

# Juvenile Act

(Act No. 168 of July 15, 1948)

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## Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to subject delinquent Juveniles to protective measures to correct their personality traits and modify their environment, and to implement special measures for juvenile criminal cases, for the purpose of Juveniles' sound development.

(Juvenile, Adult and Custodian)

Article 2 (1) In this Act, the term "Juvenile" refers to a person under 20 years of age; the term "Adult" refers to a person of 20 years of age or older.

(2) In this Act, the term "Custodian" refers to a person with a statutory obligation to have custody of and provide education to a Juvenile, or a person who has actual custody of a Juvenile.

## Chapter II Juvenile Protection Cases

### Section 1 General Rules

(Juveniles subject to hearing and decision)

Article 3 (1) A Juvenile to whom any of the following items applies shall be referred to a hearing and decision of the family court.

(i) A Juvenile who has committed a crime

- (ii) A Juvenile under 14 years of age who has violated laws and regulations of criminal nature
- (iii) Any of the following reasons exists and a Juvenile, in light of personality or environment of the Juvenile, is likely to commit a crime or violate laws and regulations of criminal nature in the future
  - (a) Has a propensity not to submit to legitimate supervision by the Custodian
  - (b) Stays away from home without a justifiable cause
  - (c) Associates with persons with a criminal nature or immoral persons, or frequents in places of ill repute
  - (d) Has a propensity to engage in harming own morals of the Juvenile or that of others
- (2) The family court may subject a Juvenile as prescribed in item (ii) of the preceding paragraph or a Juvenile as prescribed in item (iii) of the same paragraph who is under 14 years of age to a hearing and decision only when a prefectural governor or a child consultation center's director refers the Juvenile to the family court.

(Authority of Assistant Judges)

Article 4 An assistant judge alone may give a judicial decision excluding the ruling prescribed in Article 20.

(Jurisdiction)

- Article 5 (1) Court jurisdiction over a juvenile protection case shall be determined on the basis of the place where the Juvenile committed the act, domicile or residence of the Juvenile, or current location of the Juvenile.
- (2) The family court may, by a ruling, transfer a case to any other family court having jurisdiction if the court finds it particularly necessary in order to ensure appropriate protection of the Juvenile.
  - (3) The family court shall, by a ruling, transfer a case to the family court having jurisdiction if the case is found not to fall under its jurisdiction.

(Inspection and copying of records by victim, etc.)

Article 5-2 (1) When there is a request from the victim, etc. (which means the victim, his or her legal representative or his or her spouse, lineal relative or sibling if the victim has died or suffers serious physical or mental conditions; the same shall apply hereinafter) of a juvenile protection case as prescribed in Article 3, paragraph (1), item (i) or (ii) or from the attorney at law appointed by the victim, etc. for inspection or copying of the records on the juvenile protection case (except those collected by the family court exclusively for its determination on need for protection of the Juvenile and those created or collected by family court probation officer that contribute to the family court's

determination on the need for protection of the Juvenile) retained by the court pursuant to the Rules of the Supreme Court after the ruling prescribed by Article 21 has been made, the court shall authorize the applicant to inspect or copy the records, except when the court finds the request of inspection or copying has been filed on unjustifiable grounds or the court finds it inappropriate to permit inspection or copying in light of the impact on the sound development of the Juvenile, the nature of the case, the status of investigation, hearing, or other circumstances.

- (2) The request set forth in the preceding paragraph shall not be filed when three years have passed since the ruling that had closed the juvenile protection case pertaining to the request became final and binding.
- (3) The person who inspected or copied the records pursuant to the provisions of paragraph (1) shall neither divulge the name or other information concerning personal circumstances of the Juvenile acquired through the inspection or copying without justifiable grounds nor use any information obtained through the inspection or copying to hinder the sound development of the Juvenile, damage the dignity or peace of life of any person concerned or engage in any act that disturbs the investigation or hearing of the case without justifiable grounds.

(Fee for inspection or copying)

Article 5-3 The provisions of Articles 7 to 10 and Paragraph 1 of appended table 2 (excluding the phrase "excluding those requested by a party, etc. when the suit is pending" in the upper column of the paragraph) of the Act on Costs of Civil Procedure (Act No. 40 of 1971) shall apply mutatis mutandis to the fee for inspection or copying of the record pursuant to the provision of paragraph (1) of the preceding Article unless contrary to the nature thereof.

## **Section 2 Notification, Investigation by Police Officials, etc.**

(Notification)

- Article 6 (1) A person who discovers a Juvenile who should be subject to hearing and decision of the family court shall notify the family court of the discovery.
- (2) A police official or the Custodian of a Juvenile as prescribed in Article 3, paragraph (1), item (iii) may directly notify the child consultation center of the Juvenile if it is found appropriate to subject the Juvenile to the measures under the Child Welfare Act (Act No. 164 of 1947) in preference to direct referral or notification to the family court.

(Investigation by police official, etc.)

Article 6-2 (1) A police official may investigate the case if necessary when the

police official discovers a Juvenile and there exists, in reasonable view of objective circumstances, probable cause to suspect that the Juvenile falls under Article 3, paragraph (1), item (ii).

- (2) The investigation set forth in the preceding paragraph shall be conducted for the purpose of finding the truth of the case while giving consideration to protection of the Juvenile's emotional stability and thereby contributing to the measures for his or her sound development.
- (3) A police official may request a member of the police force (excluding police officials) with expertise in Juvenile psychological and other characteristics to investigate (excluding the measures prescribed in Article 6-5, paragraph (1)) pursuant to the Rules of the National Public Safety Commission.

(Attendant during investigation)

Article 6-3 The Juvenile and Custodian of the Juvenile may at any time appoint an attendant who is an attorney at law for the investigation as prescribed in paragraph (1) of the preceding Article.

(Summons, questioning and request for reporting)

- Article 6-4 (1) A police official may summon and question the Juvenile, the Custodian of the Juvenile or relevant persons if necessary for the investigation.
- (2) The questioning set forth in the preceding paragraph shall not be conducted forcefully.
  - (3) A police official may request public offices or public or private organizations to report necessary matters relating to the investigation.

(Seizure, search, inspection and request for expert opinion)

- Article 6-5 (1) A police official may carry out seizure, search or inspection, or request for an expert opinion if it is necessary for the investigation of the case of a Juvenile as prescribed in Article 3, paragraph (1), item (ii).
- (2) The provisions for seizure, search, inspection and request for an expert opinion by a judicial police officer in the Code of Criminal Procedure (Act No. 131 of 1948), with the exception of Article 224 of the Act, shall apply mutatis mutandis to the case set forth in the preceding paragraph. In this case, the term "judicial police officer" in these provisions shall be deemed to be replaced with "police official who is a judicial police officer" and "judicial police constable" with "police official who is a judicial police constable." The term "public prosecutor" in Article 499, paragraph (1) of the same Act shall be deemed to be replaced with "Superintendent General of the Metropolitan Police Department, Chief of Prefectural Police Headquarters or Chief of Police Station" and the term "Cabinet Order" with "the Rules of the National Public Safety Commission." The term "national treasury" in paragraph (2) of the same

Article shall be deemed to be replaced with "relevant prefectural government where the prefectural police headquarters or police station is located."

