

# Process for Visitation (and Other Contact) Case at Family Court



## What is visitation and other contact?

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.

By using a family court process, parents can come to an agreement on how to do visitations and other contacts and other relevant details.

This leaflet provides some tips to parents when discussing visitation and other contact as well as explains the flow of the process of a visitation (and other contact) case at a family court.

## For parents discussing visitation and other contact

### What visitation and other contact means to a 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.

When visitations and other contacts are properly conducted, a child feels that he or she is loved and cherished by both parents, which leads to developing a sense of security and confidence.

### What parents should try to do . . . . .

- Look to the best interest of the child
  - ▶ It is important to imagine what state your child is put into, how your child is feeling, and the impact on your child's life when considering how to have visitations and other contacts most desirable for your 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)

<http://www.courts.go.jp/video/>

Please visit the Web site to watch the video that explains the impact of the parents' dispute over divorce and/or visitations and other contacts on the child as well as considerations the parents can make to prevent the child from being entangled in the parents' dispute.▶



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\* Audio and captions are in Japanese.



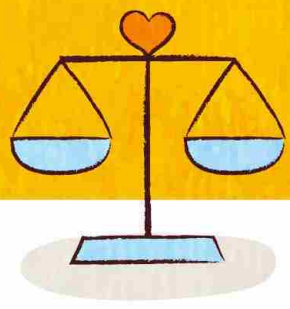
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子どもを守るために～



～子どもにとって望ましい  
話し合いとなるために～







# Flow of the Process for a Visitation (and Other Contact) Case



## Court Proceedings

### During separation or after divorce

- Parents cannot come to an agreement during discussions or discussion cannot be held between the parents for visitations and other contacts
- Need to change the way of visitation or other contact due to a change in the child's living situation

In such cases, you can use a family court process to make arrangements concerning visitations and other contacts.

### 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.

- ★ Discussion and agreement regarding visitations and other contacts can also be held in the course of a conciliation for marital relationship adjustment.

▶ Visit the Court Web site (Conciliation for Visitations and Other Contacts) 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.
- One session generally takes about 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

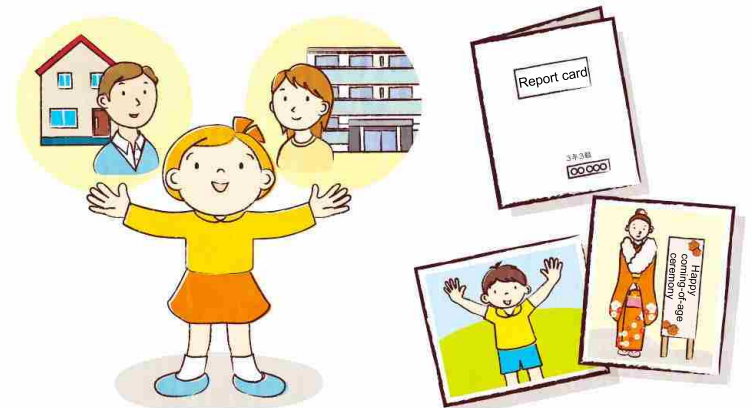
- Based on the judge's judgment, a family court investigator may conduct an investigation.

▶ See Q&A for details (Page 5)

- Visitations and other contacts are performed according to the rules set forth in the record of conciliation or decided by adjudication. There are broadly two ways of visitation as explained below.

- ★ **Direct contact**  
Parent and child meet in person. Sometimes the frequency, meeting time, meeting (handover) place, whether or not there is going to be an accompanying adult, and other details may be decided.
- ★ **Indirect contact**  
Parent and child may interact through phone calls, letters, e-mails, video conferences, and other methods. Other ways include the parent living with the child sending photographs, grade reports, etc. to the other parent who is living apart from the child.

- There are cases where an agreement or adjudication is established that specifies no visitations or other contacts.



### Agreement on using a visitation support service can also be made

- If the parents cannot cooperate in handing over the child or cannot contact each other, it is possible to make an agreement to use a visitation support service.
- The court cannot refer you to a visitation support service. Please inquire with each service provider directly about terms of use, expenses, and other details.



# Q&A

## about Conciliation for Visitations and Other Contacts



### Q2 How are details of visitations and other contacts decided?

**A** It is important to decide the details of visitations and other contacts based on the child's age, personality, living conditions and environment, and feelings, as well as his or her relationship with the parent, so that the visitations and other contacts contribute to the sound development of the child. Visitations and other contacts should not impose any burden on the child.

The court will therefore ask about the child's situation, parent-child relationship, and parents' opinions about the visitations and other contacts, and give advice and recommendations as necessary.

### Q4 After coming to an agreement on the specifics of visitations and other contacts, what happens if visitations are not held properly?

**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** Parents discuss whether or not to have visitations and other contacts between the child and the parent living apart from the child. If visitations and other contacts are going to take place, the number of times, date/time, location, and other specific details are also discussed with the primary focus being on the best interests of the child.

### Q3 What does a family court investigator do?

**A** A family court investigator uses his or her knowledge of psychology and other behavioral science to investigate and make arrangements to help solve problems. To consider details of visitations and other contacts, including whether or not to have visitations and other contacts, based on the child's best interest, the family court investigator interviews the child and listens to his or her feelings and communicates that to the conciliation committee and/or parents. A family court investigator may also conduct a trial visitation inside the court with the aim to understand the parents' attitudes toward the child as well as the relationship between the child and each of the parents.

## Court Web site (Conciliation for Visitations and Other Contacts)

[http://www.courts.go.jp/saiban/syurui\\_kazi/kazi\\_07\\_08/index.html](http://www.courts.go.jp/saiban/syurui_kazi/kazi_07_08/index.html)

The Web page provides information on the process for conciliation for visitations and other contacts, petition forms, and an example of filling it out.▶

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## Japan Legal Support Center "Hou Terrace" When you need legal support

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- The Civil Code sets forth that visitations and other contacts, as well as child support, must be considered with the child's interests as top 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.).