

Provisional Minutes of the 24th Meeting of the Family Law Subcommittee of the Legislative Council (provisional translation)

On March 28, 2023, the 24th 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 members started to review and deliberate the pending issues regarding divorce and the relevant systems for the third round, referring to the previous discussions, the opinions received when the public comments were invited and the results of the interviews. During the meeting, the Subcommittee discussed the following issues based on the meeting materials.

First, the Subcommittee discussed whether general rules concerning the responsibilities of parents with a minor child should be established, and many members and non-voting members agreed that such rules should be established. It was also suggested that they need to further discuss the details of such rules, including the pending issues such as whether parents are responsible for “parenting” or “supporting” a child, and whether rules concerning the rights of parents in addition to the “duties” and “responsibilities” of parents should be established.

Second, they discussed the provision of information when parents get divorced, and many Subcommittee members and non-voting members suggested that parenting classes for divorced parents can be beneficial; thus, it is continuously necessary to encourage divorced parents to take such classes. Nevertheless, although there was such a comment that they should consider the possibility of making parenting classes a basic requirement for divorce by agreement, many other members and non-voting members commented that such rules should not be established.

In addition, as a measure to improve the effectiveness of the rules concerning child support payments, the Subcommittee discussed adding general liens to the right to claim child support payments and that such rights are subordinated to wage liens, and many Subcommittee members and non-voting members supported these opinions. In response, it was suggested that it is continuously necessary to examine the scope of claims to which priority should be given and how to ensure opportunities for debtors to follow the procedures.

Furthermore, as a rule concerning court proceedings for child custody arrangements, they discussed the possibility of establishing a rule for imposing the duty to disclose information on parents’ income, and many Subcommittee members and non-voting

members supported the opinion that an obligation to disclose information under the procedural law should be established. There were also opinions that not only cases for adjudication of domestic relations and personal status litigation but also family conciliation cases should be included in the types of procedures that must be disclosed. It was also suggested that the Subcommittee should further discuss what sanctions should be imposed when violation of a disclosure obligation occurs.

At the end of the meeting, as to the said rules, the Subcommittee discussed stipulating factors to be considered on equitable distribution of property. However, due to time constraints, this issue will be discussed in the next meeting.

The Subcommittee is to study and deliberate the pending issues for the third time in the next and subsequent meetings.

※These provisional minutes are the summarized results of the subcommittee meeting and are to be provided by the Secretariat of the Subcommittee in both Japanese and English on an as-needed basis. The official meeting minutes (in Japanese) will be published at a later date.