

Procedures in Parent-Child Visitation Cases in Family Court



What is Parent-Child Visitation?

It is a periodic and continuous exchange the child has with the parent living apart from him or her after the parents' divorce or separate.

Procedures in Family Court can be used to make arrangements concerning the methods and details of parent-child visitation.

This pamphlet explains matters that parents should keep in mind when discussing the methods and details of parent-child visitation, as well as the flow of procedures in such cases in Family Court.

For parents discussing parent-child visitation

What is parent-child visitation for the child

It is important for the growth of a child to feel that he or she is loved by both parents and establish a warm, stable parent-child relationship with both parents even when the parents live apart.

It is said that when parent-child visitation is conducted in an appropriate manner, children feel loved and valued by both parents, which provides them with a sense of security and self-confidence.

What parents should try to do

- Look to the best interest of the child
 - ▶ It is important to take into account the child's circumstances and feelings, as well as the impact on the child's life, when considering the optimal form of parent-child visitation that will be most suitable for the child.
- Do not entangle your child in the parents' dispute
 - ▶ It is hard for the child to have to see and listen to his or her parents fight or hear a parent talk ill about the other parent.
- Cooperate with the other parent for your child's sound development
 - ▶ It is important to separate what is between the parents from the parent-child relationship and think about your child's best interest from his or her point of view. It is necessary to imagine the situation the other parent is placed in and how the other parent is feeling in order to mutually respect each other as the child's parent.
- Face your own feelings
 - ▶ When you are in a dispute, it may be difficult to think calmly like your usual self. Make use of a conciliation to look back and recollect your feelings.



Court Web Site (Video Distribution)

<https://www.courts.go.jp/saiban/video/index.html>

We are streaming a video that explains the impact on children from disputes concerning divorce and parent-child visitation, as well as points for parents to keep in mind in order to prevent children from becoming involved in those disputes. Be sure to watch it. ▶



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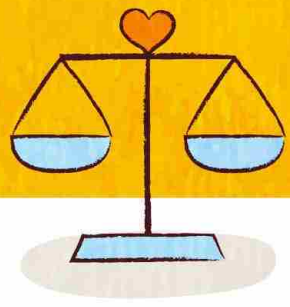
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* Audio and captions are in Japanese.



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話し合いとなるために～





Procedural flow in parent-child visitation cases

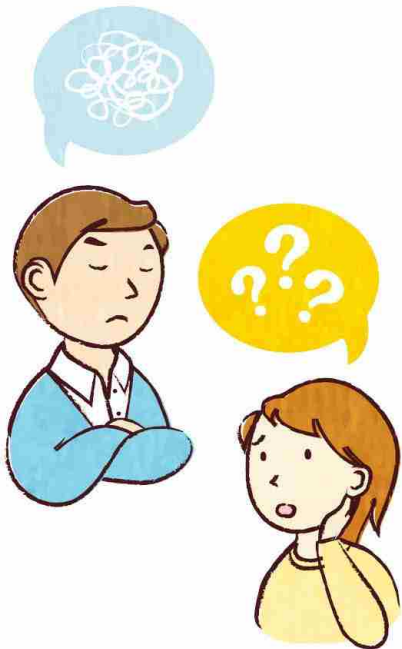


Court Proceedings

During separation or after divorce

- Parents are unable to reach an agreement on or are unable to discuss the methods and details of parent-child visitation with children
- Parents wish to modify previously determined parent-child visitation methods due to changes in the child's living circumstances or other reasons

In these types of situations, procedures in the Family Court can be used to determine arrangements relating to parent-child visitation.



Petition for conciliation

- **Petitioner:** Mother or father
 - * Where to file the petition with: Family court that has jurisdiction over the place of domicile of the other party (or, if you have an agreement with the other party, the family court agreed upon by the parties)
- **How to file the petition:** Bring or mail the petition form and other necessary documents to the family court

- * You can also file a petition for adjudication. Even in that case, however, the court may decide to put the matter to conciliation instead.
- * It is possible to discuss and make arrangements concerning parent-child visitation even in conciliation to adjust the marital relationship.

- ▶ Visit the Court Web site (Conciliation for parent-child visitations) for details (Page 6)

Conciliation

- There is no limit to how many times conciliation sessions can be held, so multiple sessions are held according to the case. The interval between sessions is usually about one month. Depending on the progress, the next session may be arranged with a shorter interval.
- In principle, each session lasts between one and a half to two hours.

- * In principle, the conciliation committee, which consists of a judge and two or more conciliation members, facilitates the conciliation. A family court investigator may appear at a session.

- ▶ See Q&A for details (Page 5)

Successful conciliation

A conciliation is successful when the parties reach an agreement and the details are described in the record of conciliation.

Unsuccessful conciliation followed by adjudication

If there is no prospect of the parties reaching an agreement, the conciliation committee judges that the conciliation is unsuccessful, and the case is automatically transferred to adjudication.

