

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

On June 22, 2021, the fourth meeting of the Family Law Subcommittee of the Legislative Council was held at the Ministry of Justice (in person and online). Nearly all the members and non-voting members attended the meeting. The Chairman, Prof. OMURA Atsushi, presided over the meeting.

At the fourth meeting, the committee members exchanged opinions based on the results of the interviews held so far by the Subcommittee. The members expressed a variety of opinions regarding the issues to be considered and points to keep in mind with regard to child rearing due to divorce of parents. The members expressed their opinions on the following points: (i) the family law system needs to place greater emphasis on the views and interests of children who are greatly affected by the divorce of parents, such as proper hearing of the intentions and opinions of children, (ii) due to the diversification of ways of the relationship between parents and children before and after divorce, the background to divorce and the degree of conflict should be considered, and (iii) measures related to domestic violence and abuse need to be considered at the same time.

The Subcommittee decided that it would conduct a hearing on legislation in other countries and then proceed with the first reading as follows: (i) issues related to the rearing of children after divorce, (ii) issues related to the consideration of the will and opinions of the children, (iii) other related issues outside of the divorce system, (iv) the adoption system for minors, and (v) the distribution of property. In addition, the Secretariat explained the typical procedure after the first reading as follows: the Subcommittee would start the second reading; it would prepare an interim report in accordance with the status of the deliberations and implement public comment procedures; and, lastly, the final report would be prepared. However, the Subcommittee decided to continue to examine how to proceed with the deliberations for the second reading and beyond and to consider setting a specific schedule.

The Subcommittee then deliberated revisions to the system of child support and discussed issues listed on the meeting material; (i) how to reconsider the concept of child support, (ii) measures to promote and secure agreements between parents concerning child support, and (iii) the provision related to child support agreements.

The Subcommittee agreed to discuss at its next meeting the remaining issues related to child support and visitation and how divorce impacts children, especially from the perspective of psychology and child development, in addition to holding a hearing involving experts on overseas legislation.

※ These minutes are the responsibility of the Secretariat of the Committee, which has provided this summary of the outcome of the meeting as a preliminary report in English.