(Referral by police official, etc.)

Article 6-6 (1) A police official shall refer the case, together with the documents pertaining to the investigation, to a child consultation center's director if the case falls under any of the following items as a result of the investigation.

(i) A case concerning a Juvenile as prescribed in Article 3, paragraph (1), item (i) in which the police official considers the act committed by the Juvenile as a violation of laws and regulations of criminal nature concerning the offences which fall under any of the items under Article 22-2, paragraph (1).

(ii) Any case, in addition to what is prescribed in the preceding item, concerning a Juvenile as prescribed in Article 3, paragraph (1), item (ii), which the police official considers appropriate to refer the case to hearing and decision of the family court.

(2) A police official shall send the family court any evidence obtained in relation to a case referred to a child consultation center's director pursuant to the provisions of the preceding paragraph if the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act have been implemented.

(3) When notifying a child consultation center of a Juvenile subject to investigation pursuant to the provisions of Article 25 of the Child Welfare Act, except where the case is referred pursuant to the provisions of paragraph (1), a police official shall provide the child consultation center with an outline and results of the investigation, to assist the implementation of measures pursuant to the same Act.

(Referral by prefectural governor or child consultation center's director)

Article 6-7 (1) A prefectural governor or a child consultation center's director shall implement the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act in a case referred to him or her pursuant to the provisions of paragraph (1) of the preceding Article (limited to the part thereof concerning item (i)); provided, however, that this shall not apply when it is found unnecessary to do so as a result of the investigation.

(2) When it is necessary to take compulsory measures that may, as a result, be conducive to restriction on liberty of action or deprivation of liberty of a Juvenile to whom the Child Welfare Act applies, a prefectural governor or a child consultation center's director shall refer that case to the family court, except in cases where it is permitted to take such measures pursuant to the provisions of Articles 33 or 47 of the same Act.

(Reporting by a Family Court Probation Officer)

Article 7 (1) When discovering any Juvenile subject to hearing and decision of the family court, a family court probation officer shall report the discovery to a judge.

(2) A family court probation officer may investigate the circumstances surrounding the Juvenile and the Custodian of the Juvenile prior to the reporting set forth in the preceding paragraph.

### **Section 3 Investigation, Hearing and Decision**

(Investigation of cases)

Article 8 (1) When the family court considers that a Juvenile should be subject to hearing and decision following the notification prescribed in Article 6, paragraph (1) or the reporting prescribed in paragraph (1) of the preceding Article, it shall investigate the case involving the Juvenile. The same shall apply in a case where a juvenile case that should be subject to hearing and decision of the family court is referred to by a public prosecutor, a judicial police officer, a police official, a prefectural governor or a child consultation center's director.

(2) The family court may order a family court probation officer to interview a Juvenile, Custodian of the Juvenile or relevant persons and to carry out other necessary measures of investigation.

(Investigation policy)

Article 9 The investigation prescribed in the preceding Article shall be carried out by making as much use of medical, psychological, pedagogical, sociological and other expert knowledge and, among other items, the findings of the assessment by the juvenile classification home as possible for probing into behavior, background, personal capacity and environment of the Juvenile, the Custodian of the Juvenile and other concerned persons.

(Hearing of opinions by victims, etc. upon request)

Article 9-2 The family court shall hear by itself or order a family court probation officer to hear from the victim, etc. of a juvenile case, as prescribed in Article 3, paragraph (1), item (i) or (ii) about the feelings and other opinions on the case upon the request by the victim, etc. pursuant to the Rules of the Supreme Court; provided, however, that this shall not apply if it is found inappropriate in light of the nature of the case, the state of investigation or hearing of the family court, or other circumstances.

(Attendant)

Article 10 (1) A Juvenile or the Custodian of the Juvenile may, with the family

court's permission, appoint an attendant; provided, however, that no permission shall be needed to appoint an attorney at law as the attendant.

(2) A Custodian of the Juvenile may serve as attendant if permitted by the family court.

(Summons and escort)

Article 11 (1) The family court may issue a summons to the Juvenile or Custodian of the Juvenile when it is found necessary for the investigation or hearing and decision of the case.

(2) The family court may issue an escort warrant for a person who fails to appear at the summons set forth in the preceding paragraph without justifiable reason.

(Escort in case of emergency)

Article 12 (1) Notwithstanding the provisions of paragraph (2) of the preceding Article, the family court may issue an escort warrant for the Juvenile in case of emergency for protection purposes where it is found necessary for his or her welfare.

(2) In urgent cases the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do this.

(Execution of escort warrant)

Article 13 (1) Escort warrants shall be executed by a family court probation officer.

(2) The family court may have a police official, a probation officer or a court clerk execute an escort warrant.

(3) In urgent cases the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do so.

(Examination of witnesses, expert opinion, interpretation and translation)

Article 14 (1) The family court may examine witnesses, or order to give expert opinion, or to make interpretation or translation.

(2) The provisions in the Code of Criminal Procedure for examination of witnesses, expert opinion, interpretation and translation shall apply mutatis mutandis to the case set forth in the preceding paragraph unless contrary to the nature of the juvenile protection case.

(Inspection, seizure and search)

Article 15 (1) The family court may inspect, seize or search.

(2) The provisions in the Code of Criminal Procedure for inspection, seizure and search shall apply mutatis mutandis to the case set forth in the preceding paragraph unless contrary to the nature of the juvenile protection case.

(Assistance and cooperation)

Article 16 (1) The family court may have a police official, a probation officer, a volunteer probation officer, a child welfare officer (which means a child welfare officer as prescribed in Article 12-3, paragraph (2), item (iv) of the Child Welfare Act; the same shall apply in Article 26, paragraph (1) of this Act.) or a commissioned child welfare volunteer provide necessary assistance in investigation and observation.

(2) The family court may request public offices, public and private organizations, schools, hospitals and others to offer necessary cooperation in the operations.

(Measures for observation and protection of Juveniles)

Article 17 (1) The family court may implement measures for observation and protection of Juveniles listed in the following items by a ruling if they are needed for its hearing and decision.

(i) Putting a Juvenile under the observation and protection of a family court probation officer

(ii) Referral of a Juvenile to a juvenile classification home

(2) Measures for observation and protection of an escorted Juvenile shall be implemented within 24 hours from the time of the arrival. The same shall apply to a Juvenile who is referred to the court by a public prosecutor or a judicial police officer following detention or arrest of the Juvenile.

(3) In the event where the measures prescribed in item (ii) of paragraph (1) are implemented, the period for which the Juvenile is committed to a juvenile classification home shall not exceed two weeks; provided, however, that the period may be renewed by the court's ruling if continued commitment is particularly needed.

