

## ● Process for Adjudication or Conciliation

### Q1 How can I file a petition to the family court?

**A** You will need to prepare a petition form, service charge, postage stamps, and the "Information Notice for the Division of Pension," issued from a pension office, mutual aid association, or the Private School Mutual Aid through an information provision procedure. In the case of a petition prior to divorce, the information provision date of the Information Notice for the Division of Pension must be within one year of the date of such petition. In the case of a petition after divorce, the information provision date must be after the date of divorce. For details about information provision regarding pension and where to claim for division of pension, please contact the offices listed under "For inquiries and consultations about the pension division system," which you can find later in this leaflet. (The petition form can be downloaded from the Court Web site.)



### Q2 Which family court should I go to when making a petition?

**A** For a petition for adjudication, you should go to the family court with jurisdiction over the place of domicile of either the petitioner or the respondent. If you are filing a petition for conciliation, you should go to the family court with jurisdiction over the place of domicile of the respondent. However, in both cases, if there is a preference otherwise, another family court other than the designated court may be used provided that there is an agreement between the petitioner and the respondent. If you have any questions regarding this matter, please ask your nearest family court.

### Q3 By when can I file a petition for adjudication or conciliation with the family court?

**A** In principle, a claim for dividing pension cannot be made after two years starting on the day following the date of divorce. (→ See Q5)

Therefore, a petition for adjudication or conciliation cannot, in principle, be filed with a family court after two years has elapsed starting on the day following the date of divorce.

## ● Process after Adjudication or Conciliation

### Q4 What kind of procedure is necessary to claim division of pension?

**A** After a document evidencing the parties' agreement to claiming division of pension and the agreement on the ratio of division that has been agreed by the parties, or after the ratio of division has been determined through court judicial process, you must go through the process to claim for the division of pension at a pension office, mutual aid association, or the Private School Mutual Aid in order to actually use the pension division system upon divorce.

For the specifics of the claim process, please inquire with your local pension office, mutual aid association or the Private School Mutual Aid.

### Q5 Up to when can I make a claim for the division of pension?

**A** The claim for the division of pension has an expiry; **in principle, you cannot make the claim after two years have elapsed starting on the day following the date of divorce.**

However, if you filed a petition for adjudication, etc. with a family court before the lapse of two years starting on the day following the date of divorce, even when a ruling is finalized or when a conciliation is made on the ratio of division after two years have elapsed starting on the day following the date of divorce, you may exceptionally make a claim for the division of pension until a six-months lapse starting on the day following the date of final ruling or when a conciliation is made on the ratio of division.

Therefore, in the case that a ruling on the ratio of division is finalized or such after two years from the divorce, in order to use the pension division system upon divorce, you must go through the process for dividing pension (→ See Q4) within six months starting on the day following the date of the final ruling, etc.

### Q6 When making a claim for a division of pension with the ratio of division finalized by a family court ruling, what documents will I need to submit?

**A** Of the documents required for claiming a division of pension, those issued by the family court are the following (for details on how to acquire these documents from the family court, please inquire with your local family court):

- ◆ For adjudication (court ruling): A copy or an extract of the written judgment and the certificate of declaration
- ◆ For conciliation (settlement): A copy or an extract of the written record of conciliation

Like mentioned in Q5, after you filed a petition for adjudication, etc. with a family court within two years starting on the day following the date of divorce, if two years have passed starting from the day following the date of divorce before the final ruling of the ratio of division, you will need an additional document that evidences the date of the filing of the petition.

Aside from the above, for documents necessary for claiming division of pension, please contact the organizations listed in "For inquiries and consultations about the pension division system" below.

### Contact organizations below for information provided in this leaflet

#### ● For inquiries and consultations about the pension division system

##### About the period of welfare pension program

- Pension offices nationwide
- Call the Nenkin Dial (Phone: 0570-05-1165) for inquiries by phone

##### About the term of National Public Service Personnel

- <Members of the Mutual Aid Associations of National Public Service Personnel and their spouses, etc.>  
Mutual aid association of the ministry or agency you are currently working at
- <Those who were members of the Mutual Aid Associations of National Public Service Personnel and their spouses>  
Pension Consultation Office of the Federation of National Public Service Personnel Mutual Aid Associations (Phone: 03-3265-8141 (pilot number))

##### About the term of Prefectural Government Personnel

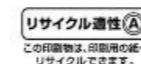
- Mutual aid association that you current belong to or have previous belonged to

##### About the term of private school personnel

- Mutual Aid Operation Public Relations and Consultation Center of the Promotion and Mutual Aid Corporation for Private Schools of Japan (Phone: 03-3813-5321 (pilot number))

\* The "Information Notice for the Division of Pension" issued at the request of a petitioner also includes a list of contacts for inquiries about the pension division system, etc.

