人民代表大会常务委员会第二十一次会议修正。)

(Adopted at the Third Session of the Fifth National People's Congress on September 10, 1980 and entered into force as of January 1, 1981; amended at the 21st Meeting of the Standing Committee of the Ninth National People's Congress on April 28, 2001.)

第二条 实行婚姻自由、一夫一妻、男女平等的婚姻制度。

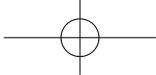
Article 2 A marriage system based on the free choice of partners, on monogamy and on equality between man and woman shall be applied.

保护妇女、儿童和老人的合法权益。

The lawful rights and interests of women, children and old people shall be protected.

实行计划生育。

Family planning shall be practised.



第二十一条 父母对子女有抚养教育的义务；子女对父母有赡养扶助的义务。

Article 21 Parents shall have the duty to bring up and educate their children; children shall have the duty to support and assist their parents.

父母不履行抚养义务时，未成年的或不能独立生活的子女，有要求父母付给抚养费的权利。

If parents fail to perform their duty, children who are minors or are not capable of living on their own shall have the right to demand the costs of upbringing from their parents.

子女不履行赡养义务时，无劳动能力的或生活困难的父母，有要求子女付给赡养费的权利。

If children fail to perform their duty, parents who are unable to work or have difficulty in providing for themselves shall have the right to demand support payments from their children.

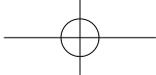
禁止溺婴、弃婴和其他残害婴儿的行为。

Infanticide by drowning, abandonment of infants and all other acts causing serious harm to infants shall be prohibited.

第二十三条 父母有保护和教育未成年子女的权利和义务。在未成年子女对国家、集体或他人造成损害时，父母有承担民事责任的义务。

Article 23 Parents shall have the right and duty to protect and educate their children who are minors. If children who are minors cause damage to the State, the collective or individuals, their parents shall have the duty to bear civil liability.

第二十八条 有负担能力的祖父母、外祖父母，对于父母已经死亡或父母无力抚养的未成年的孙子女、外孙子女，有抚养的义务。有负担能力的孙子女、外孙子女，对于子女已经死亡或子女无力赡养的祖父母、外祖父母，有赡养的义务。



Article 28 Grandparents and maternal grandparents who can afford it shall have the duty to bring up their grandchildren and maternal grandchildren who are minors and whose parents are dead or have no means to bring them up. Grandchildren and maternal grandchildren who can afford it shall have the duty to support their grandparents and maternal grandparents whose children are dead or have no means to support them.

第二十九条 有负担能力的兄、姐，对于父母已经死亡或父母无力抚养的未成年的弟、妹，有扶养的义务。由兄、姐扶养长大的有负担能力的弟、妹，对于缺乏劳动能力又缺乏生活来源的兄、姐，有扶养的义务。

Article 29 Elder brothers and elder sisters who can afford it shall have the duty to maintain their younger brothers and sisters who are minors, if their parents are dead or have no means to bring them up. Younger brothers or sisters who are brought up by their elder brothers or sisters and can afford it shall have the duty to maintain their elder brothers or sisters who lack not only the ability to work but also source of income.

《中华人民共和国妇女权益保障法》

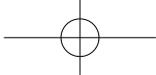
Law of the People's Republic of China on the Protection of Women's Rights and Interests

(1992年4月3日第七届全国人民代表大会第五次会议通过根据2005年8月28日第十届全国人民代表大会常务委员会第十七次会议《关于修改〈中华人民共和国妇女权益保障法〉的决定》修正。)

(Adopted at the 5th Session of the Seventh National People's Congress on April 3, 1992 and amended according to the Decision of the 17th Session of the Standing Committee of the Tenth National People's Congress about Amending the Law of the People's Republic of China on the Protection of Women's Rights and Interests on August 28, 2005.)

第十六条 学校和有关部门应当执行国家有关规定，保障妇女在入学、升学、毕业分配、授予学位、派出留学等方面享有与男子平等的权利。

Article 16 Schools and departments concerned shall, by implementing the relevant regulations of the state, guarantee that women enjoy equal rights with men in such aspects as



starting school, entering a higher school, job assignment upon graduation, conferment of academic degrees and dispatch for study abroad.

学校在录取学生时，除特殊专业外，不得以性别为由拒绝录取女性或者提高对女性的录取标准。

When a school recruits students, it shall not, except for some particular specialties, refuse to recruit the female students or raise the standards on the recruitment of female students for the reason of gender.

第十七条 学校应当根据女性青少年的特点，在教育、管理、设施等方面采取措施，保障女性青少年身心健康发展。

Article 17 Schools shall, in line with the characteristics of female adolescents, take measures in respect of education, management and facilities so as to ensure their sound development in body and in mind.

第十八条 父母或者其他监护人必须履行保障适龄女性儿童少年接受义务教育的义务。

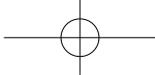
Article 18 Parents or other guardians must perform their duty of ensuring that female school-age children or adolescents receive the compulsory education.

除因疾病或者其他特殊情况经当地人民政府批准的以外，对不送适龄女性儿童少年入学的父母或者其他监护人，由当地人民政府予以批评教育，并采取有效措施，责令送适龄女性儿童少年入学。

Where parents or other guardians fail to send female school-age children or adolescents to school, the local people's governments shall admonish and criticize them and, by adopting effective measures, order them to send their female school-age children or adolescents to school, with the exception of those who, on account of illness or other special circumstances, are allowed by the local people's governments not to go to school.

政府、社会、学校应当采取有效措施，解决适龄女性儿童少年就学存在的实际困难，并创造条件，保证贫困、残疾和流动人口中的适龄女性儿童少年完成义务教育。

The government, society and schools shall take effective measures to solve the actual difficulties for the female children of the right age of schooling to receive education and shall



create chances to ensure the female children of the right age of schooling among the poor, disabled and migrant population to finish the compulsory education.

第三十八条 妇女的生命健康权不受侵犯。禁止溺、弃、残害女婴。

Article 38 Women's right of life and health shall be inviolable. Drowning, abandoning or cruel infanticide in any manner of female babies shall be prohibited.

《禁止使用童工规定》

Provisions on the Prohibition of Using Child Labour

(2002年9月18日国务院第63次常务会议通过，自2002年12月1日起施行。)

(Adopted at the 63rd executive meeting of the State Council on September 18, 2002 and entered into force from December 1, 2002.)

第一条 为保护未成年人的身心健康，促进义务教育制度的实施，维护未成年人的合法权益，根据宪法和劳动法、未成年人保护法，制定本规定。

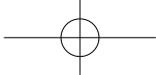
Article 1 These Provisions are formulated in accordance with the Constitution, the Labour Law and the Law on the Protection of Minors for the purposes of protecting the physical and mental health of minors, promoting the implementation of the system for compulsory education and safeguarding the lawful rights and interests of minors.

第二条 国家机关、社会团体、企业事业单位、民办非企业单位或者个体工商户（以下统称用人单位）均不得招用不满16周岁的未成年人（招用不满16周岁的未成年人，以下统称使用童工）。

Article 2 No State organs, social organizations, enterprises, institutions, private non-enterprise units, or individual industrial and commercial businesses (hereinafter referred to as employing units) may recruit and hire minors under the age of 16 (the term "hiring minors under the age of 16" is hereinafter referred uniformly to as "use of child labour").

禁止任何单位或者个人为不满16周岁的未成年人介绍就业。

All units and individuals are prohibited from providing job placement service to minors



under the age of 16.

禁止不满 16 周岁的未成年人开业从事个体经营活动。

Minors under the age of 16 are prohibited from starting business and engaging in individual business operation activities.

第三条 不满 16 周岁的未成年人的父母或者其他监护人应当保护其身心健康，保障其接受义务教育的权利，不得允许其被用人单位非法招用。

Article 3 The parents or guardians of minors under the age of 16 shall protect their physical and mental health, safeguard their rights to compulsory education and shall not permit them to be illegally hired by employing units.

不满 16 周岁的未成年人的父母或者其他监护人允许其被用人单位非法招用的，所在地的乡（镇）人民政府、城市街道办事处以及村民委员会、居民委员会应当给予批评教育。

Where the parents or guardians of minors under the age of 16 permit them to be illegally hired by employing units, the people's government of the township (town), the urban subdistrict office, the villagers' committee or the residents' committee where they are located shall criticize and educate the parents or guardians.

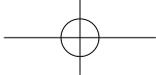
第四条 用人单位招用人员时，必须核查被招用人员的身份证；对不满 16 周岁的未成年人，一律不得录用。用人单位录用人员的录用登记、核查材料应当妥善保管。

Article 4 Employing units, when recruiting employees, shall verify the identification card of the recruited; no minors under the age of 16 shall be recruited. The employing units shall properly preserve the documents for recruitment registration and verification.

第五条 县级以上各级人民政府劳动保障行政部门负责本规定执行情况的监督检查。

Article 5 Labour and social security administrative departments of the people's governments at or above the county level shall be responsible for the supervision over and inspection of the enforcement of these Provisions.

县级以上各级人民政府公安、工商行政管理、教育、卫生等行政部门在各自职责范围内对本规定的执行情况进行监督检查，并对劳动保障行政部门的监督检查给予配合。



Administrative departments for public security, industrial and commercial administration, education and public health, etc. of the people's governments at or above the county level shall supervise and inspect the enforcement of these Provisions within their jurisdiction and support the supervision and inspection conducted by the labour and social security administrative departments.

工会、共青团、妇联等群众组织应当依法维护未成年人的合法权益。

Trade unions, Youth Leagues, Women's Federations and other social organizations shall protect the lawful rights and interests of minors in accordance with law.

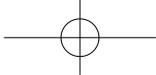
任何单位或者个人发现使用童工的，均有权向县级以上人民政府劳动保障行政部门举报。

Any unit or individual shall, where discovering child labour, have the right to report the case to the labour and social security administrative department of the people's government at or above the county level.

第六条 用人单位使用童工的，由劳动保障行政部门按照每使用一名童工每月处 5000 元罚款的标准给予处罚；在使用有毒物品的作业场所使用童工的，按照《使用有毒物品作业场所劳动保护条例》规定的罚款幅度，或者按照每使用一名童工每月处 5000 元罚款的标准，从重处罚。劳动保障行政部门并应当责令用人单位限期将童工送回原居住地交其父母或者其他监护人，所需交通和食宿费用全部由用人单位承担。

Article 6 In the case of use of child labour by an employing unit, the labour and social security administrative department shall punish it by the standard of fining 5,000 yuan for each of children employed per month; in the case of use of child labour in workplaces where toxic substances are used, a heavier punishment shall be imposed in consistence with the fine range stipulated in the Regulations on labour Protection in Workplaces Where Toxic Substances Are Used, or by the standard of fining 5,000 yuan for each of children employed per month. The labour and social security administrative department shall order the employing unit to send the children back to their original places of residence and hand them to their parents or other guardians within a prescribed period, and all the costs of transportation and accommodations so entailed shall be borne by the employing unit.

用人单位经劳动保障行政部门依照前款规定责令限期改正，逾期仍不将童工送交其父母或者其他监护人的，从责令限期改正之日起，由劳动保障行政部门按照每使用一名童工



每月处 1 万元罚款的标准处罚，并由工商行政管理部门吊销其营业执照或者由民政部门撤销民办非企业单位登记；用人单位是国家机关、事业单位的，由有关单位依法对直接负责的主管人员和其他直接责任人员给予降级或者撤职的行政处分或者纪律处分。

Where the employing unit, when ordered to make corrections by the labour and social security administrative department in accordance with the preceding paragraph, fails to send the child labourers back to their parents or other guardians within the prescribed period, the labour and social security administrative department shall punish it by the standard of fining 10,000 yuan for each of children employed per month from the date of ordering corrections to be made within the prescribed period, and the department for industrial and commercial administration shall revoke their business licenses or, the civil affairs department shall cancel the non-enterprise unit registration; if the employing unit is a State organ or public institution, the relevant units shall impose administrative or disciplinary sanctions of demotion or discharging from the post on the persons in charge directly responsible and other persons directly responsible.

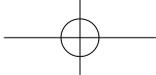
第七条 单位或者个人为不满 16 周岁的未成年人介绍就业的，由劳动保障行政部门按照每介绍一人处 5000 元罚款的标准给予处罚；职业中介机构为不满 16 周岁的未成年人介绍就业的，并由劳动保障行政部门吊销其职业介绍许可证。

Article 7 Where a unit or an individual provides job placement service to minors under the age of 16, the labour and social security administrative department shall punish it by the standard of fining 5,000 yuan for each of the minors placed; where a job placement service agency provides job placement service to minors under the age of 16, the labour and social security administrative department shall also revoke its job placement license.

第八条 用人单位未按照本规定第四条的规定保存录用登记材料，或者伪造录用登记材料的，由劳动保障行政部门处 1 万元的罚款。

Article 8 Any employing unit that fails to preserve, or forges the documents for recruitment registration according to the provisions of Article 4 of these Provisions shall be fined 10,000 yuan by the labour and social security administrative department.

第九条 无营业执照、被依法吊销营业执照的单位以及未依法登记、备案的单位使用童工或者介绍童工就业的，依照本规定第六条、第七条、第八条规定的标准加一倍罚款，该非法单位由有关的行政主管部门予以取缔。



Article 9 Any unit that has no business license or whose business license is revoked according to law or any unit that has not been registered or submitted itself for the record according to law employs a child or provides job placement services to a child shall be fined twice of the standards stipulated in Article 6, 7 or 8 of these Provisions, and that illegal unit shall be banned by the relevant competent administrative department.

第十条 童工患病或者受伤的，用人单位应当负责送到医疗机构治疗，并负担治疗期间的全部医疗和生活费用。

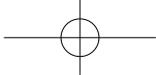
Article 10 Where a child employed is sick or injured, the employing unit shall bring him to the medical institution for treatment and bear all the medical and living costs during the period of treatment.

童工伤残或者死亡的，用人单位由工商行政管理部门吊销营业执照或者由民政部门撤销民办非企业单位登记；用人单位是国家机关、事业单位的，由有关单位依法对直接负责的主管人员和其他直接责任人员给予降级或者撤职的行政处分或者纪律处分；用人单位还应当一次性地对伤残的童工、死亡童工的直系亲属给予赔偿，赔偿金额按照国家工伤保险的有关规定计算。

Where a child employed is disabled or dead, the department for industrial and commercial administration shall revoke the business license of the employing unit or, the civil affairs department shall cancel the non-enterprise unit registration; if the employing unit is a State organ or an institution, the relevant unit shall impose administrative or disciplinary sanctions of demotion or discharging from the post on the persons in charge directly responsible and other persons directly responsible; the employing unit shall also pay lump sum compensation to the lineal relatives of the disabled or dead child labourer, and the amount of compensation shall be fixed in accordance with the provisions on work-related injury insurance of the State.

第十一条 拐骗童工，强迫童工劳动，使用童工从事高空、井下、放射性、高毒、易燃易爆以及国家规定的第四级体力劳动强度的劳动，使用不满 14 周岁的童工，或者造成童工死亡或者严重伤残的，依照刑法关于拐卖儿童罪、强迫劳动罪或者其他罪的规定，依法追究刑事责任。

Article 11 Whoever abducts a child for use as a labourer, forces a child to work, employs a child to be engaged in work high above the ground or down in the pit, work involving radioactive, highly poisonous, inflammable or explosive substances or work of the 4th degree labour intensity



as stipulated by the State, or employs a child under the age of 14, or causes death or severe injury to a child employed, shall be investigated for criminal liability in accordance with the provisions of the criminal law on the crime of abducting and trafficking in children, the crime of forced labour or other crimes.

第十二条 国家行政机关工作人员有下列行为之一的，依法给予记大过或者降级的行政处分；情节严重的，依法给予撤职或者开除的行政处分；构成犯罪的，依照刑法关于滥用职权罪、玩忽职守罪或者其他罪的规定，依法追究刑事责任：

Article 12 The staff members of the government administrative departments who commit one of the following acts shall be given administrative sanctions of recording a serious demerit or demotion according to law, shall be discharged from the post or dismissed according to law if the circumstances are serious, and shall be investigated for criminal liability in accordance with the provisions of the criminal law on the crime of abuse of power, the crime of neglect of duty or other crimes if a crime is constituted:

(一) 劳动保障等有关部门工作人员在禁止使用童工的监督检查工作中发现使用童工的情况，不予制止、纠正、查处的；

(1) The staff members of the labour and social security administrative departments and other relevant departments fail to stop, rectify and investigate and punish those who employ children, when they discover that children are employed in the course of supervision and inspection of the prohibition of child labour;

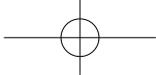
(二) 公安机关的人民警察违反规定发放身份证或者在身份证上登录虚假出生年月的；

(2) The people's policemen of the public security organs issue identification cards or record false date of birth in the identification cards in violation of relevant provisions;

(三) 工商行政管理部门工作人员发现申请人是不满 16 周岁的未成年人，仍然为其从事个体经营发放营业执照的。

(3) The staff members of the departments for industrial and commercial administration issue a business license for engaging in individual business when discovering that the applicant is a minor under the age of 16.

第十三条 文艺、体育单位经未成年人的父母或者其他监护人同意，可以招用不满



16 周岁的专业文艺工作者、运动员。用人单位应当保障被招用的不满 16 周岁的未成年人的身心健康，保障其接受义务教育的权利。文艺、体育单位招用不满 16 周岁的专业文艺工作者、运动员的办法，由国务院劳动保障行政部门会同国务院文化、体育行政部门制定。

Article 13 Artistic or sports units may, upon agreement by their parents or guardians, recruit minors under the age of 16 as professional artists or sportsmen. The employing units shall protect the physical and mental health of the minors recruited under the age of 16 and guarantee their rights to compulsory education. The measures for recruitment of professional artists and sportsmen under the age of 16 by the artistic or sports units shall be formulated by the labour and social security administrative department of the State Council jointly with the culture administrative department and the physical culture and sports administrative department of the State Council.

学校、其他教育机构以及职业培训机构按照国家有关规定组织不满 16 周岁的未成年人进行不影响其人身安全和身心健康的教育实践劳动、职业技能培训劳动，不属于使用童工。

The work conducted by minors under the age of 16 in educational practical and vocational training program organized by schools, other educational institutions or vocational training institutions according to the relevant provisions of the State, which does not affect their safety and physical and mental health, shall not fall into the category of child labour.

第十四条 本规定自 2002 年 12 月 1 日起施行。1991 年 4 月 15 日国务院发布的《禁止使用童工规定》同时废止。

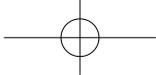
Article 14 These Provisions shall be effective as of December 1, 2002. The Provisions on Prohibition of Child Labour promulgated by the State Council on April 15, 1991 shall be repealed simultaneously.

《中华人民共和国残疾人保障法》

Law of the People's Republic of China on the Protection of Disabled Persons

(1990 年 12 月 28 日第七届全国人民代表大会常务委员会第十七次会议通过 1990 年 12 月 28 日中华人民共和国主席令第三十六号公布 自 1991 年 5 月 15 日起施行。)

(Adopted at the 17th Meeting of the Standing Committee of the Seventh National People's



Congress on December 28, 1990, promulgated by Order No. 36 of the President of the People's Republic of China on December 28, 1990, and effective as of May 15, 1991.)

第十八条 国家保障残疾人受教育的权利。

Article 18 The State shall guarantee the right of disabled persons to education.

各级人民政府应当将残疾人教育作为国家教育事业的组成部分，统一规划，加强领导。

People's governments at various levels shall make education of disabled persons a component of the State educational programme, strengthen leadership in this respect and include it in their overall planning.

国家、社会、学校和家庭对残疾儿童、少年实施义务教育。

The State, society, schools and families shall provide compulsory education to disabled children and juveniles.

国家对接受义务教育的残疾学生免收学费，并根据实际情况减免杂费。国家设立助学金，帮助贫困残疾学生就学。

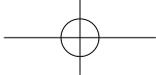
The State shall exempt disabled students who accept compulsory education from tuition and reduce fees or exempt them from fees in the light of actual conditions. The State shall offer grants to aid students who are poor and disabled.

第二十二条 普通教育机构对具有接受普通教育能力的残疾人实施教育。

Article 22 Ordinary educational institutions shall provide education to disabled persons who are able to respond to ordinary education.

普通小学、初级中等学校，必须招收能适应其学习生活的残疾儿童、少年入学；普通高级中等学校、中等专业学校、技工学校和高等院校，必须招收符合国家规定的录取标准的残疾考生入学，不得因其残疾而拒绝招收；拒绝招收的，当事人或者其亲属、监护人可以要求有关部门处理，有关部门应当责令该学校招收。

rdinary primary schools and junior middle schools must admit disabled children or juveniles who are able to adapt themselves to life and study there; ordinary senior middle schools, secondary polytechnic schools, technical schools and institutions of higher learning must admit disabled



students who meet the state admission requirements and shall not deny their admission for their disabilities; in case of such denial, the disabled student, his/her family members or guardian may appeal to the relevant authorities for disposition. The relevant authorities shall instruct the school concerned to accept the student.

普通幼儿教育机构应当接收能适应其生活的残疾幼儿。

Ordinary institutions of preschool education shall admit disabled children who are able to adapt themselves to the life there.