(4) The renewal pursuant to the proviso of the preceding paragraph shall not take place more than once; provided, however, that the renewal may take place up to two additional times in a case involving a Juvenile as prescribed in Article 3, paragraph (1), item (i) who committed a crime punishable by imprisonment with or without work or the death penalty if there is a ruling to examine witnesses, to request an expert opinion or to carry out an inspection to find the facts of the case (including motive, manners, consequences of the crime or other material facts closely related to the crime; the same shall apply hereinafter), and if there are reasonable grounds to suspect that a hearing of the family court would be severely hindered without commitment of the Juvenile.

(5) Notwithstanding the proviso of paragraph (3), the period of commitment shall not be renewed in a case referred a second time by a public prosecutor if the measures prescribed in item (ii) of paragraph (1) have already been

implemented or a detention warrant has already been issued.

- (6) In a case where the judge implements the measures prescribed in paragraph (1), item (i) upon request pursuant to the provisions of Article 43, paragraph (1), the measures shall be deemed as those prescribed in item (i) of paragraph (1) if the case is referred to the family court subsequently.
- (7) In a case where the judge implements the measures prescribed in paragraph (1), item (ii) upon request pursuant to the provisions of Article 43, paragraph (1), the measures shall be deemed to be those prescribed in paragraph (1), item (ii) if the case is referred to the family court subsequently. In this event, the period prescribed in paragraph (3) shall begin from the day when the case is referred to the family court.
- (8) The measures for observation and protection of Juveniles may be rescinded or amended by a ruling.
- (9) With regard to the measures prescribed in item (ii) of paragraph (1), the total period of commitment shall not exceed eight weeks; provided, however, that no ruling that makes a total commitment period longer than four weeks shall be rendered without the grounds prescribed in the proviso of paragraph (4).
- (10) In case of emergency, the presiding judge may take the measures prescribed in paragraphs (1) or (8), or have a member of panel of judges do this.

(Filing of objections)

- Article 17-2 (1) A Juvenile, the representative or attendant of the Juvenile may file an objection against a ruling as prescribed in item (ii) of paragraph (1) of the preceding Article or in the proviso of paragraph (3) of the preceding Article to the family court where the juvenile protection case is pending; provided, however, that the attendant may file no objection that is contrary to the intent clearly indicated by the Custodian who appointed the attendant.
- (2) The objection set forth in the preceding paragraph shall not be filed by reason of absence of any grounds for referring the case to hearing and decision of the family court.
  - (3) The family court shall give a ruling by a panel of judges on the objection filed as prescribed in paragraph (1). In this event, a judge who was involved in the ruling in prior instance may not participate in giving the ruling.
  - (4) The provisions of Articles 32-3, 33 and 34 shall apply mutatis mutandis to a case in which the objection prescribed in paragraph (1) is filed. In this event, the term "rescind the ruling in prior instance and refer the case back to the court of prior instance or transfer the case to the other Family Court" in Article 33, paragraph (2) shall be deemed to be replaced with "rescind the ruling in prior instance and give a ruling by itself if necessary."

(Special appeal)

Article 17-3 (1) The provisions of Article 35, paragraph (1) shall apply mutatis mutandis to the ruling prescribed in paragraph (3) of the preceding Article. In this case, the term "two weeks" in Article 35, paragraph (1) shall be deemed to be replaced with "five days."

(2) The provisions of paragraph (4) of the preceding Article and Article 32-2 shall apply mutatis mutandis in the case where an appeal is filed pursuant to the provisions of the preceding paragraph.

(Provisional commitment in case of referral to a juvenile classification home)

Article 17-4 (1) If there are circumstances under which immediate commitment in a juvenile classification home is found extremely difficult following the implementation of the measures prescribed in Article 17, paragraph (1), item (ii) of the family court may, by a ruling, provisionally commit the Juvenile to the nearest juvenile training school or to a specially separated place inside the nearest penal institution; provided, however, that the period shall not exceed 72 hours from commencement of the commitment.

(2) In case of emergency, the presiding judge may take the measures set forth in the preceding paragraph or have a member of the panel of judges do this.

(3) The period of commitment pursuant to the provisions of paragraph (1) shall be deemed as the period of commitment in a juvenile classification home by the measures prescribed in item (ii) of paragraph (1) of Article 17; the period prescribed in paragraph (3) of the same Article shall begin from the day of commitment in the juvenile training school or penal institution.

(4) In a case where the judge committed a Juvenile pursuant to paragraph (1) upon request prescribed in the provisions of Article 43, paragraph (1), the commitment shall be deemed as the commitment prescribed in paragraph (1) if the case is referred to the family court subsequently.

(Measures prescribed in the Child Welfare Act)

Article 18 (1) When it is found appropriate to take measures prescribed in the provisions of the Child Welfare Act as a result of the investigation, the family court shall, by a ruling, refer the case to a prefectural governor or a child consultation center's director who have authority over the case.

(2) The family court may, by a ruling, refer the case concerning a Juvenile referred by a prefectural governor or the child consultation center's director, pursuant to the provisions of Article 6-7, paragraph (2), to the prefectural governor or a child consultation center's director who have authority over the case, accompanied by the instruction as to means of protection and other measures with the specified deadline.

(Ruling for non-commencement of hearing)

Article 19 (1) The family court shall make a ruling of non-commencement of hearing when it finds as a result of the investigation that it is impossible or inappropriate to subject the case to hearing.

(2) Notwithstanding the provisions of the preceding paragraph, the family court shall, by a ruling, refer a case to a public prosecutor of the public prosecutors' office that corresponds to the district court with the jurisdiction of the case if as a result of the investigation the person concerning the case is found to be 20 years of age or older.

(Referral to a public prosecutor)

Article 20 (1) The family court shall, by a ruling, refer a case punishable by death penalty or imprisonment with or without work to a public prosecutor of the public prosecutors' office that corresponds to the district court with the jurisdiction of the case if the disposition to refer the case to criminal procedure is found appropriate for the case as a result of the investigation in light of the nature of the crime and circumstances.

(2) Notwithstanding the provisions of the preceding paragraph, the family court shall give a ruling as prescribed in the same paragraph for a case in which a Juvenile who is 16 years of age or older committed an intentional criminal act that caused death to the victim; provided, however, that this shall not apply if the court finds any disposition other than referral to criminal procedure is found appropriate as a result of the investigation in consideration of motive and manner of the crime, circumstances after the crime, personality traits, age, behavior, environment and other circumstances of the Juvenile.

(Ruling for commencement of hearing and decision)

Article 21 The family court shall give a ruling for commencement of hearing when it is found appropriate as a result of the investigation.

(Form of hearing)

Article 22 (1) Hearing shall be conducted cordially and amicably, and encourage the delinquent Juvenile to introspect about the own delinquency of the Juvenile.

(2) Hearing shall not be open to the public.

(3) The presiding judge shall direct hearing.

(Participation of public prosecutors)

Article 22-2 (1) The family court may, by a ruling, have a public prosecutor participate in a hearing for in a case involving a Juvenile as prescribed in Article 3, paragraph (1), item (i), concerning a crime listed in any of the following items when the court finds that the participation of a public

prosecutor in the hearing is necessary to find the facts of the delinquency.

