

玖、返家探視相關事項

9. Home Visit

問 9-1、收容人親屬喪亡時，如何辦理返家奔喪？

Q9-1: How do inmates request home visit to attend the funeral of a relative?

答：

- 一、要件：收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹喪亡時，得經機關長官核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。
- 二、應備文件：收容人如有返家奔喪的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：
 - (一)死者之死亡證明書(或除戶之戶籍登記)。
 - (二)訃聞或其他足資證明喪葬日期及地點之文件。
 - (三)足資證明收容人與死者關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。
- 三、申請期間：於死者亡故日起至喪葬(出殯)前 2 日。
- 四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。
(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)(採憑證作業)
(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>)(採非憑證作業)
- 五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親屬可免附收容人之戶政文件。

A:

1. Condition: In the event of the death of an inmate's grandparent, parent, parent of spouse, spouse, child, or sibling, the inmate may, with approval from senior officials of the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.
2. Required documents: When an inmate has the need to request to attend funeral, the inmate or their relatives should submit an application together with the following documents to a contact designated by the correctional facility:
 - (1) Death certificate (or certificate of household deregistration).
 - (2) Obituary notice or other documents that suffice to show the date and place of the funeral.
 - (3) Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the deceased.

3. Application period: From the date the deceased passed away to two days before the scheduled funeral service (burial).
4. Relevant documents are available for download on the e-service system of the Ministry of Justice.
(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>) (Citizen Digital Certificate required)
(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>) (Citizen Digital Certificate not required)
5. If the inmate has filled out a “Consent Form for Application of Electronic Household Registration Transcript” at the correctional facility, agreeing that the facility can print out his or her e-household registration transcript, inmate’s relative need not submit the inmate’s household registration documents.

問 9-2、收容人親屬病危時，如何申辦返家探視？

Q9-2: How do inmates request home visit to visit a gravely ill relative?

答：

- 一、要件：收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹，有生命危險時，得經機關報請法務部矯正署核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。
- 二、應備文件：收容人如有病危返家探視的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：
 - (一)醫療機構開立之診斷證明書。
 - (二)醫療機構開立之最近 3 日內病危通知書或其他足資證明病危之文件。
 - (三)足資證明收容人與探視對象關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。
- 三、申請期間：於醫療機構開立之病危通知書或其他足資證明生命危險文件之 3 日內。
- 四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。
(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>)(採憑證作業)
(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>)(採非憑證作業)
- 五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親友可免附收容人之戶政文件。

A:

1. Condition: In the event an inmate’s grandparent, parent, parent of spouse, spouse, child, or sibling is in a life-threatening situation, the inmate may, with approval from the Agency of

Corrections that is applied through the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.

2. Required documents: When an inmate need to go home and visit a critically ill relative, the inmate or their relatives should submit an application together with the following documents to a designated contact by the correctional facility:
 - (1) A certificate of diagnosis issued by a medical institution.
 - (2) Medical crisis notice issued by a medical institution in the past 3 days or other documents that suffice to show that the visitee is in critically ill condition.
 - (3) Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the visitee.
3. Application period: Within 3 days from the time a medical institution issues a medical crisis notice or other documents that suffice to show that the visitee's life is in danger.
4. Relevant documents are available on the e-service system of the Ministry of Justice.
(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>) (Citizen Digital Certificate required)
(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>) (Citizen Digital Certificate not required)
5. If the inmate has filled out a "Consent Form for Application of Electronic Household Registration Transcript" at the correctional facility, agreeing that the facility can print out his or her e-household registration transcript, inmate's relative need not submit the inmate's household registration documents.

問 9-3、收容人親屬因災害致遭受重大傷害時，如何申辦返家探視？

Q9-3: How do inmates request home visit to visit a relative who sustains serious injury in a disaster?

答：

- 一、要件：因災害防救法第 2 條第 1 款所列災害(例如風災、水災、震災、火災等)，致收容人之祖父母、父母、配偶之父母、配偶、子女或兄弟姊妹遭受重大傷害時，得經機關報請法務部矯正署核准戒護返家探視，並於 24 小時內返回；其在外期間，予以計算刑期。
- 二、應備文件：收容人如有災害返家探視的需要，應由收容人本人或其親友應填寫申請書向機關指定窗口申請，並檢附下列文件：
 - (一)醫療機構開立之診斷證明書，或其他足資證明重大傷害之文件。
 - (二)足資證明探視對象遭受災害之文件。

(三)足資證明收容人與探視對象關係之戶政或其他相關文件(例如戶口名簿、戶籍謄本等)。

三、申請期間：於災害發生後 30 日內。

四、「法務部便民服務線上申辦系統」提供相關文件供下載使用。

(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>) (採憑證作業)

(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>)(採非憑證作業)

五、收容人若於矯正機關內已填具「申請電子戶籍謄本同意書」，同意機關代其列印電子戶籍謄本者，收容人親屬可免附收容人之戶政文件。

A:

