

# Domestic Relations Case Procedure Act

(Act No. 52 of May 25, 2011)

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**Part I General Provisions**  
**Chapter I General Rules**

(Purpose)

Article 1 Procedure in cases for adjudication of domestic relations and for conciliation of domestic relations (hereinafter referred to as "Domestic Relations Cases") shall be governed by the provisions of this Act in addition to the provisions of other laws and regulations.

(Responsibilities of Courts and Parties)

Article 2 Courts shall endeavor to ensure that proceedings of Domestic Relations Cases are carried out fairly and expeditiously, and the parties thereto must conduct Domestic Relations Case proceedings in good faith.

(Rules of the Supreme Court)

Article 3 In addition to what is provided for in this Act, necessary particulars concerning procedures in Domestic Relations Cases shall be specified by the Rules of the Supreme Court.

**Chapter II Jurisdiction**

(Family Courts with Jurisdiction Determined by Place of Domicile)

Article 4 With regard to domestic relations cases for which jurisdiction is determined by the place of domicile of a person, if the person has no domicile in Japan or the person's domicile is unknown, the case shall be subject to the jurisdiction of the family court which has jurisdiction over the person's place of residence, and if the person has no residence in Japan or the person's residence is unknown, the case shall be subject to the jurisdiction of the family court which has jurisdiction over the person's last place of domicile.

(Preferential Jurisdiction)

Article 5 If two or more family courts have jurisdiction over a domestic relations case pursuant to other provisions of this Act, the domestic relations case shall be subject to the jurisdiction of the family court that first received a petition or commenced proceedings by its own authority.

(Designation of a Court with Jurisdiction)

Article 6 (1) If a court with jurisdiction is unable to exercise its jurisdiction de jure or de facto, its immediate upper instance court shall determine the court with jurisdiction upon petition or by its own authority.

(2) If a court with jurisdiction is not determined due to ill-defined jurisdictional districts of courts, the immediate upper instance court common to the relevant courts shall determine the court with jurisdiction upon petition or by its own authority.

(3) No appeal may be entered against a judicial decision to determine a court with jurisdiction pursuant to the provision of preceding two paragraphs.

(Special Provisions for Family Courts with Jurisdiction)

Article 7 If jurisdiction over a domestic relations case is not determined pursuant to other provisions of this Act, the domestic relations case shall be subject to the jurisdiction of the family court which has jurisdiction over the location of the property involved in the matter for which adjudication or conciliation is sought, or over a place specified by the Rules of the Supreme Court.

(Time Standards for Determining Jurisdiction)

Article 8 The jurisdiction of a court shall be determined on the basis of the time when a petition for adjudication of domestic relations or conciliation of domestic relations is filed or when a court commences the proceedings of a domestic relations case by its own authority.

(Transfers, etc.)

Article 9 (1) When a court finds that the whole or part of a domestic relations case is not subject to its jurisdiction, it shall transfer the case to a court with jurisdiction upon petition or by its own authority; provided, however, that when a family court finds it to be particularly necessary in order to handle a domestic relations case, it may transfer the whole or part of the domestic relations case to a family court other than the family court which has jurisdiction over the case, or may process the case by itself.

(2) Even where a domestic relations case is subject to the jurisdiction of a family court, if any of the grounds set forth in the following items exists, the family court may, by its own authority, transfer the whole or part of the domestic relations case to the family courts specified respectively in these items:

(i) when the family court finds it to be necessary to transfer the domestic relations case in order to avoid delaying the proceedings of the case or finds it to be appropriate to do so for any other reasons: the family court that is

not vested with jurisdiction over the case pursuant to the provision of Article 5; or

- (ii) when the family court finds it to be particularly necessary to transfer the domestic relations case in order to process the case: a family court other than the court set forth in the preceding paragraph.
- (3) An immediate appeal may be filed against a judicial decision of transfer under the provisions of preceding two paragraphs and a judicial decision to dismiss the petition set forth in paragraph (1).
- (4) An immediate appeal against a judicial decision of transfer under the provision of preceding paragraph shall have the effect of a stay of execution.
- (5) The provision of Article 22 of the Code of Civil Procedure (Act No. 109 of 1996) shall apply mutatis mutandis to a judicial decision of transfer of a domestic relations case.