- (i) The crime of committing an intentional criminal act that caused death to a victim
  - (ii) Any crime, other than that prescribed in the preceding item, which is punishable by the death penalty, life imprisonment with or without work, or imprisonment with or without work for not less than two years
- (2) The Family Court shall hear the opinion of a public prosecutor prior to making the ruling set forth in the preceding paragraph, except when there is a request from the public prosecutor.
  - (3) In a case where there is a ruling as prescribed in paragraph (1), the public prosecutor may, as provided for by the Rules of the Supreme Court, inspect and copy records and articles of evidence, attend the hearing (including the announcement of the ruling that closes the case), ask questions of the Juvenile, witnesses and other concerned persons, and give opinions to the extent needed to contribute to finding the facts of the delinquency.

(Court-appointed attendant)

- Article 22-3 (1) If the Juvenile has no attendant who is an attorney at law where the family court made a ruling as prescribed in paragraph (1) of the preceding Article, the court shall appoint an attendant who is an attorney at law.
- (2) The family court may appoint an attendant who is an attorney at law in a case of a Juvenile as prescribed in Article 3, paragraph (1), item (i) who committed a crime listed in any of the items in paragraph (1) of the preceding Article or in a case of a Juvenile as prescribed in Article 3, paragraph (1), item (ii) who committed an act violating criminal laws and regulations concerning crimes listed in any of the items in paragraph (1) of the preceding Article for the Juvenile against whom the measures prescribed in Article 17, paragraph (1), item (ii) has been implemented and who has no attendant who is an attorney at law if the court finds that participation of an attendant who is an attorney at law is needed for the hearing in light of the nature of the case, presence or absence of the Custodian and other circumstances.
  - (3) An attendant to be appointed by the family court pursuant to the provisions of the preceding two paragraphs shall be appointed as provided for by the Rules of the Supreme Court.
  - (4) An attendant appointed pursuant to the provisions of the preceding paragraph (including the cases where it is applied *mutatis mutandis* pursuant to Article 22-5, paragraph (4)) may claim travel expenses, daily allowances, accommodation fees and remuneration.

(Observation of hearing by victims, etc.)

- Article 22-4 (1) The family court may, pursuant to the Rules of the Supreme

Court, permit, upon request, the victim, etc. to observe the proceedings on the date of the hearing of a case of a Juvenile as prescribed in Article 3, paragraph (1), item (i) who committed a crime listed in any of the following items or for a case of a Juvenile as prescribed in item (ii) of the same paragraph (excluding any Juvenile under 12 years of age who committed an act violating laws and regulations of criminal nature; the same shall apply in the next paragraph) who committed an act violating criminal laws and regulations concerning crimes listed in any of the following items (limited to any act that caused serious danger to victim's life in either of said cases where the victim was injured) if the court found it appropriate and unlikely to hinder sound development of the Juvenile in light of the age of the Juvenile, emotional state, the nature of the case, status of the hearing and other circumstances.

(i) A crime of committing an intentional criminal act that caused death or injury to the victim

(ii) A crime prescribed in Article 211 (Causing Death or Injury through Negligence in the Pursuit of Social Activities) of the Penal Code (Act No. 45 of 1907)

(2) When deciding whether or not to permit the victim, etc. of the case of a Juvenile as prescribed in Article 3, paragraph (1), item (ii) to observe the hearing pursuant to the provision of the preceding paragraph, the family court shall give full consideration to the fact that in general the Juvenile as prescribed in the same item lacks maturity, especially in terms of emotional state.

(3) When permitting observation of the hearing pursuant to the provisions of paragraph (1), the family court may allow a person who can appropriately ease the anxiety or the tension of the observer and is unlikely to disrupt the hearing, or have undue impact on it, to accompany the observer, if it is found that the observer is likely to feel strong anxiety or tension in consideration of age of Juvenile, emotional condition and other circumstances.

(4) When determining the positions where the observer of the hearing pursuant to the provisions of paragraph (1) and the accompanying person pursuant to the preceding paragraph are seated and the arrangement of court officials at the place where the hearing takes place, the presiding judge shall give consideration to the impact on the physical and emotional condition of the Juvenile.

(5) The provisions of Article 5-2, paragraph (3) shall apply mutatis mutandis to the observer of the hearing pursuant to the provisions of paragraph (1) and to the accompanying person pursuant to the provisions of paragraph (3).

(Hearing of opinions from the attendant who is an attorney at law)

Article 22-5 (1) Prior to permitting observation of the hearing pursuant to the

provisions of paragraph (1) of the preceding Article, the family court shall hear opinions from the attendant who is an attorney at law.

- (2) In the case of the preceding paragraph, the family court shall appoint an attendant who is an attorney at law if the Juvenile does not have such an attendant.
- (3) In a case where the Juvenile does not have an attendant who is an attorney at law, the provisions in the preceding two paragraphs shall not apply if the Juvenile and the Custodian clearly indicate their intent to require no attendant pursuant to the Rules of the Supreme Court.
- (4) The provisions of Article 22-3, paragraph (3) shall apply mutatis mutandis to the attendant appointed by the family court pursuant to the provisions of paragraph (2).

(Explanations to the victim, etc.)

Article 22-6 (1) Upon request from the victim, etc. of the case involving a Juvenile as prescribed of Article 3, paragraph (1), item (i) or (ii) pursuant to the Rules of the Supreme Court, the family court shall give the victim, etc. explanation on the status of the proceedings on the date of the hearing as provided for by the Rules of the Supreme Court if it is found appropriate and unlikely to hinder sound development of the Juvenile.

- (2) The request set forth in the preceding paragraph shall not be made when three years have passed since the ruling that had closed the case concerning the request became final and binding.
- (3) The provisions of Article 5-2, paragraph (3) shall apply mutatis mutandis to the person who is given the explanations pursuant to the provisions of paragraph (1).

(Cases without protective measures after commencement of hearing)

Article 23 (1) When a case is found to fall under Article 18 or 20 as a result of the hearing, the family court shall accordingly render a ruling as prescribed in these Articles.

- (2) When it is found impossible or unnecessary to subject the Juvenile under protective measures as a result of the hearing, the family court shall render a ruling not to subject the Juvenile to educational and supervisory measures.
- (3) The provisions of Article 19, paragraph (2) shall apply mutatis mutandis to cases where the person concerned is found to be 20 years of age or older as a result of the hearing of the family court.

(Ruling for protective measures)

Article 24 (1) Except in the case of the preceding Article, the family court shall, by a ruling, subject a Juvenile under protective measures as listed in the

following items; provided, however, that the protective measure prescribed in item (iii) may be implemented for a case of a Juvenile who is under 14 years of age at the time of the ruling only when it is found particularly necessary.

- (i) Placing the Juvenile under probation by the probation office
  - (ii) Referral to a children's self-reliance support facility or a foster home
  - (iii) Referral to a juvenile training school
- (2) With respect to the protective measures prescribed in items (i) and (iii) of the preceding paragraph, the family court may have the chief probation officer implement measures for modification of the family environment and other environments.