第二十三条 残疾幼儿教育机构、普通幼儿教育机构附设的残疾儿童班、特殊教育学校的学前班、残疾儿童福利机构、残疾儿童家庭，对残疾儿童实施学前教育。

Article 23 Preschool education institutions for the disabled, classes for disabled children attached to ordinary preschool education institutions, preschool classes of special education schools, welfare institutions for disabled children and families of disabled children shall be responsible for preschool education of disabled children.

初级中等以下特殊教育学校和普通学校附设的特殊教育班，对不具有接受普通教育能力的残疾儿童、少年实施义务教育。

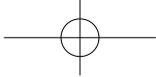
pecial schools at or below junior middle school level and special classes attached to ordinary schools shall be responsible for the implementation of compulsory education for disabled children and juveniles who are not able to respond to ordinary education.

高级中等以上特殊教育学校、普通学校附设的教育班和残疾人职业技术教育机构，对符合条件的残疾人实施高级中等以上文化教育、职业技术教育。

Special schools and special classes attached to ordinary schools at or above senior middle school level as well as institutions of vocational and technical education for disabled persons shall be responsible for providing cultural education at or above senior middle school level and vocational and technical education for eligible disabled persons.

《中华人民共和国义务教育法》

Compulsory Education Law of the People's Republic of China



(《中华人民共和国义务教育法》1986年4月12日由第六届全国人民代表大会第四次会议通过，1986年7月1日起施行。当前版本是2015年4月24日第十二届全国人民代表大会常务委员会第十四次会议修正。)

(Compulsory Education Law of the People's Republic of China was adopted at the Fourth Session of the Sixth National People's Congress on April 12, 1986 and shall come into force as of July 1, 1986. The current version was revised at the 14th Meeting of the Standing Committee of the 12th National People's Congress on April 24, 2015.)

《中华人民共和国义务教育法》是为了保障适龄儿童、少年接受义务教育的权利，保证义务教育的实施，提高全民族素质，根据宪法和教育法而制定的法律。

The Compulsory Education Law of the People's Republic of China is a law enacted in accordance with the Constitution and the Education Law for the purpose of ensuring the right of school-age children and adolescents to compulsory education, guaranteeing provision of compulsory education and improving the qualities of the whole nation.

第一条 为了保障适龄儿童、少年接受义务教育的权利，保证义务教育的实施，提高全民族素质，根据宪法和教育法，制定本法。

Article 1 For the purpose of guaranteeing the right to compulsory education of school-age children and adolescents, ensuring the implementation of the compulsory education policy and enhancing the quality of the whole nation, this Law was formulated in accordance with the Constitution and the Education Law of the People's Republic of China.

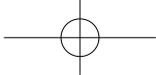
第二条 国家实行九年义务教育制度。

Article 2 The State adopts a system of 9-year compulsory education.

义务教育是国家统一实施的所有适龄儿童、少年必须接受的教育，是国家必须予以保障的公益性事业。

Compulsory education means education which is implemented uniformly by the State and shall be received by all school-age children and adolescents. It is a public welfare cause that shall be guaranteed by the State.

实施义务教育，不收学费、杂费。



No tuition or miscellaneous fee may be charged in the implementation of compulsory education.

国家建立义务教育经费保障机制，保证义务教育制度实施。

The State shall establish a guarantee mechanism for operating funds for compulsory education in order to ensure the implementation of the system of compulsory education.

第三条 义务教育必须贯彻国家的教育方针，实施素质教育，提高教育质量，使适龄儿童、少年在品德、智力、体质等方面全面发展，为培养有理想、有道德、有文化、有纪律的社会主义建设者和接班人奠定基础。

Article 3 In compulsory education, the State policy on education shall be implemented and quality-oriented education shall be carried out to improve the education quality and enable children and adolescents to achieve all-round development — morally, intellectually and physically — so as to lay the foundation for cultivating well-educated and self-disciplined builders of socialism with high ideals and moral integrity.

第四条 凡具有中华人民共和国国籍的适龄儿童、少年，不分性别、民族、种族、家庭财产状况、宗教信仰等，依法享有平等接受义务教育的权利，并履行接受义务教育的义务。

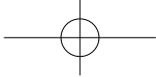
Article 4 All children and adolescents who have the nationality of the People's Republic of China and have reached the school age shall have equal right and have the obligation to receive compulsory education, regardless of gender, nationality, race, status of family property, religious belief, etc.

第五条 各级人民政府及其有关部门应当履行本法规定的各项职责，保障适龄儿童、少年接受义务教育的权利。

Article 5 The people's governments at all levels and their relevant departments shall perform all functions as prescribed by this Law and shall ensure the right to compulsory education of all school-age children and adolescents.

适龄儿童、少年的父母或者其他法定监护人应当依法保证其按时入学接受并完成义务教育。

The parents or other statutory guardians of school-age children and adolescents shall



ensure that school-age children and adolescents go to school to receive and complete compulsory education.

依法实施义务教育的学校应当按照规定标准完成教育教学任务，保证教育教学质量。

The schools lawfully carrying out compulsory education shall complete the educational and teaching tasks as required and ensure the educational and teaching quality.

社会组织和个人应当为适龄儿童、少年接受义务教育创造良好的环境。

Social organizations and individuals shall create a good environment for the school-age children and adolescents to receive compulsory education.

第十一条 凡年满六周岁的儿童，其父母或者其他法定监护人应当送其入学接受并完成义务教育；条件不具备的地区的儿童，可以推迟到七周岁。

Article 11 Any child who has attained to the age of 6, his (her) parents or other statutory guardians shall have him (her) enrolled in school to finish the compulsory education. For the children in those areas where it is not possible, the initial time of schooling may be postponed to 7 years old.

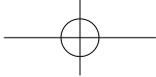
适龄儿童、少年因身体状况需要延缓入学或者休学的，其父母或者其他法定监护人应当提出申请，由当地乡镇人民政府或者县级人民政府教育行政部门批准。

If, on account of illness or other special circumstances, where a school-age child or adolescent needs to postpone his (her) enrollment or suspend his (her) schooling, his (her) parents or other statutory guardians shall file an application with the education administrative department of the local people's government of the township, town or county for approval.

第十二条 适龄儿童、少年免试入学。地方各级人民政府应当保障适龄儿童、少年在户籍所在地学校就近入学。

Article 12 The school-age children and adolescents shall go to school without taking any examination. The local people's governments at all levels shall ensure that the school-age children and adolescents are enrolled in the schools near the permanent residences of the school-age children and adolescents.

父母或者其他法定监护人在非户籍所在地工作或者居住的适龄儿童、少年，在其父母



或者其他法定监护人工作或者居住地接受义务教育的，当地人民政府应当为其提供平等接受义务教育的条件。具体办法由省、自治区、直辖市规定。

For a school-age child and adolescent whose parents are working or dwelling at a place other than their permanent residence, if he (she) receives compulsory education at the place where his (her) parents or other statutory guardians are working or dwelling, the local people's government shall provide him (her) with equal conditions for receiving compulsory education. The concrete measures shall be formulated by the provinces, autonomous regions and municipalities directly under the Central Government.

县级人民政府教育行政部门对本行政区域内的军人子女接受义务教育予以保障。

Education administrative departments of the people's government at the county level shall guarantee the right of the servicemen's children to compulsory education within its administrative area.

第十三条 县级人民政府教育行政部门和乡镇人民政府组织和督促适龄儿童、少年入学，帮助解决适龄儿童、少年接受义务教育的困难，采取措施防止适龄儿童、少年辍学。

Article 13 The education administrative departments of the people's governments at the county level, and the people's governments of the townships and towns shall organize and urge school-age children and adolescents to go to school, help to solve their difficulties in receiving compulsory education and take measures to prevent them from discontinuing their schooling.

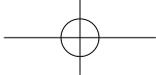
居民委员会和村民委员会协助政府做好工作，督促适龄儿童、少年入学。

The residents' committees and villagers' committees shall help the government to do well in urging school-age children and adolescents to go to school.

第十四条 禁止用人单位招用应当接受义务教育的适龄儿童、少年。

Article 14 It is forbidden for any employing entity to employ any school-age children and adolescents who shall be receiving compulsory education

根据国家有关规定经批准招收适龄儿童、少年进行文艺、体育等专业训练的社会组织，应当保证所招收的适龄儿童、少年接受义务教育；自行实施义务教育的，应当经县级人民政府教育行政部门批准。



For the social organizations which enroll school-age children and adolescents for professional training of art and literature, physical education, etc., they shall ensure that the children and adolescents enrolled therein receive compulsory education. If they carry out compulsory education by themselves, they shall be subject to approval of the administrative departments of education of the people's governments at the county level.

第十九条 县级以上地方人民政府根据需要设置相应的实施特殊教育的学校(班),对视力残疾、听力语言残疾和智力残疾的适龄儿童、少年实施义务教育。特殊教育学校(班)应当具备适应残疾儿童、少年学习、康复、生活特点的场所和设施。

Article 19 The local people's governments at the county level or above shall, where necessary, set up schools (classes) of special education so as to provide compulsory education to the school-age children and adolescents who have eyesight, hearing and intellectual impairments. The schools (classes) of special education shall have places and facilities which suit the study, recovery and living features of the children with disabilities.

普通学校应当接收具有接受普通教育能力的残疾适龄儿童、少年随班就读,并为其学习、康复提供帮助。

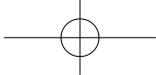
Ordinary schools shall accept school-age children and adolescents with disabilities who are able to receive ordinary education, to study along with the normal classes and shall provide assistance for their study and recuperation.

第二十条 县级以上地方人民政府根据需要,为具有预防未成年人犯罪法规定的严重不良行为的适龄少年设置专门的学校实施义务教育。

Article 20 The local people's governments at the county level or above shall, where necessary, set up particular schools to provide compulsory education to school-age adolescents who have committed severe delinquent acts as described in the Law on the Prevention of Crime of Juvenile Delinquency.

第二十一条 对未完成义务教育的未成年犯和被采取强制性教育措施的未成年人应当进行义务教育,所需经费由人民政府予以保障。

Article 21 The juvenile delinquents who fail to finish compulsory education and the minors who are subject to mandatory education measures shall be given compulsory education. The essential operating funds shall be ensured by the people's government.



第二十三条 各级人民政府及其有关部门依法维护学校周边秩序，保护学生、教师、学校的合法权益，为学校提供安全保障。

Article 23 The people's governments at all levels and the relevant departments thereof shall maintain the order around schools, protect the legitimate rights and interests of the students, teachers and schools, and guarantee the safety and security of schools.

第二十四条 学校应当建立、健全安全制度和应急机制，对学生进行安全教育，加强管理，及时消除隐患，预防发生事故。

Article 24 A school shall establish a sound safety system and emergency response mechanism, offer its students safety education, intensify the management and eliminate the hidden risks in a timely manner so as to prevent the occurrence of accidents.

县级以上地方人民政府定期对学校校舍安全进行检查；对需要维修、改造的，及时予以维修、改造。

The people's governments at the county level or above shall make regular safety inspections of the school buildings and shall timely repair and rebuild the school buildings which need repairing and rebuilding.

学校不得聘用曾经因故意犯罪被依法剥夺政治权利或者其他不适合从事义务教育工作的人担任工作人员。

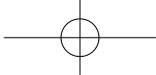
No school may hire as its staff member any person who has ever been deprived of political rights for any intentional crime, or any other person who is not suitable to engage in compulsory education.

第二十五条 学校不得违反国家规定收取费用，不得以向学生推销或者变相推销商品、服务等方式谋取利益。

Article 25 No school may charge any fee in violation of the provisions of the State or seek profits by selling goods or services to students or by doing so in any disguised form.

第二十七条 对违反学校管理制度的学生，学校应当予以批评教育，不得开除。

Article 27 For a student who violates the school management rules, the school shall criticize and educate him/her, but shall not expel him/her from school.



第三十七条 学校应当保证学生的课外活动时间，组织开展文化娱乐等课外活动。社会公共文化体育设施应当为学校开展课外活动提供便利。

Article 37 A school shall ensure that the students have time for after-school activities and shall organize and carry out cultural entertainments and other after-school activities. The public cultural and sports facilities shall facilitate the school to carry out after-school activities.

第四十二条 国家将义务教育全面纳入财政保障范围，义务教育经费由国务院和地方各级人民政府依照本法规定予以保障。

Article 42 The State shall integrate the entire compulsory education into the scope of financial guarantee. The operating funds for compulsory education shall be guaranteed by the State Council and the local people's governments at all levels in pursuance of the law.

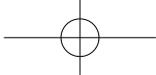
国务院和地方各级人民政府将义务教育经费纳入财政预算，按照教职工编制标准、工资标准和学校建设标准、学生人均公用经费标准等，及时足额拨付义务教育经费，确保学校的正常运转和校舍安全，确保教职工工资按照规定发放。

The State Council and the people's governments at all levels shall integrate the operating funds for compulsory education into the financial budget. They shall appropriate the operating funds in full amounts according to the authorized number of school staff, the salary standards, the school construction standards and the average public-use operating fund for students so as to ensure the normal operation of the schools; and the safety of school buildings and timely payment of the salaries of the school staff according to the relevant provisions.

国务院和地方各级人民政府用于实施义务教育财政拨款的增长比例应当高于财政经常性收入的增长比例，保证按照在校学生人数平均的义务教育费用逐步增长，保证教职工工资和学生人均公用经费逐步增长。

The increase rate of the treasury funds appropriated by the State Council and the local people's governments at all levels for the implementation of the compulsory education policy shall be higher than that of the current income of treasury so as to ensure the gradual increase of the average compulsory funds based on the number of attending students as well as the gradual increase of the salaries of the school staff and the average public-use operating fund for students.

第四十三条 学校的学生人均公用经费基本标准由国务院财政部门会同教育行政部门制定，并根据经济和社会发展状况适时调整。制定、调整学生人均公用经费基本标准，应当



满足教育教学基本需要。

Article 43 The basic standards on the average public-use operating funds for students of schools shall be formulated by the public finance department of the State Council jointly with the administrative department of education, and shall be adjusted according to the status of economic and social development at the opportune time. The formulation and adjustment of the basic standards on the average public-use operating funds for students of schools shall satisfy the basic needs for education and teaching.

省、自治区、直辖市人民政府可以根据本行政区域的实际情况，制定不低于国家标准的学校学生人均公用经费标准。

The people's governments of the provinces, autonomous regions, municipalities directly under the Central Government shall, in light of the actual circumstances of their respective administrative areas, formulate standards on the average public-use operating funds for school students, which shall not be lower than the national standards.

特殊教育学校(班)学生人均公用经费标准应当高于普通学校学生人均公用经费标准。

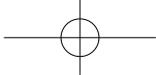
The standards on the average public-use operating funds for students of special schools (classes) shall be higher than the standards on the average public-use operating funds for students of the ordinary schools.

第四十四条 义务教育经费投入实行国务院和地方各级人民政府根据职责共同负担，省、自治区、直辖市人民政府负责统筹落实的体制。农村义务教育所需经费，由各级人民政府根据国务院的规定分项目、按比例分担。

Article 44 The compulsory education operating funds shall be jointly paid by the State Council and the local people's governments at all levels according to their respective functions. The people's governments of the provinces, autonomous regions, and municipalities directly under the Central Government shall be responsible for formulating plans and implementing the plans. The operating funds essential for rural compulsory education shall, according to the items and proportions as specified by the State Council, be paid by the people's governments at all levels.

各级人民政府对家庭经济困难的适龄儿童、少年免费提供教科书并补助寄宿生生活费。

For school-age children and adolescents whose families have financial difficulties, the



people's governments at all levels shall provide them with gratuitous textbooks, and give living cost subsidies to boarding students.

义务教育经费保障的具体办法由国务院规定。

The concrete measures for guaranteeing the operating funds for compulsory education shall be formulated by the State Council

第五十三条 县级以上人民政府或者其教育行政部门有下列情形之一的，由上级人民政府或者其教育行政部门责令限期改正、通报批评；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予行政处分：

Article 53 Where any of the people's governments at the county level or above or its administrative department of education is under any of the following circumstances, the people's government at the upper level or its administrative department of education shall order it to make corrections within a time limit, and criticize it by circulating a notice. If the circumstances are serious, an administrative sanction shall be given to the directly liable person-in-charge and other directly liable persons:

(一) 将学校分为重点学校和非重点学校的；

(1) Dividing schools into key and non-key schools; or

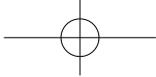
(二) 改变或者变相改变公办学校性质的。

(2) Changing the nature of any public school or doing so in disguise.

县级人民政府教育行政部门或者乡镇人民政府未采取措施组织适龄儿童、少年入学或者防止辍学的，依照前款规定追究法律责任。

Where any of the administrative departments of education of the people's governments at the county level, or the people's governments of townships and towns fails to take measures to organize school-age children or adolescents to go to school or fails to prevent them from discontinuing their schooling, it shall be subject to legal liabilities according to the provisions of the preceding paragraph.

第五十七条 学校有下列情形之一的，由县级人民政府教育行政部门责令限期改正；情节严重的，对直接负责的主管人员和其他直接责任人员依法给予处分：



Article 57 Where a school is under any of the following circumstances, it shall be ordered to make corrections within a time limit by the administrative department of education of the people's government at the county level. If the circumstances are serious, the directly liable persons in-charge and other directly liable persons in charge shall be given a sanction in accordance with the law:

(一) 拒绝接收具有接受普通教育能力的残疾适龄儿童、少年随班就读的；

(1) Failing to accept school-age children and adolescents with disabilities, who are able to receive ordinary education, to study along with the normal classes;

(二) 分设重点班和非重点班的；

(2) Establishing key classes alongside with non-key classes;

(三) 违反本法规定开除学生的；

(3) Expelling any students in violation of this Law; and

(四) 选用未经审定的教科书的。

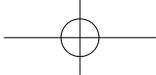
(4) Choosing and using any textbook that fails to be examined and approved.

第五十八条 适龄儿童、少年的父母或者其他法定监护人无正当理由未依照本法规定送适龄儿童、少年入学接受义务教育的，由当地乡镇人民政府或者县级人民政府教育行政部门给予批评教育，责令限期改正。

Article 58 Where the parents or any other statutory guardian of school-age children or adolescents fail to send them to receive compulsory education according to the provisions of this Law without justifiable reasons, they shall be criticized by the people's government at the township level or the administrative department of education of the people's government at the county level of the locality and be ordered thereby to make a correction.

第五十九条 有下列情形之一的，依照有关法律、行政法规的规定予以处罚：

Article 59 Under any of the following circumstances, a penalty shall be meted out according to the relevant laws or administrative regulations:



(一) 胁迫或者诱骗应当接受义务教育的适龄儿童、少年失学、辍学的；

1) Forcing any school-age children or adolescent by menace or coax to leave school or quit his school education;

(二) 非法招用应当接受义务教育的适龄儿童、少年的；

(2) Illegally employing school-age children or adolescents who should be receiving compulsory education; or

(三) 出版未经依法审定的教科书的。

(3) Publishing any textbook which fails to be examined and approved according to law.

《中华人民共和国收养法》

Adoption Law of the People's Republic of China

(中华人民共和国收养法是为保护合法的收养关系，维护收养关系当事人的权利，而制定的法规。1991年12月29日第七届全国人民代表大会常务委员第二十三次会议通过 根据1998年11月4日第九届全国人民代表大会常务委员第五次会议《关于修改〈中华人民共和国收养法〉的决定》修正。)

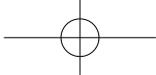
(The Adoption Law of the People's Republic of China is formulated to protect the legal adoptive relationship and safeguard the rights of parties involved in adoptive relationship. (Adopted at the 23rd Meeting of the Standing Committee of the Seventh National People's Congress on December 29, 1991 and amended in accordance with the Decision on Revising the Adoption Law of the People's Republic of China adopted at the 5th Meeting of the Standing Committee of the Ninth National People's Congress on November 4, 1998.)

第一章 总 则

Chapter I General Provisions

第一条 为保护合法的收养关系，维护收养关系当事人的权利，制定本法。

Article 1 This Law is enacted to protect the lawful adoptive relationship and to safeguard the



rights of parties involved in the adoptive relationship.

第二条 收养应当有利于被收养的未成年人的抚养、成长，保障被收养人和收养人的合法权益，遵循平等自愿的原则，并不得违背社会公德。

Article 2 Adoption shall be in the interest of the upbringing and growth of adopted minors, with the lawful rights and interests of both adoptees and adopters safeguarded, in adherence to the principles of equality and voluntariness, and not in contravention of social morality.

第三条 收养不得违背计划生育的法律、法规。

Article 3 Adoption shall not contravene laws and regulations on family planning.

第二章 收养关系的成立

Chapter II Establishment of an Adoptive Relationship

第四条 下列不满十四周岁的未成年人可以被收养：

Article 4 Minors under the age of 14, as enumerated below, may be adopted:

(一) 丧失父母的孤儿；

(1) Orphans bereaved of parents;

(二) 查找不到生父母的弃婴和儿童；

(2) Abandoned infants or children whose parents cannot be ascertained or found; and

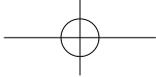
(三) 生父母有特殊困难无力抚养的子女。

(3) Children whose parents are unable to rear them due to unusual difficulties.

第五条 下列公民、组织可以作送养人：

Article 5 The following citizens or institutions shall be entitled to place out children for adoption:

(一) 孤儿的监护人；



(1) Guardians of an orphan;

(二) 社会福利机构;

(2) Social welfare institutions; and

(三) 有特殊困难无力抚养子女的生父母。

(3) Parents unable to rear their children due to unusual difficulties.