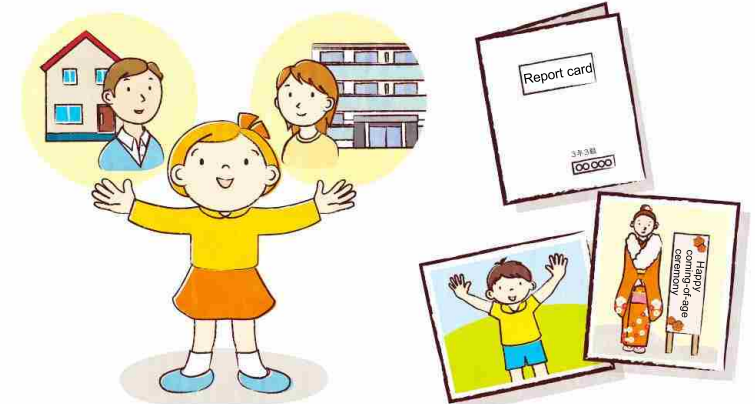
In an adjudication, the judge reviews all matters to make a judgment on the best interest of the child.

Investigation by a family court investigator

- Based on the judge's judgment, a family court investigator may conduct an investigation.

- ▶ See Q&A for details (Page 5)

- Parent-child visitation is conducted according to the details specified in the conciliation record or judgment. Parent-child visitation methods are broadly divided into the following two types.
 - * **Direct contact**
The first is direct parent-child visitation. The frequency, time, and location of visitation, whether anyone will accompany the visiting parent during the visitation, and other matters may also be specified.
 - * **Indirect contact**
The second type is parent-child visitation through telephone, letters, email, video calls, and so on. The parent who lives with the child may also send photographs, report cards, and so on to the parent who lives separately from the child.
- In some instances, it may be agreed or a judgment may be issued that parent-child visitation will not be conducted.



It can also be agreed that a parent-child visitation support service will be used.

- In cases where it is difficult for the parents to cooperate in transferring custody of the child and communicating with one another, they can agree to make use of a service that facilitates parent-child visitation and other contact.
- The court is unable to refer parents to organizations that can support parent-child visitation and other contact. Please contact these organizations directly for information on their terms of use, costs, and so on.

Q&A

about Conciliation for Parent-Child Visitations



Q2 How are the details and methods of parent-child visitation decided?

A To ensure that parent-child visitation supports the healthy development of the child and promotes the child's well-being, it is essential to determine the details and methods of visitation in a way that does not place a burden on the child. It is also necessary to take into consideration the child's age, personality, living conditions, environment, feelings, existing relationship between the parents and child, and other such factors.

In order to do this, the court will ask about the child's circumstances, the relationships between the parents and child, the parents' views on parent-child visitation, and other matters and will give advice and make suggestions as necessary.

Q4 After the details and methods of parent-child visitation are determined, what can be done if visitation cannot be effectively implemented?

A If the specifics agreed upon in the conciliation are not carried out, you can use a recommendation process for the fulfillment of the obligation or open up another conciliation. A conciliation may also be used again when there is a change to circumstances that requires a change in the specifics already agreed upon in the previous conciliation. However, it is important to thoroughly discuss details in the initial conciliation and agreed on a way to have visitations and other contacts on a continued basis so as to prevent entangling the child multiple times in the parents' dispute.

Q1 What do you talk about at a conciliation?

A When parents discuss whether a parent who lives separately from a child will have visitation with the child, and, in cases where they discuss proceeding with visitation, specifics of how it will be carried out, such as frequency, dates and times, and locations, they are to keep in mind the best interests of the child.

Q3 What does a family court investigator do?

A Family court investigators conduct investigations and coordination using knowledge from psychology and other behavioral sciences to facilitate problem solving. To consider parent-child visitation details and methods that will be beneficial to the child, including whether visitation will be conducted at all, the court may interview the child to elicit the child's thoughts. The court may then convey this information to a conciliation committee and the parents or conduct a trial parent-child visitation inside the court to ascertain the parents' attitudes toward the child and the status of the parent-child relationship.

Court Web site (Conciliation for parent-child visitations)

https://www.courts.go.jp/saiban/syurui/syurui_kazi/kazi_07_08/index.html

This leaflet provides information about conciliation for parent-child visitations as well as application forms and examples of how to fill them out.▶

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Ministry of Justice Website

<https://www.moj.go.jp/>

A general explanation of parent-child visitation is provided.▶

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検索



MEMO

- The Civil Code provides that upon divorce and when making decisions regarding parent-child visitation by the father or mother with the child, child support, and other matters, the best interests of the child must be given the highest priority (Article 766).
- The Domestic Relations Case Procedure Act sets forth that in proceedings for conciliation and adjudication, the family court should take the child's welfare (intentions) into consideration (Article 65, etc.).

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