1. Condition: In the event an inmate's grandparent, parent, parent of spouse, spouse, child, or sibling sustains serious injury in a disaster defined in Subparagraph 1, Article 2 of the Disaster Prevention and Protection Act (e.g. windstorm, flooding, earthquake, fire, etc.), the inmate may, with approval from the Agency of Corrections that is applied through the correctional facility, go home for a visit under escort and then return to the facility within 24 hours. The duration of the visit will be counted as time served.
2. Required documents: When an inmate need to go home and visit a relative who has sustained a serious injury, the inmate or their relatives should submit an application together with the following documents to a contact designated by the correctional facility:
 - (1) A certificate of diagnosis issued by a medical institution or other documents that suffice to show that the visitee has sustained serious injury.
 - (2) A document that suffices to show that the visitee has suffered a disaster.
 - (3) Household registration or other relevant documents (e.g. household registry or household registration transcript) that suffice to show the relationship between inmate and the visitee.
3. Application period: Within 30 days after the occurrence of disaster.
4. Relevant documents are available for download on the e-service system of the Ministry of Justice.

(<https://www.auth.moj.gov.tw/lp.asp?CtNode=57&CtUnit=6&BaseDSD=21&mp=4>) (Citizen Digital Certificate required)

(<https://eservice.moj.gov.tw/ct.asp?xItem=125404&ctNode=23461&mp=275>) (Citizen Digital Certificate not required)
5. If the inmate has filled out a "Consent Form for Application of Electronic Household Registration Transcript" at the correctional facility, agreeing that the facility can print out his

or her e-household registration transcript, inmate's relative needs not submit the inmate's household registration documents.

問 9-4、返家探視的申辦文件，一定要親自到機關遞交紙本嗎？

Q9-4: Do documents required for home visit application have to be submitted in hardcopy and delivered to the correctional facility in person?

答：

為達簡政便民，並提升返家探視之辦理效率，因此收容人親友申辦返家探視時，得以傳真、網際網路或其他適當方式傳送相關應備文件。

A:

To facilitate services and improve the efficiency of home visit application, when the relatives of an inmate make a home visit application for the inmate, they can send the required documents by fax, via the Internet or by other appropriate means.

問 9-5、返家探視的日期能由收容人家屬或親友自行決定嗎？

Q9-5: Can inmate's families or relatives decide the date of inmate's home visit?

答：

矯正機關核准收容人返家奔喪(探視)之申請後，即儘速擇日安排相關戒護返家奔喪(探視)勤務。又基於機關人力運作及戒護安全等考量，因此返家奔喪(探視)的日期無法由收容人家屬或親友自行決定，惟針對申請返家奔喪之案件，機關原則上仍會在喪葬(出殯)前完成返家奔喪。

A:

Correctional facilities will arrange the date of an inmate's home visit under escort as soon as the inmate's application has been approved. In consideration of the facility's manpower allocation and for security reasons, the date of inmate's home visit cannot be decided by their families or relatives. However, for cases of applying for home visit to attend funeral, the facilities will in principle make arrangement for the inmate to return home before the funeral (burial).

問 9-6、返家探視的日期能事先通知收容人家屬或親友嗎？

Q9-6: Can inmate's families or relatives be given an advance notice of the date of inmate's home visit?

答：

基於戒護安全之考量，因此返家奔喪(探視)的日期及時間無法事先通知收容人家屬或親友，惟機關於抵達返家奔喪(探視)地點前仍會通知收容人家屬或親友。

A:

For security reasons, inmate's families or relatives will not be notified of the time and date of inmate's home visit in advance. However the facilities will notify inmate's families or relatives before the inmate arrives at the place of visit or funeral.

問 9-7、返家探視的交通及相關費用，是由收容人負擔嗎？

Q9-7: Will the transportation fee and related charges of home visit be borne by inmates?

答：

基於使用者付費原則，返家探視的交通及相關費用應由收容人負擔，負擔方式包含從收容人本人保管金扣款，或由收容人親友代為繳納等方式。

A:

Based on the user-pays principle, the transportation fee and related charges incurred during home visit should be borne by inmates. The expenses will be deducted from inmate's safekeeping account or inmate's relatives can pay on behalf of the inmate.

問 9-8、請問外役監受刑人返家探視規定為何？

Q9-8: What are the rules for inmates in open prisons to apply for home visit?

答：

一、移入外役監執行期間，作業成績連續 2 個月均達法定最高額 80%以上且申請返家探視前 2 個月均無違規紀錄且教化、操行成績均無減分紀錄，得依申請准於例假日或紀念日返家探視配偶、親屬或家屬。

二、次數：

(一)刑期未滿 3 年，每月 1 次。

(二)刑期 3 年以上 7 年以下，每 2 個月 1 次。但累進處遇進至第 2 級以上，得每月 1 次。

(三)刑期 7 年以上 15 年以下而累進處遇進至第 3 級，每 3 個月 1 次。但累進處遇進至第 2 級，得每 2 個月 1 次；其進至第 1 級，得每月 1 次。