(Confiscation)

Article 24-2 (1) When making a ruling as prescribed in Article 18, Article 19, Article 23, paragraph (2) or paragraph (1) of the preceding Article, the family court may, by a ruling, confiscate the objects listed in the following items from a Juvenile listed in Article 3, paragraph (1), items (i) and (ii).

- (i) An object which is a component of an act violating laws and regulations of criminal nature
  - (ii) An object used or intended for use in the commission of an act violating laws and regulations of criminal nature
  - (iii) An object generated from or acquired as a result of an act violating laws and regulations of criminal nature or an object acquired as a reward for such an act
  - (iv) An object obtained in exchange for the object prescribed in the preceding item
- (2) An object may be confiscated only if it belongs to the Juvenile concerned; provided, however, that an object that belongs to a person other than the Juvenile concerned may be confiscated if the person acquires the object after the commission of an act violating laws and regulations of criminal nature with knowledge of the applicability of any of the items set forth in the preceding paragraph.

(Surveillance by a Family Court Probation Officer)

Article 25 (1) The family court may, by a ruling, place a Juvenile under observation by a family court probation officer when it is deemed necessary due to a ruling for protective measures as prescribed in Article 24, paragraph (1).

- (2) In combination with the observation set forth in the preceding paragraph, the family court may implement the measures listed in the following items.
- (i) Establishment of compliance rules and giving an order to implement them
  - (ii) Determination of conditions and delivery to the Custodian under the conditions

(iii) Correctional guidance through commission to an appropriate institution, organization or individual

(Measures against the Custodian)

Article 25-2 The family court may take appropriate measures against the Custodian, if it is found necessary, including delivering an admonition, giving guidance etc., or order a family court probation officer to take these measures in the course of investigation or hearing, in order to raise awareness of responsibility of the Custodian for custody of the Juvenile and to prevent the Juvenile from committing delinquency.

(Execution of a ruling)

Article 26 (1) The family court may have a family court probation officer, court clerk, secretary in the Ministry of Justice, law instructor, police official, probation officer or commissioned child welfare volunteer execute a ruling made pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), Article 18, Article 20 or Article 24, paragraph (1).

(2) The family court may issue a summons to a Juvenile if it is necessary to enforce a ruling made pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), Article 18, Article 20 or Article 24, paragraph (1).

(3) The family court may issue an escort warrant for a person who fails to appear pursuant to the summons set forth in the preceding paragraph without justifiable reason.

(4) Notwithstanding the provisions of the preceding paragraph, the family court may issue an escort warrant for the Juvenile in case of emergency for protection purposes where it is found necessary for the welfare of the Juvenile.

(5) The provisions of Article 13 shall apply mutatis mutandis to the escort warrant prescribed in the preceding two paragraphs.

(6) In urgent cases the presiding judge may take the measures set forth in paragraph (1) and (4) or have a member of the panel of judges to do so.

(Temporary continuation of custody in a juvenile classification home)

Article 26-2 When making a ruling as prescribed in the provisions in Articles 18 to 20, Article 23, paragraph (2) or Article 24, paragraph (1) where the measures prescribed in the provisions of Article 17, paragraph (1), item (ii) are implemented, the family court may, by a ruling, continue to commit the Juvenile to a juvenile classification home for a reasonable period if it is found necessary; provided, however, that the period shall not exceed seven days.

(Provisional commitment in the case of execution of an escort warrant)

Article 26-3 When the escort warrant prescribed in Article 26, paragraph (3) or (4) is executed against a Juvenile to whom a ruling as prescribed in Article 24, paragraph (1), item (iii) has been made, the family court may provisionally place the Juvenile in a nearby juvenile classification home if necessary.

(Measures against a person under probation)

Article 26-4 (1) When there is a request as pursuant to the provisions of Article 67, paragraph (2) of the Offenders Rehabilitation Act (Act No. 88 of 2007), the family court shall, by a ruling, subject a person with regard to whom a ruling as prescribed in Article 24, paragraph (1), item (i) has been made to the protective measures prescribed in Article 24, paragraph (1), item (ii) or (iii) if the court finds, as a result of the hearing, that there are grounds indicating that the person failed to comply with compliance rules and still failed to do so despite warnings as prescribed in Article 67, paragraph (1) of the Offenders Rehabilitation Act, that the failure is so serious, and that the educational and supervisory measures in place are not sufficient to improve or rehabilitate the person.

- (2) When rendering the decision to subject a person of 20 years of age or above to the protective measures prescribed in Article 24, paragraph (1), item (iii) pursuant to the provisions of the preceding paragraph, the family court shall specify, concurrently with the decision, the period for which he or she is to be committed to a juvenile training school before he or she reaches 23 years of age.
- (3) In addition to what is provided for in the preceding paragraph, the procedure of a case concerned with protective measures pursuant to the provisions of paragraph (1) shall be governed by the procedure of the case concerned with protective measures pursuant to the provisions of Article 24, paragraph (1) unless it contradicts the nature thereof.

(Coordination of conflicting measures)

Article 27 (1) When a criminal conviction against a person for whom protective measures are in place becomes final and binding, the family court that implemented the protective measures may, by a ruling, rescind the protective measures when it is found appropriate.

- (2) When a person for whom protective measures are in place is subjected to new protective measures, the family court implementing the new protective measures may hear the opinion from the family court which has implemented the old protective measures and rescind either of the protective measures by a ruling.

(Rescission of protective measures)

Article 27-2 (1) If any new material, which evidently confirms that a family

court subjected a person to protective measures although the court had no jurisdiction, or that the court subjected a Juvenile under 14 years of age to protective measures without referral from the prefectural governor or a child consultation center's director, is discovered while the protective measures are in place, the family court implementing the protective measures shall rescind the protective measures by a ruling.

- (2) The preceding paragraph shall apply even after the protective measures are completed if any new material, which evidently confirms that a family court subjected a person to protective measures without any grounds for which the person should be subject to hearing and decision, is discovered; provided, however, that this shall not apply in a case where the person has died.
- (3) If any material, which is sufficient to suspect that there is a reason prescribed in paragraph (1) for a person subjected to protective measures in place, is discovered, the director of a probation office, children's self-reliance support facility, foster home or juvenile training school shall give notice to that effect to the family court that implemented the protective measures.
- (4) The provisions of Article 18, paragraph (1) and Article 19, paragraph (2) shall apply mutatis mutandis to cases where the family court rescinds the protective measures pursuant to the provisions of paragraph (1).
- (5) In a case where the family court rescinds the protective measures against a person in a juvenile training school pursuant to the provisions of paragraph (1), the family court may, by a ruling, have him or her stay in the juvenile training school if it is found necessary; provided, however, that this period shall not exceed three days.
- (6) In addition to what is provided for in the preceding three paragraphs, the procedure in the case of a rescission of protective measures pursuant to the provisions of paragraphs (1) and (2) shall be governed by the same rules as the juvenile protection case unless it is contrary to the nature thereof.