#### ● For details about the processes regarding adjudication, conciliation, and personal status litigation, please contact your nearest family court



## Do you know about the family court process for the pension division system upon divorce?

Under the pension division system upon divorce, the family court has a process for determining the ratio of division of pension when an agreement cannot be reached between the divorced individuals.



Family Court

## Pension Division System: “Division by agreement” and “Division under Class 3”

### [Division by agreement] (Pension division system upon divorce – Enforced April 2007)

**Division by agreement** is a system where the welfare pension corresponding to the amount of insurance premium paid during the period of marriage<sup>(1)</sup> can be split between the divorced parties at the pension division request of one of the parties, provided that the ratio of division has been agreed upon by the parties or has been determined through judicial process<sup>(2)</sup>. This system is eligible for divorces that occurred on or after April 1, 2007.

\*1: People who are deemed to have been in a de facto marital relationship are also eligible; however, the eligibility of the division of pension is limited to the period during which one of the parties was certified as Class 3 insured person under the National Pension Act as a dependent spouse (Class 3 Insured Person Period).

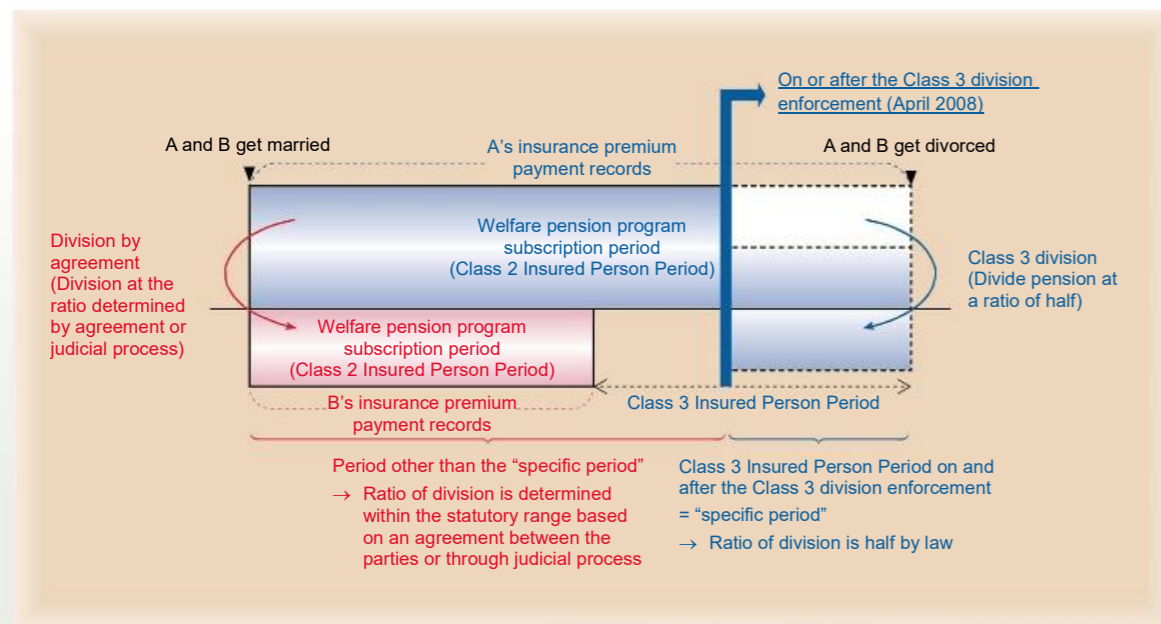
\*2: Specifically, the amount of pension for each divorced party is based on the split records of payment of insurance premium made during the period of marriage (the basis of pension amount calculation). (As a precondition, the receiving divorced party must have met the recipient qualification.)

### [Division under Class 3] (Pension division system upon divorce for Class 3 Insured Person Period – Enforced April 2008)

**Division under Class 3** is a system where the welfare pension of a Class 2 insured person can be split in half<sup>(3)</sup> at the pension division request upon divorce made by the individual who was a Class 3 insured person. This system is applicable to Class 3 Insured Person Period (specific period) on and after April 1, 2008.

\*3: The specifics and effects of the division are the same as those of the “division by agreement” (See \*2).

### [Pension Division System Schematic Diagram (Case of Divorced Husband A and Wife B)]



## Pension Division System and Family Court Processes: Only “Division by agreement” is eligible for judicial process.

In principle, the “**Division by agreement**” system that started in April 2007 is intended to determine the ratio of pension division by agreement based on discussion between the divorced parties. However, if agreement cannot be reached, the ratio of division will be determined through family court processes (adjudication or conciliation) upon the petition of one of the parties.