### **Chapter III Disqualification of and Challenge to Court Officials**

(Disqualification of Judges)

- Article 10 (1) In the following cases, a judge shall be disqualified from performing the judge's duties; provided, however, that in the case set forth in item (vi), this shall not preclude a judge from performing the judge's duties as a commissioned judge based on a commission from another court:
- (i) where a judge or the judge's spouse or a person who was the judge's spouse is a party to the case or any other person who is to be subject to adjudication (meaning a person who is to be subject to adjudication when a ruling is made (excluding a ruling to dismiss a petition); the same shall apply hereinafter), or is related to such party or person in relation to the case as a joint obligee, joint obligor or obligor for redemption;
  - (ii) where a judge is or was a blood relative within the fourth degree or relative by marriage within the third degree of, or relative living together with, a party to the case or any other person who is to be subject to adjudication;
  - (iii) where a judge is a guardian, supervisor of a guardian, curator, supervisor of a curator, assistant or supervisor of an assistant for a party to the case or any other person who is to be subject to adjudication;
  - (iv) where a judge has served as a witness or expert witness or is to be heard in relation to the case;
  - (v) where a judge is or has been an agent or assistant in court of a party to the case or any other person who is to be subject to adjudication; and
  - (vi) where a judge has participated in making an arbitral award in relation to the case or participated in making a judicial decision in the prior instance against which an appeal has been entered.
- (2) If any of the grounds for disqualification prescribed in the preceding

paragraph exist, the court shall make a judicial decision of disqualification upon petition or by its own authority.

(Challenge to Judges)

- Article 11 (1) If there are circumstances with regard to a judge that would prejudice the impartiality of a judicial decision or conciliation, a party may challenge such judge.
- (2) If a party has made statements in the presence of a judge, said party may not challenge that judge; provided, however, that this shall not apply where the party did not know of the existence of any grounds for a challenge or where any grounds for a challenge came about thereafter.

(Judicial Decision of Disqualification or Challenge, and Stay of Proceedings)

- Article 12 (1) A judicial decision of the disqualification of or a challenge to a judge who is a member of a panel or a single judge of a family court shall be made by the court to which the judge belongs, and a judicial decision on the disqualification of or a challenge to a judge of a summary court who is to serve as a commissioned judge shall be made by the district court which has jurisdiction over the location of that summary court.
- (2) The judicial decision in a family court and a district court as set forth in the preceding paragraph shall be made by a panel.
- (3) A judge may not participate in making a judicial decision on the disqualification of or a challenge to their own person.
- (4) When a petition for a disqualification or challenge is filed, the proceedings of the domestic relations case shall be stayed until a judicial decision on the petition becomes final and binding; provided, however, that this shall not apply to any urgent act.
- (5) The provision of paragraph (3) shall not apply when making a judicial decision to dismiss a petition for a challenge on any of the following grounds:
- (i) where it is clear that the petition for the challenge is filed merely for the purpose of delaying the proceedings of the domestic relations case;
  - (ii) where the challenge is in violation of the provision of paragraph (2) of the preceding Article; or
  - (iii) where the challenge is in violation of a procedure specified by the Rules of the Supreme Court.
- (6) Notwithstanding the provisions of paragraphs (1) and (2), the judicial decision set forth in the preceding paragraph may be made by an authorized judge, etc. (meaning an authorized judge, a commissioned judge, a judge who is a member of a conciliation committee or a judge of a family court handling a domestic relations case; the same shall apply in the proviso to paragraph (3) of the following Article) who has been challenged.