第六条 收养人应当同时具备下列条件:

Article 6 Adopters shall meet simultaneously the following requirements:

(一) 无子女;

(1) Childless;

(二) 有抚养教育被收养人的能力;

(2) Capable of rearing and educating the adoptee;

(三) 未患有在医学上认为不应当收养子女的疾病;

(3) Suffering no such disease as is medically regarded as unfit for adopting a child; and

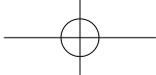
(四) 年满三十周岁。

(4) Having reached the age of 30.

第七条 收养三代以内同辈旁系血亲的子女, 可以不受本法第四条第三项、第五条第三项、第九条和被收养人不满十四周岁的限制。

Article 7 A person may adopt a child belonging to a collateral relative by blood of the same generation and up to the third degree of kinship, irrespective of the restrictions specified in sub-paragraph (3) of Article 4; sub-paragraph (3) of Article 5 and Article 9 of this Law as well as the restriction that the adoptee shall be under the age of 14.

华侨收养三代以内同辈旁系血亲的子女, 还可以不受收养人无子女的限制。



An overseas Chinese, in adopting a child belonging to a collateral relative by blood of the same generation and up to the third degree of kinship, may even be not subject to the adopter's childless status.

第八条 收养人只能收养一名子女。

Article 8 The adopter may adopt one child only, male or female.

收养孤儿、残疾儿童或者社会福利机构抚养的查找不到生父母的弃婴和儿童，可以不受收养人无子女和收养一名的限制。

Orphans, disabled children, or abandoned infants and children whose parents cannot be ascertained or found and who are under the care of a social welfare institution may be adopted irrespective of the restrictions that the adopter shall be childless and that he or she may adopt one child only.

第九条 无配偶的男性收养女性的，收养人与被收养人的年龄应当相差四十周岁以上。

Article 9 Where a male person without spouse adopts a female child, the age difference between the adopter and the adoptee shall be no less than 40 years.

第十条 生父母送养子女，须双方共同送养。生父母一方不明或者查找不到的可以单方送养。

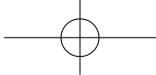
Article 10 Where the parents intend to place out their child for adoption, they shall act in concert. If one parent cannot be ascertained or found, the other parent may place out the child for adoption alone.

有配偶者收养子女，须夫妻共同收养。

Where a person with spouse adopts a child, the husband and wife shall adopt the child in concert.

第十一条 收养人收养与送养人送养，须双方自愿。收养年满十周岁以上未成年人的，应当征得被收养人的同意。

Article 11 Adoption of a child and the placing out of the child for the adoption shall both take place on a voluntary basis. Where the adoption involves a minor aged 10 or more, the consent of



the adoptee shall be obtained.

第十二条 未成年人的父母均不具备完全民事行为能力的，该未成年人的监护人不得将其送养，但父母对该未成年人有严重危害可能的除外。

Article 12 If the parents of a minor are both persons without full civil capacity, the guardian(s) of the minor may not place out him (her) for adoption, except when the parents may do serious harm to the minor.

第十三条 监护人送养未成年孤儿的，须征得有抚养义务的人同意。有抚养义务的人不同意送养、监护人不愿意继续履行监护职责的，应当依照《中华人民共和国民法通则》的规定变更监护人。

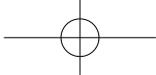
Article 13 Where a guardian intends to place out an orphaned minor for adoption, the guardian shall obtain the consent of the person who has obligations to support the orphan. Where the person who has obligations to support the orphan disagrees to place out the orphan for adoption, and the guardian is unwilling to continue the performance of his guardianship, it is necessary to change the guardian in accordance with the General Principles of the Civil Law of the People's Republic of China.

第十四条 继父或者继母经继子女的生父母同意，可以收养继子女，并可以不受本法第四条第三项、第五条第三项、第六条和被收养人不满十四周岁以及收养一名的限制。

Article 14 The husband or wife may, with the consent of the father or mother of a child, adopt the child as his or her step-son or step-daughter, and may be subject to no restrictions specified in sub-paragraph (3) of Article 4; sub-paragraph (3) of Article 5 and Article 6 of this Law, nor the restrictions that the adoptee shall be under the age of 14 and that only one child may be adopted.

第十五条 收养应当向县级以上人民政府民政部门登记。收养关系自登记之日起成立。收养查找不到生父母的弃婴和儿童的，办理登记的民政部门应当在登记前予以公告。

Article 15 The adoption shall be registered with the civil affairs department of the people's government at or above the county level. The adoptive relationship shall be established as of the date of registration. Where an abandoned infant or child whose parents cannot be ascertained or found is adopted, the civil affairs department in charge of registration shall make it known to the general public before registration.



收养关系当事人愿意订立收养协议的，可以订立收养协议。

If the parties involved in the adoptive relationship wish to enter into an agreement on adoption, they may conclude such an agreement.

收养关系当事人各方或者一方要求办理收养公证的，应当办理收养公证。

If the parties or one party involved in the adoptive relationship wishes that the adoption be notarized, it shall be done accordingly.

第十六条 收养关系成立后，公安部门应当依照国家有关规定为被收养人办理户口登记。

Article 16 After the adoptive relationship is established, the public security organ shall, in accordance with the relevant regulations of the State, register the adoptee's residence.

第十七条 孤儿或者生父母无力抚养的子女，可以由生父母的亲属、朋友抚养。

Article 17 Orphans or children whose parents are unable to rear them may be supported by relatives or friends of their parents.

抚养人与被抚养人的关系不适用收养关系。

The adoptive relationship shall not apply to the relationship between the supporter and the supported.

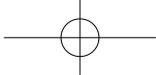
第十八条 配偶一方死亡，另一方送养未成年子女的，死亡一方的父母有优先抚养的权利。

Article 18 Where a spouse places out a minor child for adoption after the death of the other spouse, the parents of the deceased shall have the priority in rearing the child.

第十九条 送养人不得以送养子女为理由违反计划生育的规定再生育子女。

Article 19 Persons having placed out a child for adoption may not bear any more child, in violation of the regulations on family planning, on the ground of having placed out their child for adoption.

第二十条 严禁买卖儿童或者借收养名义买卖儿童。



Article 20 It is strictly forbidden to buy or sell a child or to do so under the cloak of adoption.

第二十一条 外国人依照本法可以在中华人民共和国收养子女。

Article 21 A foreigner may, in accordance with this Law, adopt a child (male or female) in the People's Republic of China.

外国人在中华人民共和国收养子女，应当经其所在国主管机关依照该国法律审查同意。收养人应当提供由其所在国有权机构出具的有关收养人的年龄、婚姻、职业、财产、健康、有无受过刑事处罚等状况的证明材料，该证明材料应当经其所在国外交机关或者外交机关授权的机构认证，并经中华人民共和国驻该国使馆认证。该收养人应当与送养人订立书面协议，亲自向省级人民政府民政部门登记。

Where a foreigner wishes to adopt a child in the People's Republic of China, the matter shall be subject to examination and approval of the competent authorities of the country, to which he or she belongs, in accordance with the law of that country. The adopter shall provide papers certifying such particulars of the adopter as age, marital status, profession, property, health and whether ever subjected to criminal punishment, which are issued by the competent agencies of the country to which the adopter belongs. Such certifying papers shall be authenticated by a foreign affairs institution of the country to which the adopter belongs or by an agency authorized by the said institution, and by the embassy or consulate of the People's Republic of China stationed in that country, too. The adopter shall conclude a written agreement with the person who places out the child for adoption and register in person the adoption with a civil affairs department of the people's government at the provincial level.

收养关系当事人各方或者一方要求办理收养公证的，应当到国务院司法行政部门认定的具有办理涉外公证资格的公证机构办理收养公证。

If the parties or one party involved in the adoptive relationship wishes that the adoption be notarized, it shall be done with a notary agency that is qualified to handle foreign-related notarization and is designated by the administrative department of justice under the State Council.

第二十二条 收养人、送养人要求保守收养秘密的，其他人应当尊重其意愿，不得泄露。

Article 22 When the adopter and the person placing out the child for adoption wish to make a secret of the adoption, others shall respect their wish and shall not make a disclosure thereof.

第三章 收养的效力

Chapter III Validity of Adoption

第二十三条 自收养关系成立之日起，养父母与养子女间的权利义务关系，适用法律关于父母子女关系的规定；养子女与养父母的近亲属间的权利义务关系，适用法律关于子女与父母的近亲属关系的规定。

Article 23 As of the date of establishment of the adoptive relationship, the legal provisions governing the relationship between parents and children shall apply to the rights and duties in the relationship between adoptive parents and adopted children; the legal provisions governing the relationship between children and close relatives of their parents shall apply to the rights and duties in the relationship between adopted children and close relatives of the adoptive parents.

养子女与生父母及其他近亲属间的权利义务关系，因收养关系的成立而消除。第二十四条 养子女可以随养父或者养母的姓，经当事人协商一致，也可以保留原姓。第二十五条 违反《中华人民共和国民法通则》第五十五条和本法规定的收养行为无法律效力。

The rights and duties in the relationship between an adopted child and his or her parents and other close relatives shall terminate with the establishment of the adoptive relationship. Article 24 An adopted child may adopt his or her adoptive father's or adoptive mother's surname, and may also retain his or her original surname, if so agreed through consultation between the parties concerned. Article 25 Any act of adoption contravening the provisions of Article 55 of the General Principles of the Civil Law of the People's Republic of China and those of this Law shall be of no legal validity.

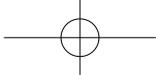
收养行为被人民法院确认无效的，从行为开始时起就没有法律效力。

Any act of adoption ruled to be invalid by a people's court shall be of no legal validity from the very start of the act.

第四章 收养关系的解除

Chapter IV Termination of an Adoptive Relationship

第二十六条 收养人在被收养人成年以前，不得解除收养关系，但收养人、送养人双方协议解除的除外，养子女年满十周岁以上的，应当征得本人同意。



Article 26 No adopter may terminate the adoptive relationship before the adoptee comes of age, except when the adopter and the person having placed out the child for the adoption agree to terminate such relationship. If the adopted child involved reaches the age of 10 or more, his or her consent shall be obtained.

收养人不履行抚养义务，有虐待、遗弃等侵害未成年养子女合法权益行为的，送养人有权要求解除养父母与养子女间的收养关系。送养人、收养人不能达成解除收养关系协议的，可以向人民法院起诉。

Where an adopter fails to perform the duty of rearing the adoptee or commits maltreatment, abandonment, or other acts of encroachment upon the lawful rights of the minor adopted child, the person having placed out the child for adoption shall have the right to demand termination of the adoptive relationship. Where the adopter and the person having placed out the child for adoption fail to reach an agreement thereon, a suit may be brought in a People's Court.

第二十七条 养父母与成年养子女关系恶化、无法共同生活的，可以协议解除收养关系。不能达成协议的，可以向人民法院起诉。

Article 27 Where the relationship between the adoptive parents and an adult adopted child deteriorates to such a degree that their living together in a same household becomes impossible, they may terminate their adoptive relationship by agreement. In the absence of an agreement, they may bring a suit in a People's Court.

第二十八条 当事人协议解除收养关系的，应当到民政部门办理解除收养关系的登记。

Article 28 Where the parties agree to terminate the adoptive relationship, they shall register the termination of the adoptive relationship with a civil affairs department.

第二十九条 收养关系解除后，养子女与养父母及其他近亲属间的权利义务关系即行消除，与生父母及其他近亲属间的权利义务关系自行恢复，但成年养子女与生父母及其他近亲属间的权利义务关系是否恢复，可以协商确定。

Article 29 Upon termination of an adoptive relationship, the rights and duties in the relationship between an adopted child and his or her adoptive parents and their close relatives shall also terminate, and the rights and duties in the relationship between the child and his or her parents and their close relatives shall be restored automatically. However, with respect to the rights and duties in the relationship between an adult adopted child and his or her parents and their close

relatives, it may be decided through consultation as to whether to restore them.

第三十条 收养关系解除后，经养父母抚养的成年养子女，对缺乏劳动能力又缺乏生活来源的养父母，应当给付生活费。因养子女成年后虐待、遗弃养父母而解除收养关系的，养父母可以要求养子女补偿收养期间支出的生活费和教育费。

Article 30 Upon termination of an adoptive relationship, an adult adopted child who has been reared by the adoptive parents shall provide an amount of money to support the adoptive parents who have lost ability to work and are short of any source of income. If the adoptive relationship is terminated on account of the maltreatment or desertion of the adoptive parents by the grown-up adopted child, the adoptive parents may demand a compensation from the adopted child for the living and education expenses paid during the period of adoption.

生父母要求解除收养关系的，养父母可以要求生父母适当补偿收养期间支出的生活费和教育费，但因养父母虐待、遗弃养子女而解除收养关系的除外。

If the parents of an adopted child request the termination of the adoptive relationship, the adoptive parents may demand an appropriate compensation from the parents for the living and education expenses paid during the period of adoption, except if the adoptive relationship is terminated on account of the maltreatment or desertion of the adopted child by the adoptive parents.

第五章 法律责任

Chapter V Legal Responsibility

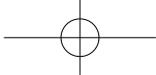
第三十一条 借收养名义拐卖儿童的，依法追究刑事责任。

Article 31 Whoever abducts and traffics in a child under the cloak of adoption shall be investigated for criminal responsibility in accordance with law.

遗弃婴儿的，由公安部门处以罚款；构成犯罪的，依法追究刑事责任。

Whoever abandons an infant shall be fined by a public security organ; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law.

出卖亲生子女的，由公安部门没收非法所得，并处以罚款；构成犯罪的，依法追究刑事责任。



Whoever sells his or her own child, his or her illegal gains shall be confiscated by a public security organ and he or she shall also be fined; if the act constitutes a crime, the offender shall be investigated for criminal responsibility in accordance with law.

《中华人民共和国预防未成年人犯罪法》

Law of the People's Republic of China on Prevention of Juvenile Delinquency

(1999年6月28日第九届全国人民代表大会常务委员会第十次会议通过 1999年6月28日中华人民共和国主席令第17号公布 自1999年11月1日起施行 根据2012年10月26日第十一届全国人民代表大会常务委员会第二十九次会议通过 2012年10月26日中华人民共和国主席令第66号公布 自2013年1月1日起施行)

(Adopted at the 10th Meeting of the Standing Committee of the Ninth National People's Congress on June 28, 1999, promulgated by Order No.17 of the President of the People's Republic of China on June 28, 1999 and shall enter into force as of November 1, 1999; adopted at the 29th Meeting of the Standing Committee of the Eleventh National People's Congress on October 26, 2012, promulgated by Order No.66 of President of the People's Republic of China on October 26, 2012 and shall enter into force as of January 1, 2013)

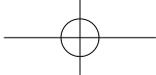
第一章 总则

Chapter I General Provisions

第一条 为了保障未成年人身心健康，培养未成年人良好品行，有效地预防未成年人犯罪，制定本法。

Article 1 This Law is enacted for the purpose of ensuring that juveniles are physically and mentally healthy, helping juveniles cultivate good conduct and effectively preventing juvenile delinquency.

第二条 预防未成年人犯罪，立足于教育和保护，从小抓起，对未成年人的不良行为及时进行预防和矫治。



Article 2 The prevention of juvenile delinquency shall be based on education and protection, the work shall be started with school children and efforts shall be made to prevent, rectify and treat juvenile misbehavior before it is too late.

第三条 预防未成年人犯罪，在各级人民政府组织领导下，实行综合治理。

Article 3 Juvenile delinquency shall be prevented in a comprehensive way under the organization and leadership of the people's governments at all levels.

政府有关部门、司法机关、人民团体、有关社会团体、学校、家庭、城市居民委员会、农村村民委员会等各方面共同参与，各负其责，做好预防未成年人犯罪工作，为未成年人身心健康发展创造良好的社会环境。

The government departments concerned, judicial organs, people's organizations, relevant public organizations, schools, families, neighborhood committees in cities and villagers committees in the countryside, etc. shall join efforts and take their respective responsibilities in preventing juvenile delinquency, and creating a good social environment for the cultivation of physical and mental health of juveniles.

第四条 各级人民政府在预防未成年人犯罪方面的职责是：

Article 4 People's governments at all levels shall perform the following functions and duties in preventing juvenile delinquency:

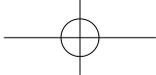
(一) 制定预防未成年人犯罪工作的规划；

(1) To formulate plans for prevention of juvenile delinquency;

(二) 组织、协调公安、教育、文化、新闻出版、广播电影电视、工商、民政、司法行政等政府有关部门和其他社会组织进行预防未成年人犯罪工作；

(2) To organize and coordinate efforts of the relevant government departments for public security, education, culture, the press, publishing, radio, film and television, industry and commerce, civil affairs, and judicial administration, and other public organizations in preventing juvenile delinquency;

(三) 对本法实施的情况和工作规划的执行情况进行检查；



(3) To inspect the implementation of this Law and work plans; and

(四) 总结、推广预防未成年人犯罪工作的经验，树立、表彰先进典型。

(4) To analyze and disseminate the experience gained in prevention of juvenile delinquency, and set up and commend advanced units and individuals.

第五条 预防未成年人犯罪，应当结合未成年人不同年龄的生理、心理特点，加强青春期教育、心理矫治和预防犯罪对策的研究。

Article 5 For prevention of juvenile delinquency, research on education in puberty, psychological corrections and measures for prevention of crimes shall be improved in light of the physiological and psychological characteristics of juveniles at different ages.

第二章 预防未成年人犯罪的教育

Chapter II Education for Prevention of Juvenile Delinquency

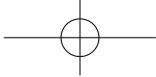
第六条 对未成年人应当加强思想、道德、法制和爱国主义、集体主义、社会主义教育。对于达到义务教育年龄的未成年人，在进行上述教育的同时，应当进行预防犯罪的教育。

Article 6 Juveniles shall be educated in ideals, morality, the legal system as well as in patriotism, collectivism and socialism. Juveniles who have reached the age of receiving compulsory education shall, while receiving the education mentioned above, be educated for prevention of crimes.

预防未成年人犯罪的教育的目的，是增强未成年人的法制观念，使未成年人懂得违法和犯罪行为对个人、家庭、社会造成的危害，违法和犯罪行为应当承担的法律责任，树立遵纪守法和防范违法犯罪的意识。

Education for prevention of juvenile delinquency is for the purpose of enhancing juveniles' legal conceptions, helping them heed the harm done to themselves, their families and the community by their violations of law and criminal actions and become aware of the legal responsibilities incurred by such violations and actions and of the importance of obeying rules of discipline and laws and preventing themselves from breaking laws and committing crimes.

第七条 教育行政部门、学校应当将预防犯罪的教育作为法制教育的内容纳入学校教育教学计划，结合常见多发的未成年人犯罪，对不同年龄的未成年人进行有针对性的预防犯



罪教育。

Article 7 The administrative departments for education and schools shall incorporate the education for prevention of crimes into school plans for education and teaching as the content of legal education, and shall, in combination with the common and frequently-occurring cases of juvenile delinquency, educate juveniles of different ages in prevention of delinquency respectively.

第八条 司法行政部门、教育行政部门、共产主义青年团、少年先锋队应当结合实际，组织、举办展览会、报告会、演讲会等多种形式的预防未成年人犯罪的法制宣传活动。

Article 8 Judicial administration departments, administrative departments for education and the Communist Youth League and Young Pioneers organizations shall, in light of specific conditions, arrange and hold exhibitions, give reports and lectures, and arrange other forms of activities to disseminate the legal system with emphasis on prevention of juvenile delinquency.

学校应当结合实际举办以预防未成年人犯罪的教育为主要内容的活动。教育行政部门应当将预防未成年人犯罪教育的工作效果作为考核学校工作的一项重要内容。

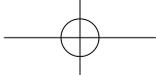
Schools shall, in light of specific conditions, hold activities with education for prevention of juvenile delinquency as the main content. The administrative departments for education shall take the results of education for prevention of juvenile delinquency as an important part of assessment of school work.

第九条 学校应当聘任从事法制教育的专职或者兼职教师。学校根据条件可以聘请校外法律辅导员。

Article 9 Schools shall engage full-time or part-time teachers for legal education. Schools may engage after-school legal counselors, where conditions permit.

第十条 未成年人的父母或者其他监护人对未成年人的法制教育负有直接责任。学校在对学生进行预防犯罪教育时，应当将教育计划告知未成年人的父母或者其他监护人，未成年人的父母或者其他监护人应当结合学校的计划，针对具体情况进行教育。

Article 10 Parents and other guardians of juveniles shall take direct responsibility for giving legal education to juveniles. Schools that conduct education among students in prevention of crimes, shall make their plans for such education known to the parents and other guardians of the juveniles, who shall carry out the education in combination with the school plans and according to



specific conditions.

第十一条 少年宫、青少年活动中心等校外活动场所应当把预防未成年人犯罪的教育作为一项重要的工作内容，开展多种形式的宣传教育活动。

Article 11 Authorities of Children's Palaces, recreation centers for juveniles and other places for out-of-school activities shall take education for prevention of juvenile delinquency as an important part of their work and carry out various forms of publicity and education activities in this respect.

第十二条 对于已满十六周岁不满十八周岁准备就业的未成年人，职业教育培训机构、用人单位应当将法律知识和预防犯罪教育纳入职业培训的内容。

Article 12 For juveniles who have reached the age of 16 but are under the age of 18 and who are preparing for employment, vocational education and training institutions and employers shall include legal knowledge and education for prevention of crimes in vocational training.

