

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

On July 27, 2021, the fifth 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.

The Subcommittee examined and deliberated the revision of the system for child support and visitation based on the meeting material. The fifth meeting covered: (i) provisions related to child support agreements, (ii) judicial proceedings on child support, and (iii) reconsideration of concepts for visitation. Some members suggested that a fundamental revision of the system of divorce by agreement should be put on the table for consideration because the current system may not sufficiently take the interests of children into consideration. Further, they stated that the revised system should involve the participation of legal experts, such as attorneys at law, in making such agreements so as to ensure that necessary details are included in child support agreements. Other members presented a variety of opinions, including on the formulation of statutory factors and methods for the calculation of child support, as well as that courts take enhanced procedures to discover the location of respondents in conciliation, adjudication or civil execution proceedings for child support.

Subsequently, Prof. SUGAWARA Masumi, a member of the Subcommittee, made a presentation on the psychological findings on the impact of divorce of parents on child growth based on the latest research, and then a lively Q&A session was held, which included questions on how divorce causes children to experience stress.

Afterwards, the Subcommittee heard from four researchers (Prof. KIM Yangwhan, Prof. YAMAGUCHI Ryoko, Prof. OGAWA Tomiyuki, and Prof. NISHITANI Yuko) about foreign legal systems (Korea, the United States, the United Kingdom, Australia, and Germany) on child rearing after divorce, as a comparative law study. Materials which summarized the legal systems for child rearing after divorce in France and Thailand were also provided.

The researchers gave explanations focusing on the legal system and the actual situation in each country, and lively Q&A sessions were held with the Subcommittee members.

For its next meeting, it was decided that the Subcommittee would examine the remaining issues on visitation described in the meeting material and, based on the results of the above-mentioned hearings, discuss child rearing after divorce.

※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.