

Provisional Minutes of the 33rd Meeting of the Family Law Subcommittee of the Legislative Council (provisional translation)

On November 14, 2023, the 33rd 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 discussed the pending issues based on the second draft and the supplementary explanation thereof.

With regard to the rules concerning child support payments, many members and non-voting members expressed their support for the essential point in item 3 of the second draft. However, with regard to the proposal for statutory child support payment, some members suggested that the requirements should include “parents are unable to negotiate the arrangements” and “parent (the claimant) does not refuse parent-child visitation” etc., and to decrease the extent to which the family court may reduce or release the financial obligations of the debtor (parent living separately), taking their ability to pay into consideration.

In addition, they suggested a change in the proposal so that the family court may issue an order requiring the disclosure of information in cases of marital (divorce) mediation. Regarding the rules to reduce petitioner’s burden in civil execution proceedings (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 in certain cases), they suggested that the rules should be only applied to a claim for monthly salary paid to the parent living separately.

With regard to the rules concerning parent-child visitation, many members and non-voting members expressed their support for the essential point in item 4 of the second draft, while some members and non-voting members suggested that a family court investigation officer and a third party must be present when parent-child visitation is conducted on a trial basis. Some members and non-voting members expressed concern about establishing rules concerning visitation between a third party other than the parent and the child.

Moreover, the Subcommittee discussed the rules concerning adoption and the rules concerning equitable distribution of property, and with regard to some pending issues, some members and non-voting members suggested changes in the specific rules included in the second draft.

At its next meeting, the Subcommittee will mainly discuss the pending issues to which

the members and non-voting members expressed opposition or suggested changes in the 32nd and 33rd 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.