第十三条 城市居民委员会、农村村民委员会应当积极开展有针对性的预防未成年人犯罪的法制宣传活动。

Article 13 The neighborhood committees in cities and villagers' committees in the countryside shall carry out activities for the publicity of the legal system with stress on prevention of juvenile delinquency.

第三章 对未成年人不良行为的预防

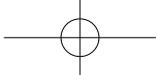
Chapter III Prevention of Juvenile Misbehavior

第十四条 未成年人的父母或者其他监护人和学校应当教育未成年人不得有下列不良行为：

Article 14 The parents and other guardians of juveniles and schools shall advise juveniles to keep from the following kinds of misbehavior:

(一) 旷课、夜不归宿；

(1) Playing truant, staying out at night;



(二) 携带管制刀具；

(2) Carrying controlled knives;

(三) 打架斗殴、辱骂他人；

(3) Fighting, or abusing people;

(四) 强行向他人索要财物；

(4) Forcibly demanding money or things of value from others;

(五) 偷窃、故意毁坏财物；

(5) Stealing, or deliberately damaging property;

(六) 参与赌博或者变相赌博；

(6) Taking part in gambling or gambling in disguised form;

(七) 观看、收听色情、淫秽的音像制品、读物等；

(7) Watching or listening in to pornographic or obscene audio-video products, or reading such stuff;

(八) 进入法律、法规规定未成年人不适宜进入的营业性歌舞厅等场所；

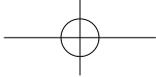
(8) Going to commercial singing and dancing halls and other such places that are not suitable for juveniles as prescribed by laws and regulations; and

(九) 其他严重违背社会公德的不良行为。

(9) Other kinds of misbehavior that seriously run counter to social morality.

第十五条 未成年人的父母或者其他监护人和学校应当教育未成年人不得吸烟、酗酒。任何经营场所不得向未成年人出售烟酒。

Article 15 The parents and other guardians of juveniles and schools shall advise juveniles to keep from smoking and getting drunk. No business places may sell cigarettes or alcoholic drinks to juveniles.



第十六条 中小学生旷课的，学校应当及时与其父母或者其他监护人取得联系。

Article 16 where middle or primary school students play truant, the school shall get in touch with their parents or other guardians without delay.

未成年人擅自外出夜不归宿的，其父母或者其他监护人、其所在的寄宿制学校应当及时查找，或者向公安机关请求帮助。收留夜不归宿的未成年人的，应当征得其父母或者其他监护人的同意，或者在二十四小时内及时通知其父母或者其他监护人、所在学校或者及时向公安机关报告。

Where juveniles stay out at night without permission, their parents or other guardians, or the boarding school concerned shall look for them without delay, or approach a public security organ for help. Whoever allows a juvenile to stay at his or her place at night shall obtain permission of the juvenile's parents or other guardians in advance, or inform them or the school concerned of the matter within 24 hours, or report to a public security organ without delay.

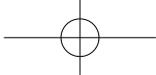
第十七条 未成年人的父母或者其他监护人和学校发现未成年人组织或者参加实施不良行为的团伙的，应当及时予以制止。发现该团伙有违法犯罪行为的，应当向公安机关报告。

Article 17 When parents or other guardians of juveniles and schools find that juveniles organize or join gangs that perpetrate misbehavior, they shall stop the juveniles promptly. When they find that the gangs have violated laws or committed criminal offences, they shall report the matter to public security organs.

第十八条 未成年人的父母或者其他监护人和学校发现有人教唆、胁迫、引诱未成年人违法犯罪的，应当向公安机关报告。公安机关接到报告后，应当及时依法查处，对未成年人人身安全受到威胁的，应当及时采取有效措施，保护其人身安全。

Article 18 When parents or other guardians of juveniles and schools find that juveniles are instigated or coerced to perpetrate or lured into illegal or criminal actions, they shall report the matter to public security organs. When the public security organs receive the reports, they shall immediately investigate and deal with the cases in accordance with law and, where the personal safety of juveniles is endangered, they shall promptly take effective measures to protect them.

第十九条 未成年人的父母或者其他监护人，不得让不满十六周岁的未成年人脱离监护单独居住。



Article 19 Parents or other guardians of juveniles may not allow juveniles under the age of 16 to be free from their guardianship and live alone.

第二十条 未成年人的父母或者其他监护人对未成年人不得放任不管，不得迫使其离家出走，放弃监护职责。

Article 20 Parents or other guardians of juveniles may not give a free rein the juveniles, compel them to run away from home, or discard their duty of guardianship.

未成年人离家出走的，其父母或者其他监护人应当及时查找，或者向公安机关请求帮助。

Where juveniles run away from home, their parents and other guardians shall look for them without delay, or approach public security organs for help.

第二十一条 未成年人的父母离异的，离异双方对子女都有教育的义务，任何一方都不得因离异而不履行教育子女的义务。

Article 21 Where the parents of juveniles are divorced, both parties shall have the duty to educate their children, and neither party may fail to perform such duty on the pretext of divorce.

第二十二条 继父母、养父母对受其抚养教育的未成年继子女、养子女、应当履行本法规定的父母对未成年子女在预防犯罪方面的职责。

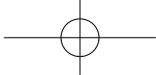
Article 22 The stepparents and adoptive parents shall perform the same duty for the adolescent children they are supporting and educating as the duty performed by parents to their adolescent children in prevention of crimes, as prescribed by this Law.

第二十三条 学校对有不良行为的未成年人应当加强教育、管理，不得歧视。

Article 23 Schools shall enforce education and administration among juveniles who are involved in misbehavior and may not discriminate against them.

第二十四条 教育行政部门、学校应当举办各种形式的讲座、座谈、培训等活动，针对未成年人不同时期的生理、心理特点，介绍良好有效的教育方法，指导教师、未成年人的父母和其他监护人有效地防止、矫治未成年人的不良行为。

Article 24 The administrative departments for education and schools shall hold various



forms of activities like lectures, informal discussions and training programs to make known to the participants good, effective educational methods in light of the physiological and psychological characteristics of juveniles in different stages of growth and to show the teachers, the parents of juveniles and other guardians how to effectively prevent, and rectify and treat juveniles' misbehavior.

第二十五条 对于教唆、胁迫、引诱未成年人实施不良行为或者品行不良，影响恶劣，不适宜在学校工作的教职员工，教育行政部门、学校应当予以解聘或者辞退；构成犯罪的，依法追究刑事责任。

Article 25 Where teachers, administrators or workers instigate or coerce juveniles to perpetrate or lure them into misbehavior, or where these people are ill-behaved, have a baneful influence on and are not suitable for school work, the administrative departments for education and the school authorities shall dismiss or discharge them; where a crime is constituted, criminal responsibility shall be investigated in accordance with law.

第二十六条 禁止在中小学校附近开办营业性歌舞厅、营业性电子游戏场所以及其他未成年人不宜进入的场所。禁止开办上述场所的具体范围由省、自治区、直辖市人民政府规定。

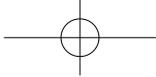
Article 26 It is prohibited to set up commercial singing and dancing halls, commercial electronic games centers and other places that are not suitable for juveniles in the neighborhood of middle or primary schools. The kinds of halls, centers and places mentioned above shall be specified by people's governments of provinces, autonomous regions and municipalities directly under the Central Government.

对本法施行前已在中小学校附近开办上述场所的，应当限期迁移或者停业。

The halls, centers and places set up before this Law goes into effect shall to be moved to other areas or closed down within a time limit.

第二十七条 公安机关应当加强中小学校周围环境的治安管理，及时制止、处理中小学校周围发生的违法犯罪行为。城市居民委员会、农村村民委员会应当协助公安机关做好维护中小学校周围治安的工作。

Article 27 Public security organs shall tighten control for public security around middle and primary schools, promptly stop and deal with illegal or criminal actions that are committed around



such schools. The neighborhood committees in cities and villagers' committees in the countryside shall assist public security organs in successfully maintaining public security around middle and primary schools.

第二十八条 公安派出所、城市居民委员会、农村村民委员会应当掌握本辖区内暂住人口中未成年人的就学、就业情况。对于暂住人口中未成年人实施不良行为的，应当督促其父母或者其他监护人进行有效的教育、制止。

Article 28 Public security stations, neighborhood committees in cities and villagers' committees in the countryside shall keep tabs on the schooling and employment of juveniles among temporary resident populations in their administrative areas. With regard to juveniles among temporary resident populations who perpetrate misbehavior, they shall urge the parents and other guardians of the juveniles to educate the juveniles effectively and to stop their misbehavior.

第二十九条 任何人不得教唆、胁迫、引诱未成年人实施本法规定的不良行为，或者为未成年人实施不良行为提供条件。

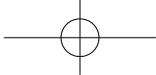
Article 29 No one may instigate or coerce juvenile to perpetrate or lure them into misbehavior prescribed by this Law, or provide conditions for them to perpetrate misbehavior.

第三十条 以未成年人为对象的出版物，不得含有诱发未成年人违法犯罪的内容，不得含有渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康的内容。

Article 30 Publications meant for juveniles may not contain such content as may induce juveniles to violate law or commit criminal offenses, or such content as may impair the physical and mental health of juveniles' content that exaggerate violence, pornography, gambling, terror, etc.

第三十一条 任何单位和个人不得向未成年人出售、出租含有诱发未成年人违法犯罪以及渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康内容的读物、音像制品或者电子出版物。

Article 31 No unit or individual may sell or loan to juveniles publications, audio-video products or electronic publications which contain such content as may induce juveniles to violate laws or commit criminal offenses, and such content as may impair the physical and mental health of juveniles, content that exaggerate violence, pornography, gambling, terror, etc.



任何单位和个人不得利用通讯、计算机网络等方式提供前款规定的危害未成年人身心健康的内容及其信息。

No unit or individual may, by means of telecommunications, computer network, etc., provide such content and information about such content that may impair the physical and mental health of juveniles as prescribed by the preceding paragraph.

第三十二条 广播、电影、电视、戏剧节目，不得有渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康的内容。

Article 32 No programs of radio, film, TV and drama may contain such content as may impair the physical and mental health of juveniles, content that exaggerate violence, pornography, gambling, terror, etc.

广播电影电视行政部门、文化行政部门必须加强对广播、电影、电视、戏剧节目以及各类演播场所的管理。

The administrative departments for radio, film and television and the administrative departments for culture shall strengthen administration of the programs of radio, film, TV and drama and the various showplaces.

第三十三条 营业性歌舞厅以及其他未成年人不适宜进入的场所，应当设置明显的未成年人禁止进入标志，不得允许未成年人进入。

Article 33 Around commercial singing and dancing halls and other places that are not suitable for juveniles, conspicuous no-admittance signs for juveniles shall be put up, and no juveniles may be admitted into such places.

营业性电子游戏场所在国家法定节假日外，不得允许未成年人进入，并应当设置明显的未成年人禁止进入标志。

Juveniles may not be admitted into commercial electronic games centers except during festivals and holidays specified by the State, and conspicuous no-admittance signs for juveniles shall be put up there.

对于难以判明是否已成年的，上述场所的工作人员可以要求其出示身份证件。

Where it is difficult to judge whether a person is juvenile or not, the worker of such a center



may ask person to show his identity card.

第四章 对未成年人严重不良行为的矫治

Chapter IV Rectification and Treatment of Serious Juvenile Misbehavior

第三十四条 本法所称“严重不良行为”，是指下列严重危害社会，尚不够刑事处罚的违法行为：

Article 34 “ Serious misbehavior “ as used in this Law refers to the following illegal actions that do serious harm to the community but are not serious enough for criminal punishment:

(一) 纠集他人结伙滋事，扰乱治安；

(1) Gathering people to create disturbance, and disrupting public order;

(二) 携带管制刀具，屡教不改；

(2) Carrying controlled knives and refusing to stop doing so after repeated criticisms;

(三) 多次拦截殴打他人或者强行索要他人财物；

(3) Holding up and beating people many times or forcibly demanding money or things of value from others;

(四) 传播淫秽的读物或者音像制品等；

(4) Spreading obscene publications or audio-video products, etc.;

(五) 进行淫乱或者色情、卖淫活动；

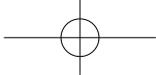
(5) Engaging in licentious or pornographic activities or harlotry;

(六) 多次偷窃；

(6) Committing theft many times;

(七) 参与赌博，屡教不改；

(7) Taking part in gambling and refusing to stop doing so after repeated criticisms;



(八) 吸食、注射毒品；

(8) Ingesting or injecting drugs; and

(九) 其他严重危害社会的行为。

(9) Other actions that do serious harm to the community.

第三十五条 对未成年人实施本法规定的严重不良行为的，应当及时予以制止。

Article 35 When juveniles are found to perpetrate the serious misbehavior as prescribed by this Law, they shall be stopped doing so without delay.

对有本法规定严重不良行为的未成年人，其父母或者其他监护人和学校应当相互配合，采取措施严加管教，也可以送工读学校进行矫治和接受教育。

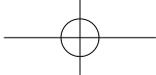
When juveniles are found to perpetrate serious misbehavior as prescribed by this Law, their parents or other guardians and the schools concerned shall coordinate their efforts and take measures to subject them to strict discipline, or may send them to work-study schools for rectification or treatment, and for education.

对未成年人送工读学校进行矫治和接受教育，应当由其父母或者其他监护人，或者原所在学校提出申请，经教育行政部门批准。

To send juveniles to work-study schools for rectification or treatment, and for education, their parents or other guardians or their former schools shall submit applications for approval to the administrative departments for education.

第三十六条 工读学校对就读的未成年人应当严格管理和教育。工读学校除按照义务教育法的要求，在课程设置上与普通学校相同外，应当加强法制教育的内容，针对未成年人严重不良行为产生的原因以及有严重不良行为的未成年人的心理特点，开展矫治工作。

Article 36 Work-study schools shall impose strict control on and enforce education among the juveniles who study there. They shall, in addition to the same courses offered by ordinary schools, as required by the Law on Compulsory Education, put emphasis on education in the legal system and help the juveniles to rectify or treat their serious misbehavior in light of the causes for such misbehavior and the psychological characteristics of the juveniles.



家庭、学校应当关心、爱护在工读学校就读的未成年人，尊重他们的人格尊严，不得体罚、虐待和歧视。工读学校毕业的未成年人在升学、就业等方面，同普通学校毕业的学生享有同等的权利，任何单位和个人不得歧视。

Families and schools shall show concern for and take good care of the juveniles who study in work-study schools and respect their personality and dignity, and may not impose physical punishment on, maltreat, or discriminate against them. Juveniles who graduate from work-study schools shall enjoy equal rights with students who graduate from ordinary schools in entering schools of a higher grade and in employment, and no unit or individual may discriminate against them.

第三十七条 未成年人有本法规定严重不良行为，构成违反治安管理行为的，由公安机关依法予以治安处罚。因不满十四周岁或者情节特别轻微免于处罚的，可以予以训诫。

Article 37 Juveniles who perpetrate serious misbehaviors, as specified in this Law, that constitute violations of the regulations governing public security shall be punished for public security by public security organs according to law. Juveniles who are exempted from punishment because they have not reached the age of 14 or the circumstances are especially minor may be subjected to reprimand.

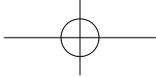
第三十八条 未成年人因不满十六周岁不予刑事处罚的，责令他的父母或者其他监护人严加管教；在必要的时候，也可以由政府依法收容教养。

Article 38 Where Juveniles are not given criminal punishment because they have not reached the age of 16, their parents or other guardians shall be ordered to subject them to strict discipline; when necessary, they may also be sheltered for correction by governments in accordance with law.

第三十九条 未成年人在被收容教养期间，执行机关应当保证其继续接受文化知识、法律知识或者职业技术教育；对没有完成义务教育的未成年人，执行机关应当保证其继续接受义务教育。

Article 39 During the period when juveniles are sheltered for correction, the executing organs shall make sure that they continue to receive education in cultural and legal knowledge or vocational techniques; for those who have not finished compulsory education, the executing organs shall make sure that they continue to receive such education.

解除收容教养、劳动教养的未成年人，在复学、升学、就业等方面与其他未成年人享



有同等权利，任何单位和个人不得歧视。

Juveniles who are released from sheltering for correction or from reeducation through labor shall enjoy equal rights with other juveniles in going back to school and entering schools of a higher grade and in employment, and no unit or individual may discriminate against them.

第五章 未成年人对犯罪的自我防范

Chapter V Juveniles' Self-protection Against Crimes

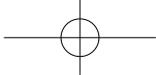
第四十条 未成年人应当遵守法律、法规及社会公共道德规范，树立自尊、自律、自强意识，增强辨别是非和自我保护的能力，自觉抵制各种不良行为及违法犯罪行为的引诱和侵害。

Article 40 Juveniles shall observe laws and regulations and live up to the standards of public morality, be aware of the importance of self-esteem, self-discipline and self-improvement, increase their ability to distinguish between right and wrong and protect themselves, and resist of their own volition any inducement to and corrosive influence by various misbehavior and illegal and criminal actions.

第四十一条 被父母或者其他监护人遗弃、虐待的未成年人，有权向公安机关、民政部门、共产主义青年团、妇女联合会、未成年人保护组织或者学校、城市居民委员会、农村村民委员会请求保护。被请求的上述部门和组织都应当接受，根据情况需要采取救助措施的，应当先采取救助措施。

Article 41 Juveniles who are abandoned or maltreated by their parents or other guardians shall have the right to request public security organs, administrative departments for civil affairs, organizations of the Communist Youth League, women's federations, organizations for protection of juveniles or schools, neighborhood committee in cities, or villagers' committees in the countryside to furnish them protection. The departments or organizations mentioned above that are request for help shall accept the request and take measures to help the juveniles immediately where necessary.

第四十二条 未成年人发现任何人对自己或者对其他未成年人实施本法第三章规定不得实施的行为或者犯罪行为，可以通过所在学校、其父母或者其他监护人向公安机关或者政府有关主管部门报告，也可以自己向上述机关报告。受理报告的机关应当及时依法查处。



Article 42 When juveniles find that anyone perpetuates actions prohibited by the provisions in Chapter III of this Law or commits criminal offenses against themselves or other juveniles, they may report to public security organs or competent government departments through their schools, their parents or other guardians, and they themselves may do so too. The organs or departments that receive the reports shall promptly investigate and deal with the cases according to law.

第四十三条 对同犯罪行为作斗争以及举报犯罪行为的未成年人，司法机关、学校、社会应当加强保护，保障其不受打击报复。

Article 43 Judicial organs, schools and the community shall give especial protection to juveniles who fight and report against criminal offenses and ensure that they are free from retaliation.

第六章 对未成年人重新犯罪的预防

Chapter VI Prevention of Juveniles from Committing Criminal Offenses Again

第四十四条 对犯罪的未成年人追究刑事责任，实行教育、感化、挽救方针，坚持教育为主、惩罚为辅的原则。

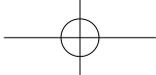
Article 44 In investigating juveniles who have committed criminal offenses investigating for criminal responsibility, the guidelines of enlightenment, persuasion and reformation and the principle of taking enlightenment as the dominant factor while making punishment subsidiary shall be adhered to.

司法机关办理未成年人犯罪案件，应当保障未成年人行使其诉讼权利，保障未成年人得到法律帮助，并根据未成年人的生理、心理特点和犯罪的情况，有针对性地进行法制教育。

When handling cases involving juvenile delinquency, judicial organs shall guarantee that juveniles exercise their litigation rights and get legal assistance, and enlighten them on the legal system in accordance with the physiological and psychological characteristics of juveniles and the circumstances under which they commit the criminal offenses.

对于被采取刑事强制措施未成年学生，在人民法院的判决生效以前，不得取消其学籍。

Juvenile students against whom mandatory penal measures are taken may not be struck off



the school roll before the verdicts of the People's Courts go into effect.

第四十五条 人民法院审判未成年人犯罪的刑事案件，应当由熟悉未成年人身心特点的审判员或者审判员和人民陪审员依法组成少年法庭进行。

Article 45 Trials of criminal cases involving juvenile delinquency in a People's Court shall be conducted by a juvenile court formed, in accordance with law, by judges who are familiar with the physical and mental characteristics of juveniles or of such judges and people's assessors.

对于审判的时候被告人不满十八周岁的刑事案件，不公开审理。

No cases involving criminal offenses committed by juveniles under the age of 18 shall be heard in public.

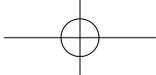
对未成年人犯罪案件，新闻报道、影视节目、公开出版物不得披露该未成年人的姓名、住所、照片及可能推断出该未成年人的资料。

For cases involving criminal offenses committed by juveniles, no names, dwelling places, photos nor materials from which people can tell who the juveniles are may be disclosed in news reports, film and television programs and publications.

第四十六条 对被拘留、逮捕和执行刑罚的未成年人与成年人应当分别关押、分别管理、分别教育。未成年犯在被执行刑罚期间，执行机关应当加强对未成年犯的法制教育，对未成年犯进行职业技术教育。对没有完成义务教育的未成年犯，执行机关应当保证其继续接受义务教育。

Article 46 Juveniles who are detained or arrested or who are serving their sentences shall be jailed, administered and educated separately from adults. During the period when juvenile delinquents are serving their sentences, the executing organ shall enforce legal education and conduct vocational and technical training among them. For juvenile delinquents who have not finished compulsory education, the executing organ shall ensure that they continue to receive such education.

