

Provisional Minutes of the 31st Meeting of the Family Law Subcommittee of the Legislative Council (provisional translation)

On October 3, 2023, the 31st 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 Acting Chairman, Prof. KUBOTA Atsumi, presided over the meeting.

The Subcommittee discussed the pending issues once again based on the draft of the proposed outline and supplementary explanation thereof. After discussing some of the basic rules concerning the parent-child relationship and the rules concerning parental authority and child custody, both of which have been pending since last month, the members and non-voting members discussed the following issues.

First, with regard to the rules concerning child support payments, they discussed the following proposals: 1) a person having a specific claim for periodic payments in the nature of costs required for child custody should have a statutory lien on a reasonable amount of costs specified by Cabinet Order or Ministerial Order, considering the number of children who are entitled to receive payments under the periodic payment order, 2) if parents divorced by agreement but did not make an arrangement to share the costs required for child custody, the requirements and effectiveness of the procedure to seek statutory child support payments under certain conditions needs to be further reviewed, taking legislative issues into consideration, 3) the establishment of rules concerning the disclosure of income, the allocation of costs required for child custody when the adjudication process for domestic relations has begun, and the imposition of sanctions on persons who violate the rules, and 4) in civil execution proceedings for the costs required for child custody, establishing procedures permitting the petitioner to file a single application to disclose assets, acquire information from a third party, and seize assets by deeming that each application was made in sequence.

Second, with regard to the rules concerning parent-child visitation, they discussed the proposals that: 5) the rules for parent-child visitation need to be codified if the parents are estranged; 6) if the family court finds it necessary to conduct parent-child visitation on a trial basis to look into the facts and finds it appropriate in light of the physical and psychological conditions of the child, the family court may encourage the parties to conduct trial visitation, and may require them to give a report on the results.

Third, with regard to adoption, they discussed the proposal addressing adopted children under 15 years of age when both parents share parental authority (if the parents are unable

to reach an agreement, they should follow the rules concerning the designation of a person who has parental authority).

Fourth, with regard to equitable distribution, they discussed codification of factors to be considered, as well as the proposals: extending the limitation period from 2 years to 5 years, and establishing the rules concerning information disclosure, which is similar to proposal 3).

Some members and non-voting members expressed their support for the proposals included in the draft of the proposed outline, whereas others suggested changes.

※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.