(Submission of reports and opinions)

Article 28 When making a ruling prescribed in Article 24 or 25, the family court may request that the institution, organization, individual, probation office, child welfare institution or juvenile training school submit reports and opinions concerning the Juvenile with regard to whom the ruling has been made.

(Payment of costs for commissioned work)

Article 29 When the family court commissions correctional guidance to an appropriate institution, organization or individual as a measure prescribed in Article 25, paragraph (2), item (iii), the family court may pay, in whole or in part, the expenses incurred for it to the institution, organization or individual.

(Costs for witnesses, etc.)

- Article 30 (1) The provisions in laws and regulations concerning the costs of criminal proceedings shall apply mutatis mutandis to the travel expenses, daily allowances, accommodation fees and other costs payable to witnesses, expert witnesses, translators and interpreters.
- (2) Relevant persons may request their travel expenses, daily allowances and accommodation fees.
- (3) The costs payable to the relevant persons shall be deemed as costs payable to the witnesses, and the provisions of paragraph (1) shall apply to the costs payable to the relevant persons.
- (4) The amounts of travel expenses, daily allowances, accommodation charges and remuneration payable to an attendant pursuant to the provisions in Article 22-3, paragraph (4) shall be governed by the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure for those payable to a counsel.

Article 30-2 When the family court has a volunteer probation officer or a commissioned child welfare volunteer provide assistance in investigation and observation pursuant to the provisions of Article 16, paragraph (1), the family court shall pay, in whole or in part, the costs thereof as indicated by the Supreme Court.

(Collection of costs)

- Article 31 (1) The family court may collect from the Juvenile or the person with a duty to support the Juvenile all or part of the travel expenses, daily allowances, accommodation charges and other costs paid to witnesses, expert witnesses, interpreters, translators, relevant persons, attendants appointed pursuant to the provisions of Article 22-3, paragraph (3) (including the cases where it is applied mutatis mutandis pursuant to Article 22-5, paragraph (4)) and those commissioned to give correctional guidance, and the costs incurred by the juvenile classification home and juvenile training school.
- (2) The provisions of Article 163 in the Act of Procedures for Non-Contentious Matters (Act No. 14 of 1898) shall apply mutatis mutandis to the collection of costs as set forth in the preceding paragraph.

(Notification to the victim, etc.)

Article 31-2 (1) When there is a request from the victim, etc. of the case involving a Juvenile as prescribed in Article 3, paragraph (1), item (i) or (ii), pursuant to the Rules of the Supreme Court, the family court shall give the following information to the person that filed the request when the court makes a ruling that closes the case; provided, however, that this shall not

apply if the giving such information is found likely to hinder sound development of the Juvenile and inappropriate.

(i) Name and residence of the Juvenile and the legal representative of the Juvenile

(ii) Date of the ruling, the main text thereof and summary of the reasons

(2) The request set forth in the preceding paragraph shall not be made when three years have passed since the ruling prescribed in the same paragraph became final and binding.

(3) The provisions of Article 5-2, paragraph (3) shall apply mutatis mutandis to the person who received the information pursuant to the provisions of paragraph (1).

#### **Section 4 Appeal**

(Appeal)

Article 32 The Juvenile or the legal representative or attendant of the Juvenile may lodge an appeal against a ruling imposing protective measures within two weeks only for a reason of a violation of laws and regulations that affects the ruling, a serious error of fact or substantial inappropriateness of the measures; provided, however, that the attendant may file no appeal that is contrary to the intent clearly indicated by the Custodian who appointed the attendant.

(Scope of investigation of the court in charge of an appeal)

Article 32-2 (1) The court in charge of an appeal shall only investigate the matters included in the reasons for the appeal.

(2) The court in charge of an appeal may, by the court's own authority, investigate any grounds for the appeal that are not included in the reasons for the appeal.

(Examination of facts by the court in charge of an appeal)

Article 32-3 (1) The court in charge of an appeal may examine the facts when it is necessary to make a ruling.

(2) The court in charge of an appeal may have a member of the panel of judges perform the examination prescribed in the preceding paragraph or delegate it to a judge of a family court.

(Request for acceptance of an appeal)

Article 32-4 (1) When a ruling is given as prescribed in Article 22-2, paragraph (1), a public prosecutor may file a request to a high court for acceptance of a case as the court of second instance within two weeks only on the grounds of a violation of laws and regulations that affects the ruling or of a serious error of

fact in connection with the fact-finding on the case for which the ruling prescribed in the same paragraph is made to implement or not implement protective measures.

- (2) The request pursuant to the provisions of the preceding paragraph (hereinafter referred to as "request for acceptance of an appeal") shall be filed by a written request to the court of prior instance. In this case, the court of prior instance shall promptly transfer it to a high court.
- (3) When a request for acceptance of an appeal is filed, the high court may accept it if it finds it appropriate to accept the case as the court of second instance. In this case, the high court shall make a ruling to that effect.
- (4) When making the ruling prescribed in the preceding paragraph, the high court may eliminate any of the reasons, stated in the request for acceptance of an appeal, that the court finds unimportant.
- (5) The high court shall make the ruling prescribed in paragraph (3) within two weeks from the day on which the court receives the written request prescribed in paragraph (2) from the court of prior instance.
- (6) When the ruling prescribed in paragraph (3) is made, it shall be deemed that there has been an appeal. In this case, all reasons for the request for acceptance of an appeal, excluding those eliminated pursuant to the provisions of paragraph (4), shall be deemed as the reasons for the appeal concerned with application of the provisions of Article 32-2.

(Court-appointed attendant for second instance)

- Article 32-5 (1) When the ruling prescribed in paragraph (3) of the preceding Article is made, the court in charge of an appeal shall appoint an attendant who is an attorney at law if the Juvenile does not have such an attendant.
- (2) For the case prescribed in Article 22-3, paragraph (2) (limited to the case for which the family court implemented the measures prescribed in Article 17, paragraph (1), item (ii)), the court in charge of an appeal may appoint an attendant who is an attorney at law if the Juvenile does not have such an attendant and if the court finds that participation of an attendant who is an attorney at law is necessary for the proceedings of second instance in light of the nature of the case, presence or absence of the Custodian and other circumstances.

(Mutatis-mutandis application)

- Article 32-6 In addition to what is provided for in Articles 32-2 and 32-3 and the preceding Article, the rules of the family court concerning hearing and decisions shall apply mutatis mutandis to proceedings of second instance unless contrary to the nature thereof.

(Hearing of second instance)

Article 33 (1) The court in charge of an appeal shall dismiss it if the appeal procedure violates the relevant rules or if there is no ground for the appeal.  
(2) If the appeal is well-grounded, the court in charge of the appeal shall, by a ruling, rescind the ruling made in the prior instance and remand the case to the court of prior instance or transfer the case to another family court.

(Suspension of execution)

Article 34 No appeal shall have the effect of suspending execution; provided, however, that the court of prior or second instance may suspend the execution by a ruling.