第四十七条 未成年人的父母或者其他监护人和学校、城市居民委员会、农村村民委员会、对因不满十六周岁而不予刑事处罚、免于刑事处罚的未成年人，或者被判处非监禁刑罚、被判处刑罚宣告缓刑、被假释的未成年人，应当采取有效的帮教措施，协助司法机关做好对未成年人的教育、挽救工作。



Article 47 Parents and other guardians of juveniles, schools, neighborhood committees in cities and villagers' committees in the countryside shall take effective measures to help educate juveniles who are not given or are exempted from criminal punishment because they have not reached the age of 16 and juveniles who are sentenced to criminal punishment of non-imprisonment or to criminal punishment with a suspension of execution or who are released on parole, in order to assist judicial organs in a successful educating and reforming the juveniles.

城市居民委员会、农村村民委员会可以聘请思想品德优秀，作风正派，热心未成年人教育工作的离退休人员或其他人员协助做好对前款规定的未成年人的教育、挽救工作。

The neighborhood committees in cities or villagers' committees in the countryside may engage retired persons or other persons who are exemplary in their ideology and moral character, honest and upright and enthusiastic about educational work among juveniles, to assist them in doing a good job of educating and reform the juveniles mentioned in the preceding paragraph.

第四十八条 依法免于刑事处罚、判处非监禁刑罚、判处刑罚宣告缓刑、假释或者刑罚执行完毕的未成年人，在复学、升学、就业等方面与其他未成年人享有同等权利，任何单位和个人不得歧视。

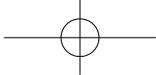
Article 48 Juveniles who, in accordance with law, are exempted from criminal punishment, sentenced to criminal punishment of non-imprisonment, sentenced to criminal punishment with a suspension of execution, or released on parole, or for whom criminal punishment have executed shall enjoy equal rights with other juveniles in going back to school and entering schools of a higher grade and in employment; no unit or individual may discriminate against them.

第七章 法律责任

Chapter VII Legal Responsibility

第四十九条 未成年人的父母或者其他监护人不履行监护职责，放任未成年人有本法规定的不良行为或者严重不良行为的，由公安机关对未成年人的父母或者其他监护人予以训诫，责令其严加管教。

Article 49 Where parents or other guardians of juveniles fail to perform their duties of guardianship and let juveniles perpetrate, as they like, misbehavior or serious misbehavior specified in this Law, public security organs shall reprimand the parents or other guardians of the juveniles and order them to subject the juveniles to strict discipline.



第五十条 未成年人的父母或者其他监护人违反本法第十九条的规定，让不满十六周岁的未成年人脱离监护单独居住的，由公安机关对未成年人的父母或者其他监护人予以训诫，责令其立即改正。

Article 50 Where parents or other guardians of juveniles, in violation of the provisions in Article 19 of this Law, allow juveniles under the age of 16 to be free from their guardianship and live alone, public security organs shall reprimand the parents and other guardians of the juveniles and order them to set it right immediately.

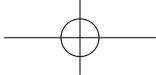
第五十一条 公安机关的工作人员违反本法第十八条的规定，接到报告后，不及时查处或者采取有效措施，严重不负责任的，予以行政处分；造成严重后果，构成犯罪的，依法追究刑事责任。

Article 51 Where a member of a public security organ, in violation of the provisions in Article 18 of this Law, fails to investigate and deal with a case or take effective measures immediately after receiving the report and thus grossly neglects his duty, he shall be given administrative sanctions; if serious consequences are caused and a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

第五十二条 违反本法第三十条的规定，出版含有诱发未成年人违法犯罪以及渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康内容的出版物的，由出版行政部门没收出版物和违法所得，并处违法所得三倍以上十倍以下罚款；情节严重的，没收出版物和违法所得，并责令停业整顿或者吊销许可证。对直接负责的主管人员和其他直接责任人员处以罚款。

Article 52 If anyone, in violation of the provisions in Article 30 of this Law, publishes publications which contain such content as may induce juveniles to violate laws or commit criminal offenses, or such content as may impair the physical and mental health of juveniles, content that exaggerate violence, pornography, gambling, terror, etc., the publications and his illegal gains shall be confiscated by the administrative department for publishing, and he shall also be fined not less than 3 times but not more than 10 times his illegal gains; if the circumstances are serious, the publications and his illegal gains shall be confiscated, he shall be ordered to suspend business for rectification or his license shall be revoked. The persons who are directly in charge and the other persons who are directly responsible shall be fined.

制作、复制宣扬淫秽内容的未成年人出版物，或者向未成年人出售、出租、传播宣扬



淫秽内容的出版物的，依法予以治安处罚；构成犯罪的，依法追究刑事责任。

Whoever produces or reproduces publications for juveniles which propagate obscenity or sells, loans or spreads such publications shall be punished for public security in accordance with law; if the violation constitutes a crime, he shall be investigated for criminal responsibility in accordance with law.

第五十三条 违反本法第三十一条的规定，向未成年人出售、出租含有诱发未成年人违法犯罪以及渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康内容的读物、音像制品、电子出版物的，或者利用通讯、计算机网络等方式提供上述危害未成年人身心健康内容及其信息的，没收读物、音像制品、电子出版物和违法所得，由政府有关主管部门处以罚款。

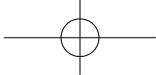
Article 53 If anyone, in violation of the provisions in Article 31 of this Law, sells or loans to juveniles publications, audio-video products or electronic publications which contain such content as may induce juveniles to violate laws or commit criminal offenses, and such content as may impair the physical and mental health of juveniles, content that exaggerate violence, pornography, gambling, terror, etc., or, by means of telecommunications, computer network, etc., provides such content and information about such content that may impair the physical and mental health of juveniles, the said publications, audio-video products, electronic publications and his illegal gains shall be confiscated and he shall be fined by the competent government department.

单位有前款行为的，没收读物、音像制品、电子出版物和违法所得，处以罚款，并对直接负责的主管人员和其他直接责任人员处以罚款。

If any unit commits any action mentioned in the preceding paragraph, the publications, audio-video products, electronic publications and its illegal gains shall be confiscated, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined.

第五十四条 影剧院、录像厅等各类演播场所，放映或者演出渲染暴力、色情、赌博、恐怖活动等危害未成年人身心健康的节目的，由政府有关主管部门没收违法播放的音像制品和违法所得，处以罚款，并对直接负责的主管人员和其他直接责任人员处以罚款；情节严重的，责令停业整顿或者由工商行政部门吊销营业执照。

Article 54 If any cinema, theatre, video-tapes show hall and other show place shows or plays such programs as may impair the physical and mental health of juveniles, programs that exaggerate



violence, pornography, gambling, terror, etc., the audio-video products which it illegally shows or plays and its illegal gains shall be confiscated by the competent government department, it shall be fined, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined; if the circumstances are serious, it shall be ordered to suspend business for rectification or its business license shall be revoked by the administrative department for industry and commerce.

第五十五条 营业性歌舞厅以及其他未成年人不适宜进入的场所、营业性电子游戏场所，违反本法第三十三条的规定，不设置明显的未成年人禁止进入标志，或者允许未成年人进入的，由文化行政部门责令改正、给予警告、责令停业整顿、没收违法所得，处以罚款，并对直接负责的主管人员和其他直接责任人员处以罚款；情节严重的，由工商行政管理部门吊销营业执照。

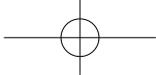
Article 55 If commercial singing and dancing halls, other places that are not suitable for juveniles, and commercial TV games centers, in violation of the provisions in Article 33 of this Law, fail to put up conspicuous no-admittance signs or allow juveniles to go there, they shall be ordered to set it right, given administrative warning, ordered to suspend business for rectification, their illegal gains shall be confiscated, and they shall be fined by the administrative department for culture, and the persons who are directly in charge and the other persons who are directly responsible shall also be fined; if the circumstances are serious, the administrative department for industry and commerce shall revoke their business licenses.

第五十六条 教唆、胁迫、引诱未成年人实施本法规定的不良行为、严重不良行为，或者为未成年人实施不良行为、严重不良行为提供条件，构成违反治安管理行为的，由公安机关依法予以治安处罚；构成犯罪的，依法追究刑事责任。

Article 56 Whoever instigates or coerces juveniles to perpetrate or lures them into misbehavior or serious misbehavior as prescribed by this Law, or provides conditions for juveniles to perpetrate the said misbehavior, if his action constitutes a violation of the regulations governing public security, shall be punished for public security by a public security organ in accordance with law; if a crime is constituted, he shall be investigated for criminal responsibility in accordance with law.

第八章 附则

Chapter VIII Supplementary Provisions



第五十七条 本法自 1999 年 11 月 1 日起施行。

Article 57 This Law shall go into effect as of November 1, 1999.

《中华人民共和国未成年人保护法》

Law of the People's Republic of China on the Protection of Minors

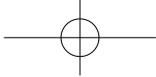
（《中华人民共和国未成年人保护法》经 1991 年 9 月 4 日七届全国人大常委会第 21 次会议通过，1991 年 9 月 4 日，中华人民共和国主席令第 50 号公布；根据 2012 年 10 月 26 日十一届全国人大常委会第 29 次会议通过、2012 年 10 月 26 日中华人民共和国主席令第 65 号公布的《全国人民代表大会常务委员会关于修改〈中华人民共和国未成年人保护法〉的决定》第 2 次修正。《未成年人保护法》分总则、家庭保护、学校保护、社会保护、司法保护、法律责任、附则 7 章 72 条，自 2007 年 6 月 1 日起施行）

(The Law of the People's Republic of China on the Protection of Minors was adopted at the 21st Meeting of the Standing Committee of the Seventh National People's Congress on September 4, 1991 and promulgated by Order No.50 of the President of the People's Republic of China on September 4, 1991; amended for the second time in accordance with the Decision of the Standing Committee of the National People's Congress on Amending the Law of the People's Republic of China on the Protection of Minors that was adopted at the 29th Session of the Standing Committee of the Eleventh National People's Congress on October 26, 2012 and promulgated by Order No. 65 of the President of the People's Republic of China on October 26, 2012. The Law of the People's Republic of China on the Protection of Minors has seven chapters and 72 articles, including General Provisions, Protection by the Family, Protection by the School, Protection by the Society, Protection by the Judicial Organ, Legal Responsibility and Supplementary Provisions. This Law shall come into force as of June 1, 2007.

第一章 总则

Chapter I General Provisions

第一条 为了保护未成年人的身心健康，保障未成年人的合法权益，促进未成年人在品德、智力、体质等方面全面发展，把他们培养成为有理想、有道德、有文化、有纪律的社会主义事业接班人，根据宪法，制定本法。



Article 1 This Law is enacted in accordance with the Constitution for the purpose of protecting the physical and mental health of minors, safeguarding their lawful rights and interests, promoting their all-round development — morally, intellectually and physically, and training them into successors to the socialist cause with lofty ideals, sound morality, better education and a good sense of discipline.

第二条 本法所称未成年人是指未满十八周岁的公民。

Article 2 Minors as used in this Law refer to citizens under the age of eighteen.

第三条 国家、社会、学校和家庭对未成年人进行理想教育、道德教育、文化教育、纪律和法制教育，进行爱国主义、集体主义和国际主义、共产主义的教育，提倡爱祖国、爱人民、爱劳动、爱科学、爱社会主义的公德，反对资本主义的、封建主义的和其他的腐朽思想的侵蚀。

Article 3 The State, society, schools and families shall educate minors in ideals, morality, culture, discipline and legal system as well as in patriotism, collectivism, internationalism and communism, foster among them the social ethics of loving the motherland, the people, labour, science and socialism, and fight against the corrosive influences of bourgeois, feudal and other decadent ideologies.

第四条 保护未成年人的工作，应当遵循下列原则：

Article 4 The protection of minors shall follow the following principles:

(一) 保障未成年人的合法权益；

(1) Safeguarding the lawful rights and interests of minors;

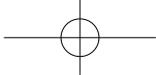
(二) 尊重未成年人的人格尊严；

(2) Respecting the personal dignity of minors;

(三) 适应未成年人身心发展的特点；

(3) Fitting in with the characteristics of minors' physical and mental development; and

(四) 教育与保护相结合。



(4) Combining education with protection.

第五条 国家保障未成年人的人身、财产和其他合法权益不受侵犯。

Article 5 The State shall protect the rights of the person and property as well as other lawful rights and interests of minors from violation.

保护未成年人，是国家机关、武装力量、政党、社会团体、企业事业组织、城乡基层群众性自治组织、未成年人的监护人和其他成年公民的共同责任。

To protect minors is the common responsibility of State organs, armed forces, political parties, social organizations, enterprises and institutions, self-governing organizations of mass character at grass-roots levels in urban and rural areas, guardians of minors and other adult citizens.

对侵犯未成年人合法权益的行为，任何组织和个人都有权予以劝阻、制止或者向有关部门提出检举或者控告。

Any organization or individual shall have the right to dissuade or stop any act encroaching upon the lawful rights and interests of minors, or report to or complain before a department concerned thereagainst.

国家、社会、学校和家庭应当教育和帮助未成年人运用法律手段，维护自己的合法权益。

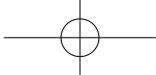
The State, society, schools and families shall educate and help minors to safeguard their lawful rights and interests by legal means.

第六条 中央和地方各级国家机关应当在各自的职责范围内做好未成年人保护工作。

Article 6 State organs at the central and local levels shall, within the scope of their functions and responsibilities, ensure the protection of minors.

国务院和省、自治区、直辖市的人民政府根据需要，采取组织措施，协调有关部门做好未成年人保护工作。

The State Council and the people's governments of the provinces, autonomous regions and municipalities directly under the Central Government shall adopt organizational measures



according to needs to coordinate the departments concerned in their efforts to ensure the protection of minors.

共产主义青年团、妇女联合会、工会、青年联合会、学生联合会、少年先锋队及其他有关社会团体，协助各级人民政府做好未成年人保护工作，维护未成年人的合法权益。

The Communist Youth League organs, women's federations, trade unions, youth federations, students' federations, young pioneers' organizations and other social organizations shall assist the people's governments at various levels in ensuring the protection of minors and safeguarding their lawful rights and interests.

第七条 各级人民政府和有关部门对保护未成年人有显著成绩的组织和个人，给予奖励。

Article 7 The people's governments at various levels and departments concerned shall give awards to organizations and individuals that have made outstanding achievements in the protection of minors.

第二章 家庭保护

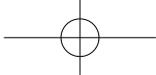
Chapter II Protection by the Family

第八条 父母或者其他监护人应当依法履行对未成年人的监护职责和抚养义务，不得虐待、遗弃未成年人；不得歧视女性未成年人或者有残疾的未成年人；禁止溺婴、弃婴。

Article 8 The parents or other guardians of minors shall fulfil their responsibility of guardianship and their obligations according to law to bring up the minors. They shall not maltreat or forsake the minors, nor shall they discriminate against female or handicapped minors. Infanticide and infant-abandoning shall be forbidden.

第九条 父母或者其他监护人应当尊重未成年人接受教育的权利，必须使适龄未成年人按照规定接受义务教育，不得使在校接受义务教育的未成年人辍学。

Article 9 The parents or other guardians of minors shall respect the minors' right to receive education, must ensure to the minors of school age the compulsory education as provided by relevant regulations, and shall not make minors receiving compulsory education at school discontinue their schooling.



第十条 父母或者其他监护人应当以健康的思想、品行和适当的方法教育未成年人，引导未成年人进行有益身心健康的活动，预防和制止未成年人吸烟、酗酒、流浪以及聚赌、吸毒、卖淫。

Article 10 The parents or other guardians of minors shall cultivate the minors in sound ideology and conduct by appropriate methods, guide them to undertake activities that are conducive to their physical and mental development, prevent and stop them from smoking, excessive drinking, leading a vagrant life, gambling, drug-taking or prostitution.

第十一条 父母或者其他监护人不得允许或者迫使未成年人结婚，不得为未成年人订立婚约。

Article 11 The parents or other guardians of minors may not permit or force the minors to marry, nor may they undertake an engagement for the minors.

第十二条 父母或者其他监护人不履行监护职责或者侵害被监护的未成年人的合法权益的，应当依法承担责任。

Article 12 The parents or other guardians of minors who refuse to perform their duties as guardians or encroach upon the lawful rights and interests of the minors under their guardianship shall bear the responsibility therefor according to law.

父母或者其他监护人有前款所列行为，经教育不改的，人民法院可以根据有关人员或者有关单位的申请，撤销其监护的资格；依照民法通则第十六条的规定，另行确定监护人。

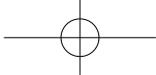
Where the parents or other guardians of minors commit any act specified in the preceding paragraph and refuse to mend their ways after education, the people's court may, upon application by the person(s) or unit(s) concerned, disqualify them as guardians and designate guardians anew in accordance with the provisions in Article 16 of the General Principles of the Civil Law.

第三章 学校保护

Chapter III Protection by the School

第十三条 学校应当全面贯彻国家的教育方针，对未成年学生进行德育、智育、体育、美育、劳动教育以及社会生活指导和青春期教育。

Article 13 Schools shall comprehensively implement the State policy for education and



conduct moral, intellectual, physical, aesthetic and labour education among the minor students, and give them guidance in social life as well as education in puberty knowledge.

学校应当关心、爱护学生；对品行有缺点、学习有困难的学生，应当耐心教育、帮助，不得歧视。

Schools shall show concern for and take good care of the minor students; with respect to those who have shortcomings in conduct or difficulties in study, schools shall give patient education and help, and may not discriminate against them.

第十四条 学校应当尊重未成年学生的受教育权，不得随意开除未成年学生。

Article 14 Schools shall respect the minor students' right to receive education and may not arbitrarily expel any minor students from schools.

第十五条 学校、幼儿园的教职员应当尊重未成年人的人格尊严，不得对未成年学生和儿童实施体罚、变相体罚或者其他侮辱人格尊严的行为。

Article 15 Teaching and administrative staff in schools and kindergartens shall respect the personal dignity of the minors, and may not enforce corporal punishment or corporal punishment in disguised forms, or any other act that humiliates the personal dignity of the minors.

第十六条 学校不得使未成年学生在危及人身安全、健康的校舍和其他教育教学设施中活动。

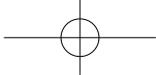
Article 16 Schools may not let the minor students engage in any activity in school buildings or in any other educational and teaching facilities that are dangerous to their personal safety and health.

任何组织和个人不得扰乱教学秩序，不得侵占、破坏学校的场地、房屋和设备。

No organization or individual may disrupt the order of teaching in schools, occupy or damage school ground, housing and installations.

第十七条 学校和幼儿园安排未成年学生和儿童参加集会、文化娱乐、社会实践等集体活动，应当有利于未成年人的健康成长，防止发生人身安全事故。

Article 17 Collective activities organized by schools and kindergartens for minor students



and children, such as taking part in rallies, recreational activities and social practices, shall be conducive to the sound growth of minors; accidents endangering personal safety shall be prevented.

第十八条 按照国家有关规定送工读学校接受义务教育的未成年人，工读学校应当对其进行思想教育、文化教育、劳动技术教育和职业教育。

Article 18 In respect of minors who are sent to work-and-study schools to receive compulsory education pursuant to relevant regulations of the State, the work-and-study schools shall conduct among such minors ideological, cultural, labour skill and vocational education.

工读学校的教职员应当关心、爱护、尊重学生，不得歧视、厌弃。

Teaching and administrative staff in work-and-study schools shall show concern for, take good care of and respect the students and may not discriminate against or detest such students.

第十九条 幼儿园应当做好保育、教育工作，促进幼儿在体质、智力、品德等方面和谐发展。

Article 19 Kindergartens shall do a good job in nursing care and education so as to promote the harmonious development of the children in physique, intellectual ability and moral values.

第四章 社会保护

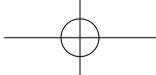
Chapter IV Protection by the Society

第二十条 国家鼓励社会团体、企业事业组织和其他组织及公民，开展多种形式的有利于未成年人健康成长的社会活动。

Article 20 The State shall encourage social organizations, enterprises, institutions and other organizations and citizens to hold various forms of social activities that are conducive to the sound growth of minors.

第二十一条 各级人民政府应当创造条件，建立和改善适合未成年人文化生活需要的活动场所和设施。

Article 21 People's governments at various levels shall create conditions to establish and improve places and facilities suited to the needs of minors for cultural life.



第二十二条 博物馆、纪念馆、科技馆、文化馆、影剧院、体育场(馆)、动物园、公园等场所，应当对中小學生优惠开放。

Article 22 Museums, memorial halls, scientific and technological centres, cultural centres, cinemas and theatres, stadiums and gymnasiums, zoos, parks and other similar places shall be open to secondary school students and primary school pupils on preferential basis.

第二十三条 营业性舞厅等不适宜未成年人活动的场所，有关主管部门和经营者应当采取措施，不得允许未成年人进入。

Article 23 In respect of places, such as commercial dancing halls that are not appropriate for minors to take part in the activities therein, the competent departments and business managers shall take measures to ensure that no admission shall be given to minors.

第二十四条 国家鼓励新闻、出版、广播、电影、电视、文艺等单位和作家、科学家、艺术家及其他公民，创作或者提供有益于未成年人健康成长的作品。出版专门以未成年人为对象的图书、报刊、音像制品等出版物，国家给予扶持。

Article 24 The State shall encourage units of the press, publication, broadcasting, film and television, art and literature, as well as writers, scientists, artists and other citizens to create or provide works beneficial to the sound growth of minors. The State shall render support to the publication of books, newspapers, magazines and audio-visual products specially catering to minors.