- (7) Where the judicial decision set forth in paragraph (5) is made, the proceedings of the domestic relations case shall not be stayed, notwithstanding the provision of main clause of paragraph (4).
- (8) No appeal may be entered against a judicial decision which finds that the disqualification or challenge is well-grounded.
- (9) An immediate appeal may be filed against a judicial decision to dismiss a petition for a disqualification or challenge.

(Disqualification of and Challenge to Court Clerks)

Article 13 (1) With regard to the disqualification of and a challenge to a court clerk, the provisions of Article 10, Article 11, and paragraphs (3), (5), (8), and (9) of the preceding Article shall apply mutatis mutandis.

- (2) Where a petition for the disqualification of or a challenge to a court clerk is filed, the court clerk may not participate in the domestic relations case pertaining to the petition until a judicial decision on the petition becomes final and binding; provided, however, that this shall not apply where a judicial decision to dismiss a petition for a challenge is made on any of the grounds set forth in the items of paragraph (5) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph.
- (3) A judicial decision of the disqualification of or a challenge to a court clerk shall be made by the court to which the court clerk belongs; provided, however, that the judicial decision set forth in the proviso to the preceding paragraph may be made by an authorized judge, etc. (an authorized judge or commissioned judge may make such a decision only where a petition for a challenge is filed with regard to a court clerk who is to attend the proceedings handled by the judge).

(Disqualification of and Challenge to Counselors)

Article 14 (1) With regard to the disqualification of and a challenge to a counselor, the provisions of Article 10, Article 11, and Article 12, paragraphs (2), (8), and (9) shall apply mutatis mutandis.

- (2) Where a petition for the disqualification of or a challenge to a counselor is filed, the counselor may not participate in the domestic relations case pertaining to the petition until a judicial decision on the petition becomes final and binding; provided, however, that this shall not apply where a judicial decision to dismiss a petition for a challenge is made on any of the grounds set forth in the items of Article 12, paragraph (5).
- (3) A judicial decision of the disqualification of or a challenge to a counselor shall be made by the family court to which the counselor belongs; provided, however, that the judicial decision set forth in the proviso to the preceding paragraph may be made by an authorized judge (an authorized judge may make such a

decision only where a petition for a challenge is filed with regard to a counselor who is to attend the proceedings handled by the judge) or by a judge of a family court handling a domestic relations case.

(Disqualification of and Challenge to Domestic Relations Conciliators)

Article 15 (1) With regard to the disqualification of and a challenge to a domestic relations conciliator, the provisions of Article 10, Article 11, and Article 12, paragraphs (2) through (4), (8) and (9) shall apply mutatis mutandis.

(2) Where a judicial decision to dismiss a petition for a challenge is made on any of the grounds set forth in the items of Article 12, paragraph (5), the proceedings of the domestic relations case shall not be stayed, notwithstanding the provision of main clause of paragraph (4) of said Article as applied mutatis mutandis pursuant to the preceding paragraph.

(3) A judicial decision of the disqualification of or a challenge to a domestic relations conciliator shall be made by the family court to which the domestic relations conciliator belongs; provided, however, that the judicial decision set forth in the preceding paragraph may be made by a domestic relations conciliator who has been challenged.

(Disqualification of Family Court Probation Officers and Domestic Relations Conciliation Commissioners)

Article 16 (1) With regard to the disqualification of a family court probation officer and a domestic relations conciliation commissioner, the provisions of Article 10, and Article 12, paragraphs (2), (8), and (9) (excluding the parts concerning a challenge) shall apply mutatis mutandis.

(2) Where a petition for a challenge to a family court probation officer or domestic relations conciliation commissioner is filed, the family court probation officer or domestic relations conciliation commissioner may not participate in the domestic relations case pertaining to the petition until a judicial decision on the petition becomes final and binding.

(3) A judicial decision of the disqualification of a family court probation officer or domestic relations conciliation commissioner shall be made by the court to which the family court probation officer or domestic relations conciliation commissioner belongs.