(四)刑期 15 年以上而累進處遇進至第 2 級，每 3 個月 1 次。但累進處遇進至第 1 級，得每 2 個月 1 次。

(五)無期徒刑，每 3 個月 1 次。

(六)65 歲以上之受刑人，得每月申請返家探視 1 次，不受前述(一)至(五)的限制。

三、應備文件：返家探視申請書、返家探視訪談紀要表、家屬同意書、探視對象之戶政文件(例如戶口名簿、戶籍謄本等)。

四、探視期間：每次最多不得超過 40 小時，但遇有連續 3 日以上的紀念日或休假日時，得延長 24 小時。以上時間不包括在途時間，外役監應依受刑人返家探視路程訂定在途期間，並告知受刑人。

A:

1. For inmates in open prison, they can apply for permission to visit spouse, family members or relatives on weekends or public holidays, provided their work record is above 80% of the prescribed highest amount and they are free of violation record and their edification and conduct scores were not deducted in the two months prior to applying for home visit.
2. Frequency of home visit:
 - (1) For inmates with prison term under 3 years, once every month.
 - (2) For inmates with prison term of more than 3 years but less than 7 years, once every two months; when inmates are advanced to Level 2 under progressive treatment, once every month.
 - (3) For inmates with prison term of more than 7 years but less than 15 years and advanced to Level 3 under progressive treatment, once every 3 months; when inmates are advanced to Level 2, once every 2 months; when inmates are advanced to Level 1, once every month.
 - (4) For inmates with prison term of more than 15 years and advanced to Level 2 under progressive treatment, once every 3 months; when inmates are advanced to Level 1, once every 2 months.
 - (5) For inmates sentenced to life, once every 3 months.
 - (6) Inmates over 65 years of age may apply for home visit once every month without being subjected to the restrictions described in (1) ~ (5).
3. Required documents: Home visit application form, home visit interview summary, family member consent form, and household registration or other relevant documents of the visitee (e.g. household registry or household registration transcript).
4. Duration of visit: No more than 40 hours each time, which however may be extended for another 24 hours in case of a public holiday or long weekend that lasts 3 consecutive days or longer. The aforementioned time does not include the amount of time spent in transit. An open prison should set the time spent in transit based on the distance inmates has to travel back home and inform inmate of the time allowed for transportation.

問 9-9、請問外役監受刑人返家探視注意事項為何？

Q9-9: What are the things to note when inmates in open prison return home for a visit?

答：

一、返家期間注意事項：

- (一)返家探視前均會發給受刑人「返家探視應遵守事項」及「家屬聯絡簿」，供受刑人知悉返家探視期間應注意及遵守之規定，及供家屬記載受刑人返家期間之生活情形及到、離家時間。

(二)受刑人獲准返家探視後應持返家探視證明書向當地警察機關報到，並應於指定期日回監報到。

(三)受刑人返家探視之活動範圍，除往返行程所必要外，以申請所在地之直轄市或縣（市）境內為限。

(四)外役監應按在途期間規定返家探視受刑人到家及離家時回報時間，並抽查其在家活動情形。

二、返家探視受刑人有下列各款正當理由之一，未於指定期日回監時，應於原指定回監期日內向原執行外役監報告：

(一)因天災或其他不可避之事變，致交通中斷或急需處理者。

(二)突染疾病，經公、私立醫院證明住院醫療或隔離者。

三、外役監接獲報告後，將另行指定受刑人回監期日，並令其定時回報。經核准延期返監者，於返監之後，應補提出「事故證明」，若係住院者，則需住院證明。

四、返家探視之受刑人無正當理由，未於指定期日內回監者，外役監將以脫逃罪移送該管法院檢察署偵辦及通知返家當地警察機關，並陳報法務部矯正署。另受刑人先前於外役監逐月逐級縮短之刑期亦將全部回復。

A:

1. Things to note when returning home for a visit:

(1) Inmates will be given a “Home Visit Guidelines” and a “Family Contract Book” before returning home for a visit to acquaint them with the rules to comply with, and for families to document inmate’s life at home and the time of arriving and leaving home.

(2) After an inmate is permitted to go home for a visit, he or she needs to report to the local police agency by presenting a certificate of home visitation, and shall report back to prison on the designated date.

(3) Inmate returning home for a visit should move within the confines of the municipality or county (city) of the place applied for, except for the round trip between home and prison.

(4) The open prison should set the time for inmates to report their time of arriving and departing home based on the time for transportation, and check their activities while at home.

2. If an inmate returning home for a visit fails to return to prison on the designated date due to one of the following legitimate reasons, the inmate shall report to the open prison where he is held within the originally designated date:

(1) The transportation is disrupted due to a natural disaster or some unavoidable event happens that needs to be handled urgently.

(2) The inmate is suddenly inflicted with an illness that they must be hospitalized or quarantined as substantiated by a public or private hospital.

3. After the open prison receives the report, the prison will designate another date for inmate's return, and order the inmate to report regularly. Inmates who were approved to postpone their return date shall submit a "proof of incident" after they return to prison. If they were hospitalized, they need to provide proof of hospitalization.
4. When an inmate who returns home for a visit but fails to return to prison within the designated date without legitimate reasons, the open prison will forward the case to the prosecutors' office under the court of jurisdiction as a prison escape case and inform the local police agency, and report to the Agency of Corrections. In addition, the shortened prison term previously received in open prison shall all be reversed.