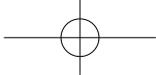
第二十五条 严禁任何组织和个人向未成年人出售、出租或者以其他方式传播淫秽、暴力、凶杀、恐怖等毒害未成年人的图书、报刊、音像制品。

Article 25 It shall be strictly prohibited for any organization or individual to sell, rent, or disseminate by any other means to minors, books, newspapers, magazines or audio-visual products of pornography, violence, wanton killing and terror that are pernicious to minors.

第二十六条 儿童食品、玩具、用具和游乐设施，不得有害于儿童的安全和健康。

Article 26 Food, toys, utensils and amusement facilities for children may not be harmful to children's safety and health.

第二十七条 任何人不得在中小学、幼儿园、托儿所的教室、寝室、活动室和其他



未成年人集中活动的室内吸烟。

Article 27 No person may smoke in the classrooms, dormitories and recreational rooms of secondary and primary schools, kindergartens, as well as any other indoor places where minors gather for activities.

第二十八条 任何组织和个人不得招用未满十六周岁的未成年人，国家另有规定的除外。

Article 28 No organization or individual may hire any minor under the age of sixteen, except as otherwise provided by the State.

任何组织和个人依照国家有关规定招收已满十六周岁未满十八周岁的未成年人，应当在工种、劳动时间、劳动强度和保护措施等方面执行国家有关规定，不得安排其从事过重、有毒、有害的劳动或者危险作业。

Any organization or individual that recruits according to relevant regulations of the State minors over the age of sixteen but under eighteen shall, in respect of the types of jobs, duration of time and intensity of labour as well as protective measures, follow the relevant regulations of the State and may not assign them to any over-strenuous, poisonous or harmful labour or any dangerous operation.

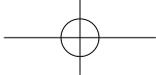
第二十九条 对流浪乞讨或者离家出走的未成年人，民政部门或者其他有关部门应当负责交送其父母或者其他监护人；暂时无法查明其父母或者其他监护人的，由民政部门设立的儿童福利机构收容抚养。

Article 29 In respect of minors who wander about and go begging or those who flee from their homes, the civil affairs departments or other departments concerned shall take the responsibility to send them back to their parents or other guardians; with regard to those whose parents or guardians cannot be ascertained for the time being, the welfare organizations for children established by the civil affairs departments shall accept and take care of them.

第三十条 任何组织和个人不得披露未成年人的个人稳私。

Article 30 No organization or individual may disclose the personal secrets of minors.

第三十一条 对未成年人的信件，任何组织和个人不得隐匿、毁弃；除因追查犯罪



的需要由公安机关或者人民检察院依照法律规定的程序进行检查，或者对无行为能力的未成年人的信件由其父母或者其他监护人代为开拆外，任何组织或者个人不得开拆。

Article 31 No organization or individual may conceal, destroy or discard mail of any minor. Except when the inspection of mail in accordance with legal procedures by the public security organs or the people's procuratorates is necessary for the investigation of a criminal offence, or when the opening of mail of a minor without capacity is done on his or her behalf by the parents or other guardians, no organization or individual may open mail of any minor.

第三十二条 卫生部门和学校应当为未成年人提供必要的卫生保健条件，做好预防疾病工作。

Article 32 Departments of public health and schools shall provide minors with necessary sanitary and health-care conditions and make efforts to prevent diseases.

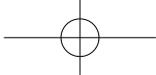
第三十三条 地方各级人民政府应当积极发展托幼事业，努力办好托儿所、幼儿园，鼓励和支持国家机关、社会团体、企业事业组织和其他社会力量兴办哺乳室、托儿所、幼儿园，提倡和支持举办家庭托儿所。

Article 33 Local people's governments at various levels shall make efforts to develop child-care undertakings and strive to run nurseries and kindergartens well, encourage and support State organs, social organizations, enterprises and institutions as well as other sectors of society to establish nursing rooms, nurseries and kindergartens, advocate and support the establishment of household nurseries.

第三十四条 卫生部门应当对儿童实行预防接种证制度，积极防治儿童常见病、多发病，加强对传染病防治工作的监督管理和对托儿所、幼儿园卫生保健的业务指导。

Article 34 Departments of public health shall, in relation to children, establish a preventive inoculation certificate system, make efforts to prevent common and frequently-occurring diseases among children, strengthen supervision and control over the prevention and treatment of infectious diseases and give more effective professional guidance to sanitation and health-care work in nurseries and kindergartens.

第三十五条 各级人民政府和有关部门应当采取多种形式，培养和训练幼儿园、托儿所的保教人员，加强对他们的政治思想和业务教育。



Article 35 People's governments at various levels and departments concerned shall, through various forms, foster and train child-care and teaching staff in nurseries and kindergartens, and strengthen political, ideological and professional education thereto.

第三十六条 国家依法保护未成年人的智力成果和荣誉权不受侵犯。

Article 36 The State shall protect according to law the intellectual achievements and the right of honour of minors from encroachment.

对有特殊天赋或者有突出成就的未成年人，国家、社会、家庭和学校应当为他们的健康发展创造有利条件。

For minors who have shown unusual talent or made outstanding achievements, the State, society, families and schools shall create conditions favourable to their sound development.

第三十七条 未成年人已经受完规定年限的义务教育不再升学的，政府有关部门和社会团体、企业事业组织应当根据实际情况，对他们进行职业技术培训，为他们创造劳动就业条件。

Article 37 In respect of minors who have completed the prescribed length of schooling in terms of compulsory education and will not receive education at a higher level, the relevant governmental departments, social organizations, enterprises and institutions shall, in line with the actual conditions, train them in vocational skills and create conditions for their engagement in labour or employment.

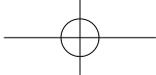
第五章 司法保护

Chapter V Judicial Protection

第三十八条 对违法犯罪的未成年人，实行教育、感化、挽救的方针，坚持教育为主、惩罚为辅的原则。

Article 38 In respect of delinquent minors, the policy of education, persuasion and redemption shall be implemented and the principle of taking education as the main method and punishment as the subsidiary shall be upheld.

第三十九条 已满十四岁的未成年人犯罪，因不满十六岁不予刑事处罚的，负令其家长或者其他监护人加以管教；必要时，也可以由政府收容教养。



Article 39 In respect of minors reaching the age of fourteen who have committed crimes but are not subject to criminal punishment because they have not yet reached the age of sixteen, their parents or other guardians shall be ordered to subject them to discipline; when necessary, such minors may also be taken in for rehabilitation by the government.

第四十条 公安机关、人民检察院、人民法院办理未成年人犯罪的案件，应当照顾未成年人的身心特点，并可以根据需要设立专门机构或者指定专人办理。

Article 40 Public security organs, people's procuratorates and people's courts shall, in dealing with cases involving crimes committed by minors, take their physical and mental characteristics into consideration, and may, in line with needs, set up special organs or designate special persons to handle such cases.

公安机关、人民检察院、人民法院和少年犯管教所，应当尊重违法犯罪的未成年人的人格尊严，保障他们的合法权益。

Public security organs, people's procuratorates, people's courts and reformatories for juvenile delinquents shall respect the personal dignity of the delinquent minors and safeguard their lawful rights and interests.

第四十一条 公安机关、人民检察院、人民法院对审前羁押的未成年人，应当与羁押的成年人分别看管。

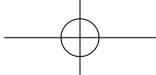
Article 41 Public security organs, people's procuratorates and people's courts shall guard minors under custody, pending trial, separately from adults under custody.

对经人民法院判决服刑的未成年人，应当与服刑的成年人分别关押、管理。

Minors who are sentenced to fixed-term imprisonment by the people's courts shall be housed and guarded separately from adults serving their sentences.

第四十二条 十四周岁以上不满十六周岁的未成年人犯罪的案件，一律不公开审理。十六周岁以上不满十八周岁的未成年人犯罪的案件，一般也不公开审理。

Article 42 All cases involving crimes committed by minors over fourteen years old but under sixteen shall not be tried publicly. Cases involving crimes committed by minors over sixteen years old but under eighteen shall, in general, not be tried publicly.



对未成年人犯罪案件，在判决前，新闻报道、影视节目、公开出版物不得披露该未成年人的姓名、住所、照片及可能推断出该未成年人的资料。

With regard to cases involving crimes committed by minors, the names, home addresses and photos of such minors as well as other information which can be used to deduce who they are, may not be disclosed, before the judgement, in news reports, films, TV programmes and in any other openly circulated publications.

第四十三条 家庭和学校及其他有关单位，应当配合违法犯罪未成年人所在的少年犯管教所等单位，共同做好违法犯罪未成年人的教育挽救工作。

Article 43 The families, schools and other units concerned shall coordinate, in educating and redeeming the delinquent minors, with the reformatories for juvenile delinquents and other similar units where the delinquent minors are held.

第四十四条 人民检察院免于起诉、人民法院免除刑事处罚或者宣告缓刑以及被解除收容教养或者服刑期满释放的未成年人，复学、升学、就业不受歧视。

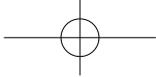
Article 44 Minors who are exempt from prosecution by the people's procuratorates, from criminal punishment by the people's courts, or the execution of whose sentence is announced suspended by the people's court, and minors who have been released from reformatory custody or have served their terms of imprisonment shall not be discriminated against in respect of resuming schooling, entering a higher school or employment.

第四十五条 人民法院审理继承案件，应当依法保护未成年人的继承权。

Article 45 The people's courts shall, in handling cases concerning inheritance, protect the minors' right of inheritance according to law.

人民法院审理离婚案件，离婚双方因抚养未成年人子女发生争执，不能达成协议时，应当根据保障子女权益的原则和双方具体情况判决。

In handling cases of divorce, if disputes arise between the two parties concerned over the support of the minor child or children and no agreement can be reached, the people's courts shall make judgment in accordance with the principle of safeguarding the rights and interests of the child or children and in light of the specific conditions of the two parties concerned.



第六章 法律责任

Chapter VI Legal Responsibility

第四十六条 未成年人合法权益受到侵害的，被侵害人或者其监护人有权要求有关主管部门处理，或者依法向人民法院提起诉讼。

Article 46 Where the lawful rights and interests of a minor is infringed, the infringed or his or her guardians shall have the right to request the department concerned to deal with the matter or bring a suit in a people's court according to law.

第四十七条 侵害未成年人的合法权益，对其造成财产损失或者其他损失、损害的，应当依法赔偿或者承担其他民事责任。

Article 47 Whoever has encroached upon the lawful rights and interests of a minor and caused him or her losses in property or other losses or harms shall compensate for the losses or bear other civil liabilities according to law.

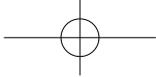
第四十八条 学校、幼儿园、托儿所的教职员对未成年学生和儿童实施体罚或者变相体罚，情节严重的，由其所在单位或者上级机关给予行政处分。

Article 48 Where teaching and administrative staff in schools, nurseries or kindergartens subject minor students or children to corporal punishment or corporal punishment in disguised forms, and if the circumstances are serious, disciplinary sanctions shall be given by their units or the authorities at higher levels.

第四十九条 企业事业组织、个体工商户非法招用未满十六周岁的未成年人的，由劳动部门责令改正，处以罚款；情节严重的，由工商行政管理部门吊销营业执照。

Article 49 Where enterprises, institutions or individual industrialists and businessmen illegally hire minors who have not reached the age of sixteen, the relevant labour departments shall order such units or individuals to make corrections and shall impose fines on them; if the circumstances are serious, the relevant administrative departments for industry and commerce shall revoke their business licenses.

第五十条 营业性舞厅等不适宜未成年人活动的场所允许未成年人进入的，由有关主管部门责令改正，可以处以罚款。



Article 50 Where commercial dancing halls or other similar places not appropriate for minors to participate in the activities therein give admission to minors, the competent departments shall order such units to make corrections, and may impose fines on them.

第五十一条 向未成年人出售、出租或者以其他方式传播淫秽的图书、书刊、音像制品等出版物的，依法从重处罚。

Article 51 Whoever sells, rents or disseminates by any other means to minors pornographic books, newspapers, magazines or audio-visual products shall be given heavier punishment according to law.

第五十二条 侵犯未成年人的人身权利或者其他合法权利，构成犯罪的，依法追究刑事责任。

Article 52 Where an encroachment upon the right of the person or other lawful rights of a minor constitutes a crime, criminal responsibility shall be investigated according to law.

虐待未成年的家庭成员，情节恶劣的，依照刑法第一百八十二条的规定追究刑事责任。

Whoever maltreats a minor family member in a vicious manner shall be investigated for criminal responsibility in accordance with the provisions in Article 182 of the Criminal Law.

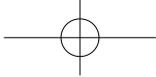
司法工作人员违反监管法规，对被监管的未成年人实行体罚虐待的，依照刑法第一百八十九条的规定追究刑事责任。

Judicial personnel who, in violation of the rules or regulations on prison management, subject imprisoned minors to corporal punishment or maltreatment, shall be investigated for criminal responsibility in accordance with the provisions in Article 189 of the Criminal Law.

对未成年人负有抚养义务而拒绝抚养，情节恶劣的，依照刑法第一百八十三条的规定追究刑事责任。

Where a person has the obligation to support a minor but refuses to do so, and if the circumstances are flagrant, criminal responsibility shall be investigated in accordance with the provisions in Article 183 of the Criminal Law.

溺婴的，依照刑法第一百三十二条的规定追究刑事责任。



Whoever commits infanticide shall be investigated for criminal responsibility in accordance with the provisions in Article 132 of the Criminal Law.

明知校舍有倒塌的危险而不采取措施,致使校舍倒塌,造成伤亡的,依照刑法第一百八十七条的规定追究刑事责任。

Whoever, while fully aware of the school buildings being in danger of collapse, does not take any measures, thus resulting in the collapse of the said buildings and causing injuries or death, shall be investigated for criminal responsibility in accordance with the provisions in Article 187 of the Criminal Law.

第五十三条 教唆未成年人违法犯罪的,依法从重处罚。

Article 53 Whoever instigates a minor to break law or commit criminal offences shall be given heavier punishment according to law.

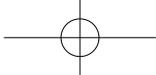
引诱、教唆或者强迫未成年人吸食、注射毒品或者卖淫的,依法从重处罚。

Whoever lures, instigates or forces a minor to take or inject drugs or engage in prostitution shall be given heavier punishment according to law.

第五十四条 当事人对依照本法作出的行政处罚决定不服的,可以先向上一级行政机关或者有关法律、法规规定的行政机关申请复议,对复议决定不服的,再向人民法院提起诉讼;也可以直接向人民法院提起诉讼。有关法律、法规规定应当先向行政机关申请复议,对复议决定不服再向人民法院提起诉讼的,依照有关法律、法规的规定办理。

Article 54 A party concerned, if not satisfied with the decision on administrative sanctions made according to this Law, may first apply for reconsideration to an administrative organ at a higher level or to an administrative organ prescribed by relevant laws or regulations. If still not satisfied with the reconsideration decision, the party may bring a suit in a people's court. The party may also directly bring a suit in a people's court. Where the relevant laws or regulations prescribe that the party concerned shall first apply to the administrative organ for reconsideration, and, if not satisfied with the reconsideration decision, then bring a suit in a people's court, such laws or regulations shall be complied with.

当事人对行政处罚决定在法定期限内不申请复议,也不向人民法院提起诉讼,又不履行的,作出处罚决定的机关可以申请人民法院强制执行,或者依法强制执行。



If a party, within the prescribed period, neither applies for reconsideration of the decision on administrative sanctions, nor brings a suit in a people's court, nor complies with the decision, the organ which has made the punitive decision may either apply to a people's court for compulsory execution, or enforce the decision according to law.

第七章 附则

Chapter VII Supplementary Provisions

第五十五条 国务院有关部门可以根据本法制定有关条例，报国务院批准施行。

Article 55 Departments concerned under the State Council may formulate on the basis of this Law relevant regulations, which shall be submitted to the State Council for approval before implementation.

省、自治区、直辖市的人民代表大会常务委员会可以根据本法制定实施办法。

The standing committees of the people's congresses of the provinces, autonomous regions and municipalities directly under the Central Government may, on the basis of this Law, formulate measures for implementation.

第五十六条 本法自 1992 年 1 月 1 日起施行。

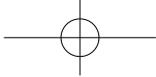
Article 56 This Law shall go into effect as of January 1, 1992.

《儿童权利公约》

Convention on the Rights of the Child

(1991 年第七届全国人民代表大会常务委员第二十三次会议决定：批准 1989 年 11 月 20 日由联合国大会通过的《儿童权利公约》，同时声明：中华人民共和国将在符合其宪法第二十五条关于计划生育的规定的的前提下，并根据《中华人民共和国未成年人保护法》第二条的规定，履行《公约》第六条所规定的义务。)

(At the 23rd Meeting of the Standing Committee of the Seventh National People's Congress in 1991, it was decided to ratify the Convention on the Rights of the Child, adopted by the



General Assembly of the United Nations on 20 November 1989; and a declaration was made that the People's Republic of China would, on the premise of compliance with provisions on family planning in Article 25 of the Constitution of the PRC, fulfill the obligations prescribed in Article 6 of the CRC in accordance with provisions of Article 2 of the Law of the People's Republic of China on the Protection of Minors.)

序言

Preamble

本公约缔约国，

The States Parties to the present Convention,

考虑到按照《联合国宪章》所宣布的原则，对人类家庭所有成员的固有尊严及其平等和不移的权利的承认，乃是世界自由、正义与和平的基础，

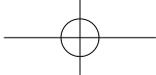
Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

铭记联合国人民在《宪章》中重申对基本人权和人格尊严与价值的信念，并决心促成更广泛自由中的社会进步及更高的生活水平，

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

认识到联合国在《世界人权宣言》和关于人权的两项国际公约中宣布和同意：人人有资格享受这些文书中所载的一切权利和自由，不因种族、肤色、性别、语言、宗教、政治或其他见解、国籍或社会出身、财产、出生或其他身份等而有任何区别，

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other



status,

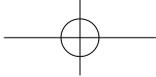
回顾联合国在《世界人权宣言》中宣布：儿童有权享受特别照料和协助，深信家庭作为社会的基本单元，作为家庭所有成员、特别是儿童的成长和幸福的自然环境，应获得必要的保护和协助，以充分负起它在社会上的责任，确认为了充分而和谐地发展其个性，应让儿童在家庭环境里，在幸福、亲爱和谅解的气氛中成长，考虑到应充分培养儿童可在社会上独立生活，并在《联合国宪章》宣布的理想的的精神下，特别是在和平、尊严、宽容、自由、平等和团结的精神下，抚养他们成长。

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance, Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community, Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding, Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

铭记给予儿童特殊照料的需要已在 1924 年《日内瓦儿童权利宣言》和在大会 1959 年 11 月 20 日通过的《儿童权利宣言》中予以申明，并在《世界人权宣言》、《公民权利和政治权利国际公约》（特别是第 23 和第 24 条）、《经济、社会、文化权利国际公约》（特别是第 10 条）以及关心儿童福利的各专门机构和国际组织的章程及有关文书中得到确认。

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children.

铭记如《儿童权利宣言》所示，“儿童因身心尚未成熟，在其出生以前和以后均需要特殊的保护和照料，包括法律上的适当保护”。



Bearing in mind that, as indicated in the Declaration of the Rights of the Child, “the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth”.

回顾《关于儿童保护和儿童福利、特别是国内和国际寄养和收养办法的社会和法律原则宣言》、《联合国少年司法最低限度标准规则》（北京规则）以及《在非常状态和武装冲突中保护妇女和儿童宣言》。

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) , and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict.

确认世界各国都有生活在极端困难情况下的儿童，对这些儿童需要给予特别的照顾。

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration.

适当考虑到每一民族的传统及文化价值对儿童保护及和谐发展的重要性。

taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child.

确认国际合作对于改善每一国家、特别是发展中国家儿童的生活条件的重要性。

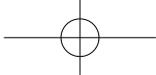
Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries.

兹协议如下：

Have agreed as follows:

第一部分

PART 1



第一条

Article 1

为本公约之目的，儿童系指 18 岁以下的任何人，除非对其适用之法律规定成年年龄低于 18 岁。

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

第二条

Article 2

1、缔约国应尊重本公约所载列的权利，并确保其管辖范围内的每一儿童均享受此种权利，不因儿童或其父母或法定监护人的种族、肤色、性别、语言、宗教、政治或其他见解、民族、族裔或社会出身、财产、伤残、出生或其他身份而有任何差别。

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

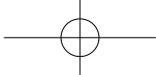
2、缔约国应采取一切适当措施确保儿童得到保护，不受基于儿童父母、法定监护人或家庭成员的身份、活动、所表达的观点或信仰而加诸的一切形式的歧视或惩罚。

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

第三条

Article 3

1、关于儿童的一切行动，不论是由公私社会福利机构、法院、行政当局或立法机构执行，均应以儿童的最大利益为一种首要考虑。



1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2、缔约国承担确保儿童享有其幸福所必需的保护和照料，考虑到其父母、法定监护人、或任何对其负有法律责任的个人的权利和义务，并为此采取一切适当的立法和行政措施。

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3、缔约国应确保负责照料或保护儿童的机构、服务部门及设施符合主管当局规定的标准，尤其是安全、卫生、工作人员数目和资格以及有效监督等方面的标准。

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

第四条

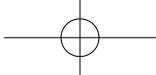
Article 4

缔约国应采取一切适当的立法、行政和其他措施以实现本公约所确认的权利。关于经济、社会及文化权利，缔约国应根据其现有资源所允许的最大限度并视需要在国际合作范围内采取此类措施。

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

第五条

Article 5



缔约国应尊重父母或于适用时尊重当地习俗认定的大家庭或社会成员、法定监护人或其他对儿童负有法律责任的人以下的责任、权利和义务，以符合儿童不同阶段接受能力的方式适当指导和指引儿童行使本公约所确认的权利。

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

第六条

Article 6

1、缔约国确认每个儿童均有固有的生命权。

1. States Parties recognize that every child has the inherent right to life.

2、缔约国应最大限度地确保儿童的存活与发展。

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

第七条

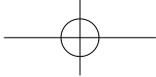
Article 7

1、儿童出生后应立即登记，并有自出生起获得姓名的权利，有获得国籍的权利。以及尽可能知道谁是其父母并受其父母照料的权利。

. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and as far as possible, the right to know and be cared for by his or her parents.

