

Q: If there is a dispute over family relationship between husband and wife, or parent(s) and child(ren), such as divorce, dissolution of adoption, and determination of filiation, what processes are available at a family court?

A: Generally speaking, such disputes are considered appropriate to resolve through discussion, so first you will file a petition for conciliation of domestic relations. (For details about conciliation of domestic relations, please read the "Leaflet for Domestic Relations Cases.") When resolution is not possible through a conciliation of domestic relations, you can seek personal status litigation.

Q: What is a personal status litigation?

A: A litigation that resolves a dispute concerning marital or parental relationship is called a personal status litigation.

A divorce case is a typical personal status litigation. In a litigation seeking divorce, you can also petition for the family court to determine property division, child support, visitation and other contacts, ratio of pension division, and other matters at the same time. You can also file a litigation for compensation associated with the divorce along with the divorce case.

Q: How is a personal status litigation different from conciliation for domestic relations?

A: A conciliation for domestic relations is a process that pursues an amicable resolution with an agreement reached through discussion between both parties, facilitated by the conciliation committee. On the other hand, a personal status litigation is a process where both parties state their allegations and present evidence that support those allegations to seek resolution through a ruling given by the judge. While conciliations for domestic relations are held privately, personal status litigations are held in open court unless there are special circumstances.

Q: Where do I file a personal status litigation?

A: In principle, you will file the litigation with the family court with jurisdiction over the place of domicile of the party (in case of a divorce, either the husband or the wife). However, if that family court is not the family court that handled the conciliation prior to the filing of the personal status litigation, the family court that handled that conciliation may handle the personal status litigation as well.

Q: What should I do to file a personal status litigation?

A: You will need a bill of complaint, service charge, postage stamps, a copy of your family register, and possibly other documents. Please ask the reception about the service charges and postage stamps, as well as the necessary documents and how many of each is needed. A family court also has a standard divorce complaint form and the explanation thereof.

Q: What should I do when a personal status litigation has been filed against me?

A: You will receive a bill of complaint and a writ of summons with the trial date from the family court. To present your allegation to object to the other party's allegations, file the answer and come to the court on the trial date specified on the writ of summons.

A family court also has a standard divorce answer form and the explanation thereof.

Japan Legal Support Center ("Hou Terrace")

<http://www.houterasu.or.jp/>



For legal problems, call:



0570-078374

Weekdays 9:00 – 21:00 Saturdays 9:00 – 17:00

- \* You can call at a rate of 8.5 yen (tax excluded) for 3 minutes from anywhere in Japan from a landline phone.
- \* From an IP phone, dial 03-6745-5600.
- \* Inquiries are also accepted via e-mails on the Web site.

#### ◆ Court Web Site

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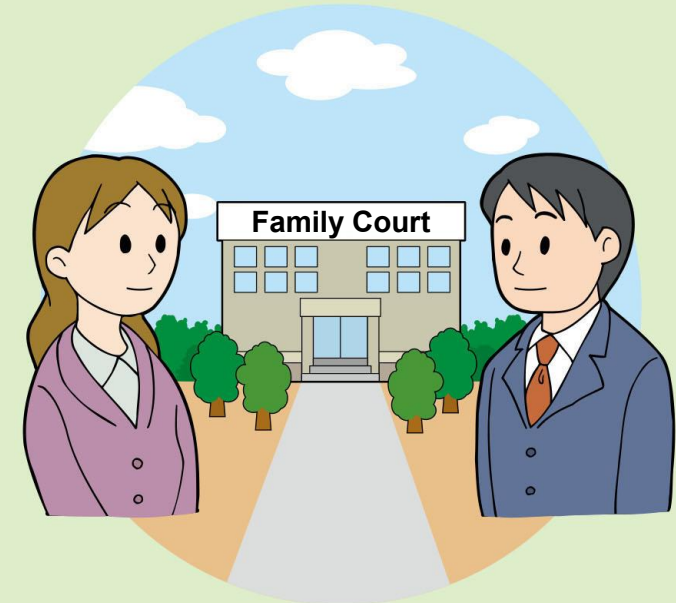
Search

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

The Web site provides information about the processes of personal status litigation cases, standard divorce complaint and answer forms, and respective examples thereof. The information on the locations and phone numbers of the courts is also published.

## Do you know about personal status litigations?

Family courts can help resolve disputes about marital and parental relationships.



Family Court

# Flow of Personal Status Litigation (Divorce Case Example)

## Conciliation of domestic relations

- Process that aims for an amicable resolution by agreement



## [Conciliation unsuccessful]

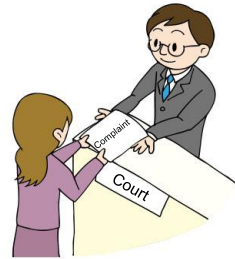
- Personal status litigation is sought when resolution is not reached via conciliation

## [Conciliation successful]

## From the filing of an action to a trial

### [Filing an action]

- The plaintiff (who is filing the action) needs to submit the following:
  - (1) Complaint
  - (2) Service charge (revenue stamps)
  - (3) Postage stamps
  - (4) Copy of family register, etc.
- The complaint should state the purpose of the claim (matters demanded as judicial decision) and the facts caused that purpose.
- Please ask the family court about the service charges and postage stamps.



### [Submitting an answer]

- The defendant (who is being filed an action against) submits an answer.
- In the answer, the defendant states whether or not he/she agrees to the details of the complaint, and if the defendant does not, the defendant states the reasons for opposing.



## Common processes in family court trial

### [Oral arguments]

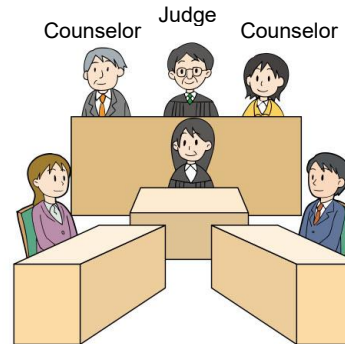
- The plaintiff and defendant respectively state their arguments based on pre-submitted documents and present evidence that supports their arguments.

### [Arrangement of issues and evidence]

- The points of issue are reviewed, and the evidence presented regarding the issues is organized.

### [Examination of evidence]

- To make a judgment on the issues, the judge hears the circumstances from the parties at court (examination of the parties) and examines the evidence.

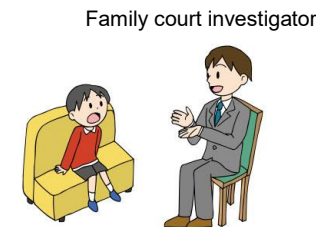


Normally, the above processes are held over several trial dates.

Counselors may attend the trial and settlement attempts to give their opinions. Counselors are obligated to keep any information about the trial secret as part-time national public servants selected from amongst the citizens to reflect the sound judgment of the public into the trial.

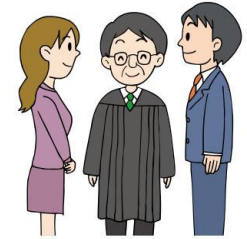
### [Examination of facts]

- A family court investigator may investigate the assignment of the child's custody using the knowledge and skills of behavioral science.



## [Settlement]

- If an agreement is reached, the dispute can be resolved by settlement.



## [Settlement attempt]

## [Ruling]

- The dispute is resolved through a ruling given by the judge.