(Further Appeal)

Article 35 (1) The Juvenile or the legal representative or attendant of the Juvenile may appeal against the ruling prescribed in Article 33 made by the court of second instance to the Supreme Court within two weeks, only on the grounds that the ruling contains a violation of the Constitution, a serious misconstruction of the Constitution or a determination that is inconsistent with precedents of the Supreme Court or the high courts as the courts of second instance; provided, however, that the attendant may file no appeal that is contrary to the intent clearly indicated by the Custodian who has appointed the attendant.  
(2) The provisions of Article 32-2, Article 32-3, Article 32-5, paragraph (2) and Article 32-6 to the preceding Article shall apply mutatis mutandis to the case prescribed in the preceding paragraph. In this case, the term "rescind the ruling in prior instance to remand the case to the court of prior instance or to transfer the case to another family court" of Article 33, paragraph (2) shall be deemed to be replaced with "rescind the ruling. In this case, the Supreme Court may rescind the ruling made by the family court and remand the case to the family court or to transfer the case to another family court."

(Other provisions)

Article 36 In addition to what is provided for in this Act, necessary matters concerning juvenile cases shall be prescribed by the Supreme Court.

Article 37 Deleted

Article 38 Deleted

Article 39 Deleted

**Chapter III Juvenile Criminal Cases**  
**Section 1 General Rules**

(Governing rules)

Article 40 In addition to what is provided for in this Act, juvenile criminal cases shall be governed by the same rules as non-juvenile criminal cases.

**Section 2 Procedure**

(Referral by a judicial police officer)

Article 41 A judicial police officer shall refer to a family court a case involving a Juvenile who is, as a result of the investigation of the case, suspected of committing a crime punishable by fine or lighter punishment. The same shall apply even when the Juvenile is not suspected of committing a crime if there are considered to be grounds for which the Juvenile should be subject to hearing and decision of the family court.

(Referral by a public prosecutor)

Article 42 (1) A public prosecutor shall refer to a family court a case involving Juvenile who is, as a result of the investigation of the case, suspected of committing a crime except in the case prescribed in the main clause of Article 45, item (v). The same shall apply even when the Juvenile is not suspected of committing a crime if there are considered to be grounds for which the Juvenile should be subject to hearing and decision of the family court.

(2) In the case of the preceding paragraph, the appointment of a defense counsel by a judge, pursuant to the provisions of the Code of Criminal Procedure, shall become ineffective.

(Measures in lieu of detention)

Article 43 (1) A public prosecutor may, in a case involving Juvenile, file with a judge a request for the measures prescribed in Article 17, paragraph (1) in lieu of a request for detention; provided, however, that the request for measures prescribed in Article 17, paragraph (1), item (i) shall be filed with a judge of the family court.

(2) Upon receipt of the request prescribed in the preceding paragraph, the judge shall have the same authority as the family court for the measures prescribed in Article 17, paragraph (1).

(3) In a case involving Juvenile, the public prosecutor shall not file with a judge a request for detention except for unavoidable case.

(Effect of measures in lieu of detention)

- Article 44 (1) When a judge implemented the measures prescribed in Article 17, paragraph (1), item (i) upon request pursuant to the provisions of paragraph (1) of the preceding Article, the public prosecutor shall immediately file with a judge a request for rescission of the measures if the prosecutor investigates and decides not to refer the case to the family court.
- (2) To implement the measures prescribed in Article 17, paragraph (1), item (ii) upon request pursuant to the provisions of paragraph (1) of the preceding Article, the judge shall issue a warrant for implementation of the measures.
- (3) The measure prescribed in the preceding paragraph shall remain effective for ten days from the day of the request.

(Treatment after referral to a public prosecutor)

- Article 45 The following provisions shall apply when the family court refers a case to a public prosecutor, pursuant to the provision of Article 20.
- (i) Except for the case of the Juvenile where the case is referred again to the family court, the measures prescribed in Article 17, paragraph (1), item (i) shall become ineffective if no prosecution is instituted within ten days of the referral of the case to the public prosecutor. If the prosecution is instituted, the court may, by its own authority or by a request from a public prosecutor, rescind the measures at any time.
- (ii) If a detention warrant is issued while the measure prescribed in the preceding item is continuing, the measure shall become ineffective.
- (iii) The measure prescribed in item (i) shall remain effective after the Juvenile reaches 20 years of age.
- (iv) The measure prescribed in Article 17, paragraph (1), item (ii) shall be deemed as detention implemented by a judge and its period shall begin from the day of referral to the public prosecutor. In this case, this period shall not be extended if a detention warrant has already been issued for the case.
- (v) A public prosecutor shall institute prosecution regarding a case referred to by a family court if the prosecutor considers that there is sufficient suspicion to institute prosecution; provided, however, that this shall not apply if the public prosecutor considers that prosecution is inappropriate due to lack of suspicion for prosecution in part of the case or finding of a new fact that can affect the circumstances of the crime etc. The same shall apply to the case where prosecution is considered inappropriate due to the situation after the referral.
- (vi) The attendant who is an attorney at law appointed by the Juvenile or the Custodian shall be deemed to be the defense counsel.
- (vii) When the measures prescribed in Article 17, paragraph (1), item (ii) are deemed as detention implemented by a judge pursuant to the provisions of item (iv), a detention warrant shall be deemed as having been issued and the

provisions in the Code of Criminal Procedure for appointment of a defense counsel for the suspect by a judge shall apply.

Article 45-2 The provisions in items (i) to (iv) and (vii) of the preceding Article shall apply mutatis mutandis to a case where a family court refers the case to a public prosecutor pursuant to the provisions in Article 19, paragraph (2) or in Article 23 paragraph (3).

(Bearing of court costs)

Article 45-3 (1) Where a family court makes the ruling prescribed in Article 23, paragraph (2) or in Article 24, paragraph (1) in a case involving a Juvenile for whom defense counsel is appointed in advance by a judge, the provisions in the Code of Criminal Procedure related to the bearing of court costs shall apply mutatis mutandis. In this case, the term "render(s) a punishment" in Article 181, paragraphs (1) and (2) in the same Code shall be replaced by "render(s) a ruling imposing protective measures."

(2) In a case in which a family court renders a judgment ordering the Juvenile to bear the court costs, a public prosecutor may inspect and copy the records and evidence concerning the case to the extent necessary to execute the judgment, as prescribed by the Rules of the Supreme Court.

(Effect of protective measures, etc.)

Article 46 (1) After a Juvenile who has committed a crime is subjected to protective measures as prescribed in Article 24, paragraph (1), criminal prosecution shall not be instituted with regard to cases that underwent hearing and decisions and no such cases may be subjected to a hearing and decision of a family court.

(2) The preceding paragraph shall apply to a case in which a ruling prescribed in Article 22-2, paragraph (1) has been made and where a ruling for non-implementation of protective measures due to the absence of grounds for a hearing and decision or due to the lack of a need to implement protective measures becomes final and binding.

(3) The provisions of paragraph (1) shall not apply to the case in which a ruling for rescission of protective measures pursuant to the provisions of Article 27-2, paragraph (1) becomes final and binding; provided, however, that this shall not apply to the case with ruling as prescribed in Article 22-2, paragraph (1) rendered as prescribed in the rules for juvenile protection cases, pursuant to the provisions in Article 27-2, paragraph (6) in which grounds for the rescission is absence of grounds for hearing and decision.