2、缔约国应确保这些权利按照本国法律及其根据有关国际文书在这一领域承担的义务予以实施，尤应注意不如此儿童即无国籍之情形。

2. States Parties shall ensure the implementation of these rights in accordance with their



national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

第八条

Article 8

1、缔约国承担尊重儿童维护其身份包括法律所承认的国籍、姓名及家庭关系而不受非法干扰的权利。

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2、如有儿童被非法剥夺其身份方面的部分或全部要素，缔约国应提供适当协助和保护，以便迅速重新确立其身份。

2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

第九条

Article 9

1、缔约国应确保不违背儿童父母的意愿使儿童与父母分离，除非主管当局按照适用的法律和程序，经法院审查，判定这样的分离符合儿童的最大利益而确有必要。在诸如由于父母的虐待或忽视、或父母分居而必须确定儿童居住地点的特殊情况下，这种裁决可能有必要。

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2、凡按本条第 1 款进行诉讼，均应给予所有有关方面以参加诉讼并阐明自己意见之

机会。

. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3、缔约国应尊重与父母一方或双方分离的儿童同父母经常保持个人关系及直接联系的权利，但违反儿童最大利益者除外。

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4、如果这种分离是因缔约国对父母一方或双方或对儿童所采取的任何行动，诸如拘留、监禁、流放、驱逐或死亡（包括该人在该国拘禁中因任何原因而死亡）所致，该缔约国应按请求将该等家庭成员下落的基本情况告知父母、儿童或适当时告知另一家庭成员，除非提供这类情况会有损儿童的福祉，缔约国还应确保有关人员不致因提出这类请求而承受不利后果。

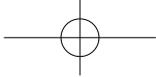
4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

第十条

Article 10

1、按照第九条第1款所规定的缔约国的义务，对于儿童或其父母要求进入或离开一缔约国以便与家人团聚的申请，缔约国应以积极的人道主义态度迅速予以办理。缔约国还应确保申请人及其家庭成员不致因提出这类请求而承受不利后果。

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family



reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2、父母居住在不同国家的儿童，除特殊情况以外，应有权同父母双方经常保持个人关系和直接联系。为此目的，并按照第九条第1款所规定的缔约国的义务，缔约国应尊重儿童及其父母离开包括其本国在内的任何国家和进入其本国的权利。离开任何国家的权利只应受法律所规定并为保护国家安全、公共秩序、公共卫生或道德、或他人的权利和自由所必需且与本公约所承认的其他权利不相抵触的限制约束。

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (ordre public), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

第十一条

Article 11

1、缔约国应采取措施制止非法将儿童移转国外和不使返回本国的行为。

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

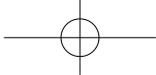
2、为此目的，缔约国应致力缔结双边或多边协定或加入现有协定。

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

第十二条

Article 12

1、缔约国应确保有主见能力的儿童有权对影响到其本人的一切事项自由发表自己的



意见，对儿童的意见应按照其年龄和成熟程度给以适当的看待。

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2、为此目的，儿童特别应有机会在影响到儿童的任何司法和行政诉讼中，以符合国家法律的诉讼规则的方式，直接或通过代表或适当机构陈述意见。

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

第十三条

Article 13

1、儿童应有自由发表言论的权利：此项权利应包括通过口头、书面或印刷、艺术形式或儿童所选择的任何其他媒介，寻求、接受和传递各种信息和思想的自由，而不论国界。

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2、此项权利的行使可受某些限制约束，但这些限制仅限于法律所规定并为以下目的所必需：

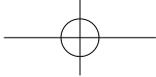
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) 尊重他人的权利和名誉；或

(a) For respect of the rights or reputations of others; or

(b) 保护国家安全或公共秩序或公共卫生或道德。

(b) For the protection of national security or of public order (ordre public), or of public health



or morals.

第十四条

Article 14

1、缔约国应尊重儿童享有思想、信仰和宗教自由的权利。

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2、缔约国应尊重父母并于适用时尊重法定监护人以下的权利和义务，以符合儿童不同阶段接受能力的方式指导儿童行使其权利。

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3、表明个人宗教或信仰的自由，仅受法律所规定并为保护公共安全、秩序、卫生或道德或他人之基本权利和自由所必需的这类限制约束。

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

第十五条

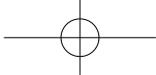
Article 15

1、缔约国确认儿童享有结社自由及和平集会自由的权利。

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2、对此项权利的行使不得加以限制，除非符合法律所规定并在民主社会中为国家安全或公共安全、公共秩序、保护公共卫生或道德或保护他人的权利和自由所必需。

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national



security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

第十六条

Article 16

1、儿童的隐私、家庭、住宅或通信不受任意或非法干涉，其荣誉和名誉不受非法攻击。

1. No child shall be subject to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2、儿童有权享受法律保护，以免受这类干涉或攻击。

2. The child has the right to the protection of the law against such interference or attacks.

第十七条

Article 17

缔约国确认大众传播媒介的重要作用，并确保儿童能够从多种的国家和国际来源获得信息和资料，尤其是旨在促进其社会、精神和道德福祉和身心健康的信息和资料。为此目的，缔约国应：

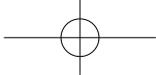
States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) 鼓励大众传播媒介本着第二十九条的精神散播在社会和文化方面有益于儿童的信息和资料；

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) 鼓励在编制、交流和散播来自不同文化、国家和国际来源的这类信息和资料方面进行国际合作；

(b) Encourage international co-operation in the production, exchange and dissemination of



such information and material from a diversity of cultural, national and international sources;

(c) 鼓励儿童读物的著作和普及;

(c) Encourage the production and dissemination of children's books;

(d) 鼓励大众传播媒介特别注意属于少数群体或土著居民的儿童在语言方面的需要;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) 鼓励根据第十三条和第十八条的规定制定适当的准则, 保护儿童不受可能损害其福祉的信息和资料之害。

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

第十八条

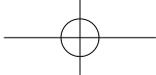
Article 18

1、缔约国应尽其最大努力, 确保父母双方对儿童的养育和发展负有共同责任的原则得到确认。父母、或视具体情况而定的法定监护人对儿童的养育和发展负有首要责任。儿童的最大利益将是他们主要关心的事。

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2、为保证和促进本公约所列举的权利, 缔约国应在父母和法定监护人履行其抚养儿童的责任方面给予适当协助, 并确保发展育儿机构、设施和服务。

2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.



3、缔约国应采取一切适当措施确保就业父母的子女有权享受他们资格得到的托儿服务和设施。

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

第十九条

Article 19

1、缔约国应采取一切适当的立法、行政、社会和教育措施，保护儿童在受父母、法定监护人或其他任何负责照管儿童的人的照料时，不致受到任何形式的身心摧残、伤害或凌辱，忽视或照料不周，虐待或剥削，包括性侵犯。

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2、这类保护性措施应酌情包括采取有效程序以建立社会方案，向儿童和负责照管儿童的人提供必要的支助，采取其他预防形式，查明、报告、查询、调查、处理和追究前述的虐待儿童事件，以及在适当时进行司法干预。

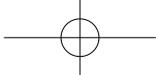
2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

第二十条

Article 20

1、暂时或永久脱离家庭环境的儿童，或为其最大利益不得在这种环境中继续生活的儿童，应有权得到国家的特别保护和协助。

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special



protection and assistance provided by the State.

2、缔约国应按照本国法律确保此类儿童得到其他方式的照顾。

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3、这种照顾除其他外，包括寄养、伊斯兰法的“卡法拉”（监护）、收养或者必要时安置在适当的育儿机构中。在考虑解决办法时，应注意有必要使儿童的培养教育具有连续性和注意儿童的族裔、宗教、文化和语言背景。

3. Such care could include, inter alia, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

第二十一条

Article 21

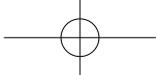
凡承认和（或）许可收养制度的国家应确保以儿童的最大利益为首要考虑并应：

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) 确保只有经主管当局按照适用的法律和程序并根据所有有关可靠的资料，判定鉴于儿童有关父母、亲属和法定监护人方面的情况可允许收养，并且判定必要时有关人士已根据可能必要的辅导对收养表示知情的同意，方可批准儿童的收养；

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) 确认如果儿童不能安置于寄养或收养家庭，或不能以任何适当方式在儿童原籍国加以照料，跨国收养可视为照料儿童的一个替代办法；



(b) Recognize that inter-country adoption may be considered as an alternative means of child care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin;

(c) 确保得到跨国收养的儿童享有与本国收养相当的保障和标准；

(c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) 采取一切适当措施确保跨国收养的安排不致使所涉人士获得不正当的财务收益；

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) 在适当时通过缔结双边或多边安排或协定促成本条的目标，并在这一范围内努力确保由主管当局或机构负责安排儿童在另一国收养的事宜。

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

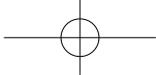
第二十二条

Article 22

1、缔约国应采取适当措施，确保申请难民身份的儿童或按照适用的国际法或国内法及程序可视为难民的儿童，不论有无父母或其他任何人的陪同，均可得到适当的保护和人道主义援助，以享有本公约和该有关国家为其缔约国的其他国际人权或人道主义文书所规定的可适用权利。

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2、为此目的，缔约国应对联合国和与联合国合作的其他主管的政府间组织或非政府



组织所作的任何努力提供其认为适当的合作，以保护和援助这类儿童，并为只身的难民儿童追寻其父母或其他家庭成员，以获得必要的消息使其家庭团聚。在寻不着父母或其他家庭成员的情况下，也应使该儿童获得与其他任何由于任何原因而永久或暂时脱离家庭环境的儿童按照本公约的规定所得到的同样保护。

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

第二十三条

Article 23

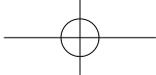
1、缔约国确认身心有残疾的儿童应能在确保其尊严、促进其自立、有利于其积极参与与社会生活的条件下享有充实而适当的生活。

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2、缔约国确认残疾儿童有接受特别照顾的权利，应鼓励并确保在现有资源范围内，依据申请，斟酌儿童的情况和儿童的父母或其他照料人的情况，对合格儿童及负责照料该儿童的人提供援助。

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3、鉴于残疾儿童的特殊需要，考虑到儿童的父母或其他照料人的经济情况，在可能



时应免费提供按照本条第 2 款给予的援助，这些援助的目的应是确保残疾儿童能有效地获得和接受教育、培训、保健服务、康复服务，就业准备和娱乐机会，其方式应有助于该儿童尽可能充分地参与社会，实现个人发展，包括其文化和精神方面的发展。

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4、缔约国应本着国际合作精神，在预防保健以及残疾儿童的医疗、心理治疗和功能治疗领域促进交换适当资料，包括散播和获得有关康复教育方法和职业服务方面的资料，以期使缔约国能够在这些领域提高其能力和技术并扩大其经验。在这方面，应特别考虑到发展中国家的需要。

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of the access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

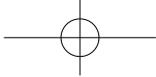
第二十四条

Article 24

1、缔约国确认儿童有权享有可达到的最高标准的健康，并享有医疗和康复设施。缔约国应努力确保没有任何儿童被剥夺获得这种保健服务的权利。

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2、缔约国应致力充分实现这一权利，特别是应采取适当措施，以



2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) 降低婴幼儿死亡率；

(a) To diminish infant and child mortality;

(b) 确保向所有儿童提供必要的医疗援助和保健，侧重发展初级保健；

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) 消除疾病和营养不良现象，包括在初级保健范围内利用现有可得的技术和提供充足的营养食品和清洁饮水，要考虑到环境污染的危险和风险；

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) 确保母亲得到适当的产前和产后保健；

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

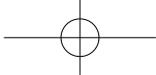
(e) 确保向社会各阶层、特别是向父母和儿童介绍有关儿童保健和营养、母乳喂养优点、个人卫生和环境卫生及防止意外事故的基本知识，使他们得到这方面的教育并帮助他们应用这种基本知识；

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the strengths of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) 开展预防保健、对父母的指导以及计划生育教育和服务。

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. 缔约国应致力采取一切有效和适当的措施，以期废除对儿童健康有害的传统习俗。



3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4、缔约国承担促进和鼓励国际合作，以期逐步充分实现本条所确认的权利。在这方面，应特别考虑到发展中国家的需要。

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

第二十五条

Article 25

缔约国确认在有关当局为照料、保护或治疗儿童身心健康的目的下受到安置的儿童，有权获得对给予的治疗以及与所受安置有关的所有其他情况进行定期审查。

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

第二十六条

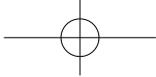
Article 26

1、缔约国应确认每个儿童有权受益于社会保障、包括社会保险，并应根据其国内法律采取必要措施充分实现这一权利。

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2、提供福利时应酌情考虑儿童及负有赡养儿童义务的人的经济情况和环境，以及与儿童提出或代其提出的福利申请有关的其他方面因素。

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child,



as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

第二十七条

Article 27

1、 缔约国确认每个儿童均有权享有足以促进其生理、心理、精神、道德和社会发展的生活水平。

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2、 父母或其他负责照顾儿童的人负有在其能力和经济条件许可范围内确保儿童发展所需生活条件的首要责任。

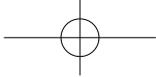
2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3、 缔约国按照本国条件并其能力范围内，应采取适当措施帮助父母或其他负责照顾儿童的人实现此项权利，并在需要时提供物质援助和支助方案，特别是在营养、衣着和住房方面。

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4、 缔约国应采取一切适当措施，向在本国境内或境外儿童的父母或其他对儿童负有经济责任的人追索儿童的赡养费。尤其是，遇对儿童负有经济责任的人住在与儿童不同的国家的情况时，缔约国应促进加入国际协定或缔结此类协定以及作出其他适当安排。

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession



to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

第二十八条

Article 28

1、缔约国确认儿童有受教育的权利，为在机会均等的基础上逐步实现此项权利，缔约国尤应：

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) 实现全面的免费义务小学教育；

(a) Make primary education compulsory and available free to all;

(b) 鼓励发展不同形式的中学教育、包括普通和职业教育，使所有儿童均能享有和接受这种教育，并采取适当措施，诸如实行免费教育和对有需要的人提供津贴；

(b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) 根据能力以一切适当方式使所有人均有受高等教育的机会；

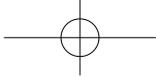
(c) Make higher education accessible to all on the basis of capacity by every appropriate means;

(d) 使所有儿童均能得到教育和职业方面的资料和指导；

(d) Make educational and vocational information and guidance available and accessible to all children;

(e) 采取措施鼓励学生按时出勤和降低辍学率。

(e) Take measures to encourage regular attendance at schools and the reduction of drop-out



rates.

2、缔约国应采取一切适当措施，确保学校执行纪律的方式符合儿童的人格尊严及本公约的规定。

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3、缔约国应促进和鼓励有关教育事项方面的国际合作，特别着眼于在全世界消灭愚昧与文盲，并便利获得科技知识和现代教学方法。在这方面，应特别考虑到发展中国家的需要。

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

第二十九条

Article 29

1、缔约国一致认为教育儿童的目的应是：

1. States Parties agree that the education of the child shall be directed to:

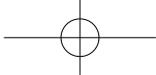
(a) 最充分地发展儿童的个性、才智和身心能力；

(a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;

(b) 培养对人权和基本自由以及《联合国宪章》所载各项原则的尊重；

(b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) 培养对儿童的父母、儿童自身的文化认同、语言和价值观、儿童所居住国家的



民族价值观、其原籍国以及不同于其本国的文明的尊重；

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) 培养儿童本着各国人民、族裔、民族和宗教群体以及原为土著居民的人之间谅解、和平、宽容、男女平等和友好的精神，在自由社会里过有责任感的生活；

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) 培养对自然环境的尊重。

(e) The development of respect for the natural environment.

2、对本条或第二十八条任何部分的解释均不得干涉个人和团体建立和指导教育机构的自由，但须始终遵守本条第1款载列的原则，并遵守在这类机构中实行的教育应符合国家可能规定的最低限度标准的要求。

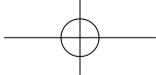
2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

第三十条

Article 30

在那些存在有族裔、宗教或语言方面属于少数人或原为土著居民的人的国家，不得剥夺属于这种少数人或原为土著居民的儿童与其群体的其他成员共同享有自己的文化、信奉自己的宗教并举行宗教仪式、或使用自己的语言的权利。

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess



and practise his or her own religion, or to use his or her own language.

第三十一条

Article 31

1、缔约国确认儿童有权享有休息和闲暇，从事与儿童年龄相宜的游戏和娱乐活动，以及自由参加文化生活和艺术活动。

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2、缔约国应尊重并促进儿童充分参加文化和艺术生活的权利，并应鼓励提供从事文化、艺术、娱乐和休闲活动的适当和均等的机会。

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

第三十二条

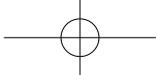
Article 32

1、缔约国确认儿童有权受到保护，以免受经济剥削和从事任何可能妨碍或影响儿童教育或有害儿童健康或身体、心理、精神、道德或社会发展的工作。

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2、缔约国应采取立法、行政、社会和教育措施确保本条得到执行。为此目的，并鉴于其他国际文书的有关规定，缔约国尤应：

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:



(a) 规定受雇的最低年龄；

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) 规定有关工作时间和条件的适当规则；

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) 规定适当的惩罚或其他制裁措施以确保本条得到有效执行。

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

第三十三条

Article 33

缔约国应采取一切适当措施，包括立法、行政、社会和教育措施，保护儿童不致非法使用有关国际条约中界定的麻醉药品和精神药物，并防止利用儿童从事非法生产和贩运此类药物。

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

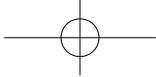
第三十四条

Article 34

缔约国承担保护儿童免遭一切形式的色情剥削和性侵犯之害，为此目的，缔约国尤应采取一切适当的国家、双边和多边措施，以防止：

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) 引诱或强迫儿童从事任何非法的性生活；



a) The inducement or coercion of a child to engage in any unlawful sexual activity;

(b) 利用儿童卖淫或从事其他非法的性行为；

(b) The exploitative use of children in prostitution or other unlawful sexual practices;

(c) 利用儿童进行淫秽表演和充当淫秽题材。

(c) The exploitative use of children in pornographic performances and materials.

第三十五条

Article 35

缔约国应采取一切适当的国家、双边和多边措施，以防止为任何目的或以任何形式诱拐、买卖或贩运儿童。

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

第三十六条

Article 36

缔约国应保护儿童免遭有损儿童福利的任何方面的一切其他形式的剥削之害。

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

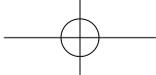
第三十七条

Article 37

缔约国应确保：

States Parties shall ensure that:

(a) 任何儿童不受酷刑或其他形式的残忍、不人道或有辱人格的待遇或处罚。对未满 18 岁的人所犯罪行不得判以死刑或无释放可能的无期徒刑；



(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;

(b) 不得非法或任意剥夺任何儿童的自由。对儿童的逮捕、拘留或监禁应符合法律规定并仅应作为最后手段，期限应为最短的适当时间；

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) 所有被剥夺自由的儿童应受到人道待遇，其人格固有尊严应受尊重，并应考虑到他们这个年龄的人的需要的方式加以对待。特别是，所有被剥夺自由的儿童应同成人隔开，除非认为反之最有利于儿童，并有权通过信件和探访同家人保持联系，但特殊情况除外；

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;

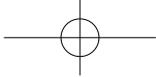
(d) 所有被剥夺自由的儿童均有权迅速获得法律及其他适当援助，并有权向法院或其他独立公正的主管当局就其被剥夺自由一事之合法性提出异议，并有权迅速就任何此类行动得到裁定。

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

第三十八条

Article 38

1、缔约国承担尊重并确保尊重在武装冲突中对其适用的国际人道主义法律中有关儿童的规则。



. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2、缔约国应采取一切可行措施确保未满 15 岁的人不直接参加敌对行动。

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3、缔约国应避免招募任何未满 15 岁的人加入武装部队。在招募已满 15 岁但未满 18 岁的人时，缔约国应致力首先考虑年龄最大者。

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4、缔约国按照国际人道主义法律规定它们在武装冲突中保护平民人口的义务，应采取一切可行措施确保保护和照料受武装冲突影响的儿童。

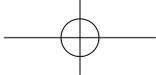
4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

第三十九条

Article 39

缔约国应采取一切适当措施，促使遭受下述情况之害的儿童身心是以康复并重返社会：任何形式的忽视、剥削或凌辱虐待；酷刑或任何其他形式的残忍、不人道或有辱人格的待遇或处罚；或武装冲突。此种康复和重返社会应在一种能促进儿童的健康、自尊和尊严的环境中进行。

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.