On the other hand, the “**Division under Class 3**” system that started in April 2008 automatically splits the records of insurance premium payments dated April 1, 2008 or later in half. This system can be used solely at the pension division request of an individual who has been a Class 3 insured person and does not require agreement between the parties or judicial process.

### Basic Flow of “Division by Agreement” Process: Judicial process is used when the parties cannot reach an agreement.

When using the pension division system, one or both parties can request the provision of information necessary for pension division (possible range of division ratio, etc.) from the local pension office, mutual aid association, or the Private School Mutual Aid before or after divorce.

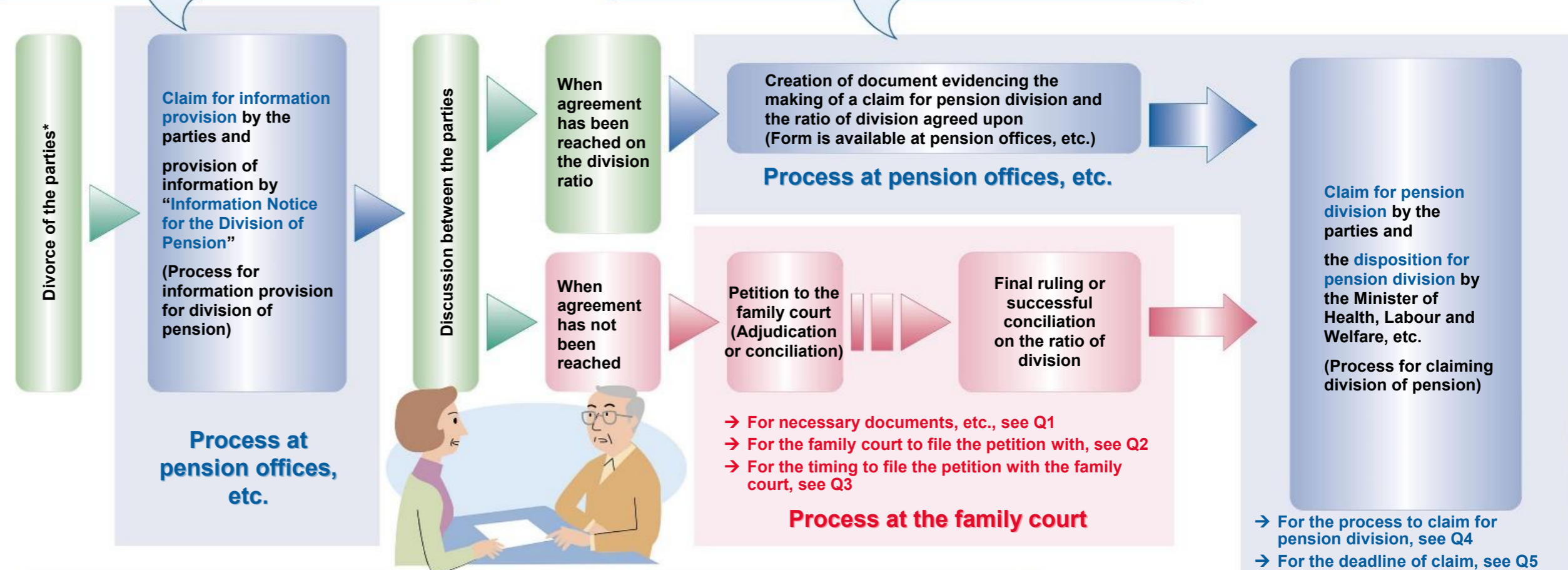
The information necessary for division of pension is provided in a document called the “**Information Notice for the Division of Pension.**”

For more information, please contact the organizations listed under “**For inquiries and consultations about the pension division system**” below.

If the parties reached an agreement on the ratio of division, a document evidencing the claim for pension division and the ratio of division agreed upon is created for both parties to go through the process to claim for division of pension at a pension office, mutual aid association, or the Private School Mutual Aid (→ See Q4).

If the ratio of division agreed upon can otherwise be evidenced by a creation of a notarial deed at a notary public office or a certification of the written agreement by a notary public officer, one of the parties can go through the process to claim for division of pension at a pension office, mutual aid association, or the Private School Mutual Aid.

For more information, please contact the organizations listed under “**For inquiries and consultations about the pension division system**” below.



\* The pension division system upon divorce cannot be used prior to divorce, but it is possible to decide the ratio of division in the course of the judicial process as an incidental matter during the divorce conciliation or an ancillary disposition related to an action seeking divorce (personal status litigation).  
 For information on personal status litigation proceedings, please also see the “Do you know about personal status litigation?” leaflet.

**Process at pension offices, etc.**