#### **Chapter IV Capacity to Be a Party and Capacity to Perform Procedural Acts**

(Principles, etc. for Capacity to Be a Party and Capacity to Perform Procedural Acts)

Article 17 (1) With regard to a person's capacity to be a party, the capacity to

perform procedural acts in proceedings of domestic relation cases (hereinafter referred to as the "Capacity to Perform Procedural Acts" in this paragraph), the statutory representation of a person without the Capacity to Perform Procedural Acts, and the delegation of powers as necessary for performing procedural acts, the provisions of Article 28, Article 29, Article 31, Article 33, and Article 34, paragraphs (1) and (2) of the Code of Civil Procedure shall apply mutatis mutandis.

- (2) In order for a person under curatorship, a person under assistance (limited to a person who is required to obtain consent from said person's assistant to perform procedural acts; the same shall apply in the following paragraph) or a guardian or any other statutory agent to perform any procedural acts with regard to a petition for adjudication of domestic relations or conciliation of domestic relations or an appeal filed by a person other than said person, said person shall not be required to obtain consent or otherwise have powers delegated to said person from the curator or supervisor of the curator, assistant or supervisor of the assistant, or supervisor of the guardian. The same shall apply where proceedings are commenced ex officio.
- (3) In order for a person under curatorship, a person under assistance or a guardian or any other statutory agent to perform any of the following procedural acts, said person shall be required to have powers specially delegated to said person: provided, however, that this shall not apply where said person has obtained consent or otherwise had powers delegated to said person to file a petition for conciliation of domestic relations or conduct other proceedings for conciliation of domestic relations, and said person performs the procedural acts set forth in item (ii):
  - (i) withdrawal of a petition for adjudication of domestic relations or conciliation of domestic relations;
  - (ii) making of an agreement under Article 268, paragraph (1) or Article 277, paragraph (1), item (i), acceptance of the proposed terms of conciliation prescribed in Article 270, paragraph (1), or filing of a joint notification under Article 286, paragraph (8); and
  - (iii) withdrawal of an immediate appeal against a ruling, an appeal against a ruling under Article 94, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 288) or a petition under Article 97, paragraph (2) (including the cases where applied mutatis mutandis pursuant to Article 288), or withdrawal of an objection under Article 279, paragraph (1) or Article 286, paragraph (1).

(Statutory Agent of Minors and Adult Wards)

Article 18 A person who exercises parental authority or a guardian may perform procedural acts on behalf of a minor or an adult ward even where the minor or

adult ward may personally perform procedural acts, not through said minor or adult ward's statutory agent, pursuant to the provisions of Article 118 (including the cases where applied mutatis mutandis pursuant to other provisions of this Act) or Article 252, paragraph (1); provided, however, that a person who exercises parental authority or a guardian may file a petition for adjudication of domestic relations or conciliation of domestic relations only in cases where such person or guardian may file a petition pursuant to the provisions of the Civil Code (Act No. 89 of 1896) or other laws and regulations (with regard to a petition for conciliation of domestic relations regarding a matter against which an action concerning personal status as prescribed in Article 2 of the Personal Status Litigation Act (Act No. 109 of 2003) (excluding an action for divorce and an action for the dissolution of an adoptive relationship) may be filed, including cases where the person or guardian may file such action pursuant to the provisions of said Act or other laws and regulations).

(Special Agents)

Article 19 (1) Where a minor or adult ward has no statutory agent or said minor or adult ward's statutory agent is unable to exercise their authority of representation, and when this is likely to delay the proceedings of a domestic relations case and thereby cause damage, the presiding judge may appoint a special agent upon the petition of an interested party or by the presiding judge's own authority.

(2) A judicial decision of the appointment of a special agent shall be made based on a prima facie showing.

(3) The court may replace a special agent with another at any time.

(4) In order to perform procedural acts, a special agent must have the same powers as a guardian delegated to said special agent.

(5) An immediate appeal may be filed against a judicial decision to dismiss the petition set forth in paragraph (1).