第四十条

Article 40

1、缔约国确认被指称、指控或认为触犯刑法的儿童有权得到符合以下情况方式的待遇，促进其尊严和价值感并增强其对他人的人权和基本自由的尊重。这种待遇应考虑到其年龄和促进其重返社会并在社会中发挥积极作用的愿望。

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2、为此目的，并鉴于国际文书的有关规定，缔约国尤应确保：

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) 任何儿童不得以行为或不行为之时本国法律或国际法不禁止的行为或不行为之理由被指称、指控或认为触犯刑法；

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

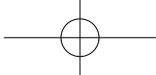
(b) 所有被指称或指控触犯刑法的儿童至少应得到下列保证：

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(一) 在依法判定有罪之前应视为无罪；

(i) To be presumed innocent until proven guilty according to law;

(二) 迅速直接地被告知其被控罪名，适当时应通过其父母或法定监护人告知，并获得准备和提出辩护所需的法律或其他适当协助；



(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(三) 要求独立公正的主管当局或司法机构在其得到法律或其他适当协助的情况下，通过依法公正审理迅速作出判决，并且须有其父母或法定监护人在场，除非认为这样做不符合儿童的最大利益，特别要考虑到其年龄或状况；

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(四) 不得被迫作口供或认罪；应可盘问或要求盘问不利的证人，并在平等条件下要求证人为其出庭和接受盘问；

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(五) 若被判定触犯刑法，有权要求高一级独立公正的主管当局或司法机构依法复查此一判决及由此对之采取的任何措施；

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

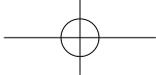
(六) 若儿童不懂或不会说所用语言，有权免费得到口译人员的协助；

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(七) 其隐私在诉讼的所有阶段均得到充分尊重。

(vii) To have his or her privacy fully respected at all stages of the proceedings.

3、缔约国应致力于促进规定或建立专门适用于被指称、指控或确认为触犯刑法的儿童的法律、程序、当局和机构，尤应：



3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) 规定最低年龄，在此年龄以下的儿童应视为无触犯刑法之行为能力；

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) 在适当和必要时，制订不对此类儿童诉诸司法程序的措施，但须充分尊重人权和法律保障。

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4、应采用多种处理办法，诸如照管、指导和监督令、辅导、察看、寄养、教育和职业培训方案及不交由机构照管的其他办法，以确保处理儿童的方式符合其福祉并与其情况和违法行为相称。

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

第四十一条

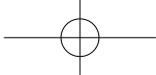
Article 41

本公约的任何规定不应影响更有利于实现儿童权利且可能载于下述文件中的任何规定：

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) 缔约国的法律；

(a) The law of a State party; or



(b) 对该国有效的国际法。

(b) International law in force for that State.

第二部分

PART II

第四十二条

Article 42

缔约国承担以适当的积极手段，使成人和儿童都能普遍知晓本公约的原则和规定。

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

第四十三条

Article 43

1、为审查缔约国在履行根据本公约所承担的义务方面取得的进展，应设立儿童权利委员会，执行下文所规定的职能。

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2、委员会应由 10 名品德高尚并在本公约所涉领域具有公认能力的专家组成。委员会成员应由缔约国从其国民中选出，并应以个人身份任职，但须考虑到公平地域分配原则及主要法系。

2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems.

3、委员会成员应以无记名表决方式从缔约国提名的人选名单中选举产生，每一缔约国可从其本国国民中提名一位人选。

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4、委员会的初次选举应最迟不晚于本公约生效之日后的六个月进行，此后每两年举行一次。联合国秘书长应至少在选举之日前四个月函请缔约国在两个月内提出其提名的人选。秘书长随后应将已提名的所有人选按字母顺序编成名单，注明提名此等人选的缔约国，分送本公约缔约国。

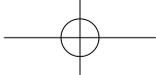
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5、选举应在联合国总部由秘书长召开的缔约国会议上进行。在此等会议上，应以三分之二缔约国出席作为会议的法定人数，得票最多且占出席并参加表决缔约国代表绝对多数票者，当选为委员会成员。

5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6、委员会成员任期四年。成员如获再次提名，应可连选连任。在第一次选举产生的成员中，有5名成员的任期应在两年结束时届满；会议主席应在第一次选举之后立即以抽签方式选定这5名成员。

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election



shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.

7、如果委员会某一成员死亡或辞职或宣称因任何其他原因不再能履行委员会的职责，提名该成员的缔约国应从其国民中指定另一名专家接替余下的任期，但须经委员会批准。

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8、委员会应自行制订其议事规则。

8. The Committee shall establish its own rules of procedure.

9、委员会应自行选举其主席团成员，任期两年。

9. The Committee shall elect its officers for a period of two years.

10、委员会会议通常应在联合国总部或在委员会决定的任何其他方便地点举行。委员会通常应每年举行一次会议。委员会的会期应由本公约缔约国会议决定并在必要时加以审查，但需经大会核准。

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11、联合国秘书长应为委员会有效履行本公约所规定的职责提供必要的工作人员和设施。

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12、根据本公约设立的委员会的成员，经大会核可，得从联合国资源领取薪酬，其条件由大会决定。

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

第四十四条

Article 44

1、 缔约国承担按下述办法，通过联合国秘书长，向委员会提交关于它们为实现本公约确认的权利所采取的措施以及关于这些权利的享有方面的进展情况的报告：

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) 在本公约对有关缔约国生效后两年内；

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) 此后每五年一次。

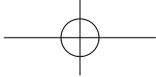
(b) Thereafter every five years.

2、 根据本条提交的报告应指明可能影响本公约规定的义务履程度度的任何因素和困难。 报告还应载有充分的资料，以使委员会全面了解本公约在该国的实施情况。

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3、 缔约国若已向委员会提交全面的初次报告，就无须在其以后按照本条第 1 款 (b) 项提交的报告中重复原先已提供的基本资料。

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.



4、委员会可要求缔约国进一步提供与本公约实施情况有关的资料。

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5、委员会应通过经济及社会理事会每两年向大会提交一次关于其活动的报告。

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6、缔约国应向其本国的公众广泛供应其报告。

6. States Parties shall make their reports widely available to the public in their own countries.

第四十五条

Article 45

为促进本公约的有效实施和鼓励在本公约所涉领域进行国际合作：

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) 各专门机构、联合国儿童基金会和联合国其他机构应有权派代表列席对本公约中属于它们职责范围内的条款的实施情况的审议。委员会可邀请各专门机构、联合国儿童基金会以及它可能认为合适的其他有关机关就本公约在属于它们各自职责范围内的领域的实施问题提供专家意见。委员会可邀请各专门机构、联合国儿童基金会和联合国其他机构就本公约在属于它们活动范围内的领域的实施情况提交报告；

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) 委员会在其可能认为适当时应向各专门机构、联合国儿童基金会和其他有关机构转交缔约国要求或说明需要技术咨询或援助的任何报告以及委员会就此类要求或说明提出的任何意见和建议；

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) 委员会可建议大会请秘书长代表委员会对有关儿童权利的具体问题进行研究；

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) 委员会可根据依照本公约第四十四和四十五条收到的资料提出提议和一般性建议。此类提议和一般性建议应转交有关的任何缔约国并连同缔约国作出的任何评论一并报告大会。

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

第三部分

Part III

第四十六条

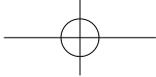
Article 46

本公约应向所有国家开放供签署。

The present Convention shall be open for signature by all States.

第四十七条

Article 47



本公约须经批准。批准书应交存联合国秘书长。

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

第四十八条

Article 48

本公约应向所有国家开放供加入。加入书应交存于联合国秘书长。

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

第四十九条

Article 49

1、本公约自第二十份批准书或加入书交存联合国秘书长之日后的第三十天生效。

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

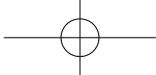
2、本公约对于在第二十份批准书或加入书交存之后批准或加入本公约的国家，自其批准书或加入书交存之日后的第三十天生效。

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

第五十条

Article 50

1、任何缔约国均可提出修正案，提交给联合国秘书长。秘书长应立即将提议的修正案通知缔约国，并请它们表明是否赞成召开缔约国会议以审议提案并进行表决。如果在此类通知发出之日后的四个月内，至少有三分之一的缔约国赞成召开这样的会议，秘书长应在联合国主持下召开会议。经出席会议并参加表决的缔约国多数通过的任何修正案应提交



大会批准。

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2、根据本条第 1 款通过的修正案若获大会批准并为缔约国三分之二多数所接受，即行生效。

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3、修正案一旦生效，即应对接受该项修正案的缔约国具有约束力，其他缔约国则仍受本公约各项条款和它们已接受的任何早先的修正案的约束。

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

第五十一条

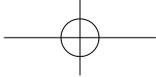
Article 51

1、联合国秘书长应接受各国在批准或加入时提出的保留，并分发给所有国家。

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2、不得提出内容与本公约目标和宗旨相抵触的保留。

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.



3、缔约国可随时向联合国秘书长提出通知，请求撤销保留，并由他将此情况通知所有国家。通知于秘书长收到当日起生效。

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

第五十二条

Article 52

缔约国可以书面通知联合国秘书长退出本公约。秘书长收到通知之日起一年后退约即行生效。

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

第五十三条

Article 53

指定联合国秘书长为本公约的保管人。

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

第五十四条

Article 54

公约的阿拉伯文、中文、英文、法文、俄文和西班牙文文本具有同等效力，应交存联合国秘书长。

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

下列全权代表，经各自政府正式授权，在本公约上签字，以资证明。

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

二、个案管理各阶段的图表汇总

II. Collection of Charts for Case Management in Different Phases

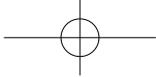
(一) 应急预案各阶段图表

(I) Collection of charts for emergency plans in different phases

(1) 受暴儿童基本信息表

(1) Basic Information of the Child Victim

儿童基本信息表 Basic Information of the Child			
儿童姓名 Name		档案编号 Case No.	
出生日期 Date of Birth		性别 Gender	
主要监护人姓名及地址 Name and address for his/her principal guardian			
儿童目前所在地址 Current address of the child			
儿童所在学校联系方式及联系人 School contact information and contact person			
儿童健康状况及医疗史 Physical health condition and medical record of the child			
儿童暴力的性质、事发日期、地点、频次 Violence feature, date, place and frequency			



儿童是否受伤、是否有潜在危险 Whether the child is injured or being threatened	
与儿童生活相关其他人士联系方式 Contact information of other relevant person knowing the child condition	
其他相关机构的联系方式 Contact information of other relevant institutions	
信息填写人及日期 Form completed by and on	

(2) 关于施暴者或嫌疑人信息

(2) Information of the Perpetrator or the Suspect

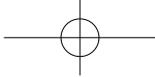
施暴者（嫌疑人）基本信息表 Basic Information Form of the Perpetrator (Suspect)			
姓名 Name		档案编号 Case No.	
出生日期 Date of Birth		性别 Gender	
职业 Profession		文化程度 Education received	
与受害儿童关系 Relation with the child victim			
户籍所在地与联系方式 Place of domicile and contact information			
目前居住地 Address			
是否仍与儿童有接触 Whether he/she has direct contact with the victim child			

精神状况 Mental condition	
信息填写人及日期 Form completed by and on	

(3) 初步评估表

(3)Initial Assessment Form

初步评估表 Initial Assessment Form			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
评估完成日期 The assessment is completed on		评估者 Assessed by	
主要监护人姓名及地址 Name and address of the principal guardian			
家庭具体情况 Family Condition	家庭成员互动状况 Interaction among family members		
	家庭经济条件 Family's living condition		
	家庭存在的不足 Weaknesses of the family		
	家庭存有的优势 Strengths of the family		
儿童发展满足情况（生理、心理、认知等） Child's growth (mental, physical and cognitive competence)			
已经采取过的行动 Actions already taken			



可以获取到的资源支持 Available resources and supports	
建议采取的措施 Suggested measures	

(4) 应急干预行动表

(IV) Intervention Actions

应急干预行动表 Form of Emergency Intervention Actions			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
主要监护人姓名及地址 Name and address of the principal guardian			
儿童暴力的性质、事发日期、地点、频次 Violence feature, date, place and frequency			
儿童现有资源 Available resources of the child			
儿童是否具有潜在危险 / 存在何种危险 Risks and danger facing the child (if any)			
已经采取过的行动 Actions already taken			
是否需要就医 / 提供食宿保障 Whether the child needs medical treatment or accommodations			
是否需要司法介入 Whether the judicial intervention is required			
采取何种安排 (医疗、送往临时救助中心等) Follow-up measures (arranging medical treatment/sending to the protection center)			

监护人是否同意上述安排并签字 Whether the guardian agrees the above-mentioned arrangement and sign if agree	
是否需要转介并提供长期保护服务 Whether the child needs to be transferred or needs long-term protection	
参与部门及人员 Departments and staff involved	

(二) 长期保护机制各阶段图标

(II) Collection of charts Long-term Protection Mechanism in Different Phases

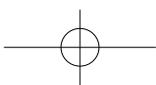
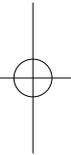
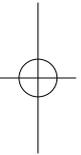
(1) 儿童基本信息表

(1) Basic Information of the Child

儿童基本信息表 Basic Information of the Child			
儿童姓名 Name		档案编号 Case No.	
出生日期 Date of Birth		性别 Gender	
主要监护人姓名及地址 Name and address of the principal guardian			
儿童目前所在地址 Current address of the child			
儿童所在学校联系方式及联系人 Contact information of the school			
儿童健康状况及医疗史 Health and medical records of the child			
初步评估儿童面临的问题 Problems of the child obtained from initial assessment			
与儿童生活相关其他人士联系方式 Contact information of persons related to the child			



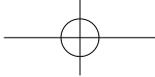
其他相关机构的联系方式 Contact information of other relevant institutions	
信息填写人及日期 Form completed by and on	



(2) 儿童个案转介表

(2) Referral Form of Child Protection Case

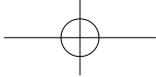
儿童个案转介表			
Referral Form of Child Protection Case			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
主要监护人姓名及地址 Name and address of the principal guardian			
儿童目前所在地址 Current address of the child			
儿童所在学校联系方式及联系人 Contact person information in the school			
儿童健康状况及医疗史 Health and medical records of the child			
初步评估儿童面临的问题 Problems of the child obtained from initial assessment			
转介原因 Reason for referral			
已经采取过的行动 Actions already taken			
儿童特殊需求 Special needs of the child			
转介日期及负责人 Referral date and person in charge			



(3) 儿童个案受理表

(3) Intake Form of Child Protection Case

儿童个案受理表			
Intake Form of Child Protection Case			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of Birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
主要监护人姓名及地址 Name and address of the principal guardian			
儿童目前所在地址 Current address of the child			
儿童所在学校联系方式及联系人 Contact person information in the school			
儿童健康状况及医疗史 Health and medical records of the child			
初步评估儿童面临的问题 Problems of the child obtained from initial assessment			
拟针对儿童开展的服务初步计划 Preliminary services under planning			
已经采取过的行动 Actions already taken			
儿童特殊需求 Special needs of the child			
受理日期及负责人 Reporting date and person-in-charge			



(4) 个案会谈记录表

(4) Counseling Records

A、工作者记录表

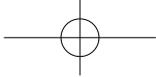
A. Worker's records form

对话内容 Content	观察 Observation	工作者感受 Worker's Feeling	反思 Reflection

B、观察者记录表

B. Observer's records form

对话内容 Content	观察 Observation	对案主和工作者的分析 Analysis on the Client and the Worker	观察者感受 Observer's Feeling



(5) 儿童评估表

(5) Child Assessment Form

A、基本信息

A. Basic Information

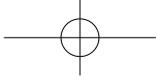
儿童个案评估表			
Child Protection Case Assessment			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
评估完成日期 The assessment is completed on		评估者 Assessed by	
主要监护人姓名及地址 Name and address of the principal guardian			
家庭具体情况 Family condition	家庭成员互动状况 Interactions among family members		
	家庭经济条件 Financial status		
	家庭存在的不足 Weaknesses of the family		
	家庭存有的优势 Strengths of the family		
儿童受教育背景 Educational background of the child			
儿童发展满足情况 (生理、心理、认知等) Satisfaction condition about the child development (physiological, psychological and perceptive conditions)			

儿童健康状况及医疗史 Health and medical records of the child	
儿童行为以及与他人的关系互动情况 Child's behaviors, relationships and interactions with others	
拟针对儿童开展的服务初步计划 Preliminary services plan	
已经采取过的行动 Actions already taken	
儿童特殊需求 Special needs of the child	
可以获取到的资源支持 Available resources and supports	
是否受到虐待以及是否存在虐待史，儿童面临的风险 Whether the child is abused or was abused or not, risks faced by the child	
其他补充信息 Other information	

B、评估报告表

B. Assessment Report

评估领域 Assessment Scope	现有资源和优势 Current Resources and Strengths	存在的问题 Existing Problems	采取的措施 Measures to be Taken
评估者 Assessed by		时间 Date	



(6) 个案跟进表

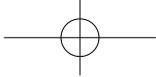
(6)Case Tracking Form

时间 Date	联系人 Contact	沟通方式 Way of Communication	内容 Content

(7) 个案结案表

(7)Child Case Closure Form

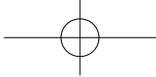
儿童个案结案表 Child Case Closure Form			
儿童姓名 Name		受理编号 Case No.	
出生日期 Date of birth		性别 Gender	
身份证号 ID No.		受理渠道 Source of the Case	
主要监护人姓名及地址 Name and address of the principal guardian			
是否转介而来以及转介原因 Whether it is a referral case and the reason			
结案的理由 Reasons for case closure			
儿童监护人的意见 Opinions of the guardian			
决定结案的参会成员 Participating members deciding on the closing			
受理日期及负责人 Handling date and person in charge			



(8) 结案评估表

(8)Case Closure Evaluation Form

儿童结案评估表			
Child Case Closure Evaluation Form			
评估者 Evaluated by		受理编号 Case No.	
评估时间 Evaluation time		评估人员 Evaluation staff	
评估类型 Evaluation type		记录员 Recorded by	
参与人员 Participating staff			
主要评估内容 Main evaluation content			
评估结论 Evaluation result			
案例中存在的优势 Strengths of the case			
案例中存在的不足 Disadvantages of the case			
工作者意见 Worker's opinions			



(9) 个案统计表

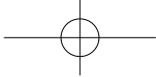
(9) Statistics Form about Received Cases

个案统计表			
Statistics Form about Received Cases			
机构名称 Name of the organization		统计时间 Statistical date	
填表人 Filled by		联系方式 Contact information	
机构内承接案例数量 Number of case accepted by the organization	案例总数 The number of cases		
	新发现案例 New cases		
儿童遭受伤害类型 Type of children's injuries			
具有特殊情况的案例 Special cases			
案例的处理情况统计 Statistics about case handling			

(10) 个案信息摘要表

(10) Information Digest of Child Case Management

儿童个案信息摘要表			
Information Digest of Child Case Management			
儿童姓名 Name of the child		案例编号 Case No.	
儿童性别 Sex of the child		案例负责人 Person in charge	
儿童出生日期 Date of birth of the child		接案日期 Case intake date	
服务次数 Number of services		结案日期 Case closure date	
监护人及联系方式 Name and contact information of the guardian			
儿童联络地址 Address of the child			
个案处理方式 Case intervention method			
注意事项 Items needing attentions			
资料附表内容 Attachments			



后记

Postscript

本《指南》由陆士桢教授指导下的专业研究生团队撰写，人员分配如下：

This Guide was compiled by postgraduates under the guidance of Professor Lu Shizhen.

Details about task assignment are as follows:

李涛负责、戴朝湘参与第一篇撰写，戴朝湘撰写第三章第一节、第二节，剩余李涛负责。

Li Tao was responsible for and Dai Chaoxiang participated in compiling of Part I: Dai Chaoxiang wrote Section I and Section II of Chapter III, and Li Tao the rest.

刘庆帅负责、李涛、郝星至参与第二篇撰写，刘庆帅负责第四章、第八章、第九章撰写，郝星至负责第六章、第七章、第十章撰写，李涛负责第四章第二节、第五章撰写，并负责第二篇后期删减修改工作。雷亮负责校对和内容整理工作。

Liu Qingshuai was responsible for and Li Tao and Hao Xingzhi participated in compiling of Part II: Liu Qingshuai wrote Chapter IV, Chapter VIII and Chapter IX, Hao Xingzhi Chapter VI, Chapter VII and Chapter X, Li Tao Section II of Chapter IV and Chapter V. Li Tao also pruned and polished the Part II. Lei Liang was responsible for proofreading and content sorting.

王志伟负责、张子航参与第三篇撰写。

Wang Zhiwei was responsible for and Zhang Zihang participated in compiling of Part III.

除此之外，马彬参与部分图表的绘制工作。

Ma Bin participated in drawing of some figures and tables.

刘庆帅负责最后的统稿并负责最后的校对和修改工作。

Liu Qingshuai was responsible for final compilation, proofreading and polishing.

(Endnotes)

1 https://www.unicef.org/protection/files/What_is_Child_Protection.pdf