(Suspension of statute of limitations)

- Article 47 (1) The statute of limitations for prosecution shall be suspended during the period from the time when the ruling prescribed in Article 21 is rendered as in the case in the first sentence of Article 8, paragraph (1) or from the time of the referral as in the case in the second sentence of Article 8, paragraph (1) to the time when the ruling imposing protective measures becomes final and binding.
- (2) The provisions of the preceding paragraph shall apply to a case in which the Juvenile reaches 20 years of age after the ruling prescribed in Article 21 or the referral concerning the Juvenile.

(Detention)

- Article 48 (1) No detention warrant may be issued against a Juvenile except when the detention is unavoidable.
- (2) When a Juvenile is detained, he or she may be detained in a Juvenile classification home.
- (3) The provisions of the preceding paragraph shall remain applicable after the Juvenile reaches 20 years of age.

(Separation of treatment)

- Article 49 (1) A Juvenile suspect or defendant shall be separated from other suspects or defendants to prevent the Juvenile from coming into contact with them.
- (2) The proceedings against the Juvenile defendant shall be separated even from the related case of another defendant as long as the proceedings are not obstructed.
- (3) At a penal institution, detention facility or coast guard detention facility, a Juvenile, except for a sentenced person as prescribed in Article 2, item (iv) of the Act on Penal Detention Facilities and Treatment of Inmates and Detainees (Act No. 50 of 2005) (excluding any such person with the status of unsentenced person as prescribed in item (viii) of the same Article), shall be committed separately from Adults.

(Proceedings policy)

- Article 50 The proceedings of a criminal case of a Juvenile shall be conducted in compliance with the purport of Article 9.

### **Section 3 Dispositions**

(Mitigation of death penalty and life imprisonment)

- Article 51 (1) In case a person who is under 18 of age at the time of commission of an offense is to be punished with death penalty, life imprisonment shall be

imposed.

- (2) In case a person who is under 18 of age at the time of commission of an offense is to be punished with life imprisonment, imprisonment with or without work for a definite term may be imposed. In this case, the term of imprisonment imposed shall be neither less than 10 years nor more than 15 years.

(Indeterminate sentence)

Article 52 (1) In case a Juvenile is to be punished with imprisonment with or without work for a definite term with the maximum term of three years or more, the Juvenile shall be given a sentence which prescribes the maximum and minimum imprisonment terms determined within the limit of said penalty; provided, however, in case the Juvenile is to be punished with imprisonment with the minimum term exceeding five years, the minimum term shall be reduced to five years.

- (2) No punishment imposed pursuant to the provisions of the preceding paragraph shall have a minimum term of longer than five years or a maximum term of longer than ten years.

- (3) The provisions of the preceding two paragraphs shall not apply in the case where suspension of execution of sentence is given.

(Number of days of custody in a juvenile classification home)

Article 53 When the measures prescribed in Article 17, paragraph (1), item (ii) are implemented, the number of days of custody to a juvenile classification home shall be deemed as the number of days of pre-sentencing detention.

(Prohibition on disposition in lieu of penalty)

Article 54 No Juvenile shall be sentenced to detention in a workhouse for payment of fines.

(Transfer to a Family Court)

Article 55 A court shall, by a ruling, transfer a case to a family court if it is found appropriate to subject the Juvenile defendant to protective measures as a result of the examination of the facts.

(Execution of imprisonment with or without work)

Article 56 (1) Regarding a Juvenile sentenced to imprisonment with or without work (excluding a person subject to execution of punishment at a juvenile training school pursuant to the provisions of paragraph (3)), the punishment shall be executed in a specially established penal institution or a specially partitioned area within a penal institution or detention facility.

- (2) After the Juvenile reaches 20 years of age, the execution pursuant to the provisions of the preceding paragraph may be continued until the Juvenile reaches 26 years of age.
- (3) Notwithstanding the provisions in Article 12, paragraph (2) of the Penal Code or in Article 13, paragraph (2) of the same Code, a punishment against a Juvenile under 16 years of age sentenced to imprisonment with or without work may be executed at a juvenile training school until he or she reaches 16 years of age. In this case, correctional education shall be given to the Juvenile.

(Execution of punishment and educational and supervisory measures)

Article 57 If a sentence of imprisonment with or without work or misdemeanor imprisonment without work becomes final and binding in the course of execution of a protective measure, the sentence shall be executed in preference. The same shall apply in cases where a protective measure is implemented before the execution of a sentence of imprisonment with or without work or misdemeanor imprisonment without work that has become final and binding.

(Parole)

Article 58 (1) A person sentenced to imprisonment with or without work when he or she was a Juvenile shall be given parole after the passage of the following period listed.

(i) Seven years in case of life imprisonment

(ii) Three years in case of imprisonment for a definite term imposed pursuant to the provisions of Article 51, paragraph (2)

(iii) One-third of the minimum term in case of a penalty imposed pursuant to the provisions of Article 52 paragraph (1) or (2)

(2) The provisions of item (i) in the preceding paragraph shall not apply to a person sentenced to life imprisonment pursuant to the provisions of Article 51, paragraph (1).

(Termination of a parole period)

Article 59 (1) In case a person sentenced to life imprisonment when the person was a Juvenile has been paroled and a period of ten years has passed without rescission of the parole, the person shall be deemed to have finished serving the sentence.

(2) In case of a person sentenced to imprisonment for a definite term when the person was a Juvenile pursuant to the provisions of Article 51, paragraph (2) or Article 52, paragraphs (1) and (2) the person shall be deemed to have finished serving the sentence when either the same period as the period during which the person serves the punishment until parole is given, the term of sentence prescribed in Article 51, paragraph (2) or the maximum term

prescribed in Article 52, paragraphs (1) and (2), whichever is shortest, has passed without rescission of the parole since the person is given parole.

(Application of laws and regulations concerning personal qualification)

Article 60 (1) With respect to application of laws and regulations regarding personal qualification, a person who has served a sentence imposed for a crime committed when the person was a Juvenile or who has been exempted from execution of the sentence shall be deemed thereafter as not to have been sentenced.

(2) Where a person has been penalized for an offense that the person committed while a Juvenile, but the execution of the penalty has been suspended, the person shall be governed by the provisions of the preceding paragraph during the suspension period, and the execution of the sentence of the person shall be deemed finished.

(3) If, in the case of the preceding paragraph, the suspension of execution of the sentence is rescinded, the person shall be deemed to have been sentenced at the time of its rescission with respect to the application of laws and regulations regarding personal qualifications.

#### **Chapter IV Miscellaneous Provisions**

(Prohibition on publication in articles, etc.)

Article 61 No newspaper or other publication may carry any article or photograph from which a person subject to a hearing and decision of a family court, or against whom public prosecution has been instituted for a crime committed while a Juvenile, could be identified based on name, age, occupation, residence, appearance, etc.