

Minutes of the first meeting of the Family Law Subcommittee of the Legislative Council (provisional translation)

On March 30, 2021, the first meeting of the Family Law Subcommittee of the Legislative Council was held at the Ministry of Justice (some participated via web conference). At the 189th meeting of the Legislative Council held on February 10, 2021, the Council received a request for consultation from the Minister of Justice stating that:

In light of the serious impact of divorce on the upbringing of children and the diversification of ways in which children are being raised it seems necessary to review the provisions concerning divorce and related systems from the perspective of securing the best interests of the child. The Legislative Council is kindly requested to propose outlines for review.

Accordingly, the Family Law Subcommittee was established for study and deliberation of such matters.

The Subcommittee consists of researchers and practitioners in civil law, experts in sociology, psychology, civil society organizations, and academic experts (as of the first meeting, 24 members and 12 non-voting members participated).

At the first meeting, following the Ministry of Justice's explanation of the background of the establishment of the Subcommittee, Mr. OMURA Atsushi (Professor, Gakushuin University Law School) was unanimously elected as the Chairperson of the Subcommittee, and Mr. KUBOTA Atsumi (Professor, Kobe University Graduate School of Law) was appointed as the Vice Chair..

The members and sub-members then reviewed divorce procedures and related systems, referring to meeting materials. They exchanged opinions about basic viewpoints, potential issues to be considered, and approaches to addressing those issues. Various opinions were expressed on child custody, child support and visitation after divorce, the child adoption system for minors, the distribution of marital property in a divorce, and so on.

Some of the members pointed out that it is necessary to consider the impact of divorce on child, to give top priority to the best interests of the child, to investigate and understand the actual situations of parents and children before and after divorce, and to examine individual cases based thereon.

In addition, opinions were widely exchanged on the topic of child rearing after divorce, which include: (i) arrangements of necessary matters for parenting after divorce (child support, visitation and other contacts, etc.), (ii) involvement of both parents in the upbringing of a child after divorce, (iii) reflection of the child's views and opinions in the child's upbringing, and (iv) legal concepts regarding the upbringing of a child from the viewpoint of securing the best interests of the child. Some members presented suggestions about priorities and the process for future discussions, and the Subcommittee agreed to conduct a broad range of hearings to understand the actual situation of children being raised by divorced parents.