(Notice of Extinction of Authority of Statutory Representation)

Article 20 In adjudication cases regarding the particulars set forth in Appended Table 2, the extinction of the authority of statutory representation shall not become effective unless the principal or the principal's agent gives notice to that effect to the other party. The same shall apply to cases for conciliation of domestic relations.

(Application Mutatis Mutandis to Representatives of Corporations, etc.)

Article 21 With regard to the representative of a corporation and the representative or administrator of an association or foundation which is not a

corporation but is capable of being a party, the provisions in this Act concerning statutory representation and the statutory agent shall apply mutatis mutandis.

## **Chapter V Counsel and Assistants in Court**

### **(Qualifications of Counsel)**

- Article 22 (1) Except for an agent who may perform acts in court under laws and regulations, no person other than an attorney may serve as a counsel; provided, however, that in a family court, with its permission, a person who is not an attorney may be appointed as a counsel.
- (2) The permission set forth in the proviso to the preceding paragraph may be rescinded at any time.

### **(Appointment of Counsel by Presiding Judges, etc.)**

- Article 23 (1) Where a person whose capacity to perform procedural acts has been limited intends to perform procedural acts pursuant to the provisions of Article 118 (including the cases where applied mutatis mutandis pursuant to other provisions of this Act) or Article 252, paragraph (1), the presiding judge may, upon petition, appoint an attorney as such person's counsel when said presiding judge finds it to be necessary.
- (2) Where a person whose capacity to perform procedural acts has been limited does not file the petition set forth in the preceding paragraph, the presiding judge may order that an attorney be appointed as the person's counsel or appoint an attorney as the person's counsel by the presiding judge's own authority.
- (3) The amount of remuneration to be paid by a person whose capacity to perform procedural acts has been limited to the attorney appointed as said person's counsel by the presiding judge pursuant to the provisions of preceding two paragraphs shall be such amount as considered reasonable by the court.

### **(Scope of Authority of Representation Vested in Counsel)**

- Article 24 (1) A counsel, with regard to a case entrusted thereto, may perform procedural acts concerning intervention, compulsory execution, and a provisional order, and may receive performance.
- (2) A counsel must be specially entrusted in order to perform the following acts; provided, however, that this shall not apply where said counsel has been entrusted to file a petition for conciliation of domestic relations or conduct other proceedings for conciliation of domestic relations, and said counsel performs the procedural acts set forth in item (ii):
- (i) withdrawal of a petition for adjudication of domestic relations or conciliation

- of domestic relations;
- (ii) making of an agreement under Article 268, paragraph (1) or Article 277, paragraph (1), item (i), acceptance of the proposed terms of conciliation prescribed in Article 270, paragraph (1), or filing of a joint notification under Article 286, paragraph (8);
  - (iii) filing of an immediate appeal against a ruling, an appeal against a ruling under Article 94, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 288) or a petition under Article 97, paragraph (2) (including the cases where applied *mutatis mutandis* pursuant to Article 288), or filing of an objection under Article 279, paragraph (1) or Article 286, paragraph (1);
  - (iv) withdrawal of the appeal (including an immediate appeal), petition or objection set forth in the preceding item; and
  - (v) appointment of an agent.
- (3) No limitation may be imposed on the authority of representation vested in a counsel; provided, however, that this shall not apply to a counsel who is not an attorney.
- (4) The provisions of preceding three paragraphs shall not preclude an agent who is authorized to perform acts in court under laws and regulations from exercising such authority.

(Notice of Extinction of Counsel's Authority of Representation)

Article 25 The extinction of a counsel's authority of representation shall not become effective unless the principal or the principal's agent gives notice to that effect to the other party in cases for adjudication of domestic relations (limited to cases regarding the particulars set forth in Appended Table 2) and cases for conciliation of domestic relations, or unless the principal or the principal's agent gives notice to that effect to the court in other Domestic Relations Cases.

(Application *Mutatis Mutandis* of the Code of Civil Procedure Concerning Counsel and Counsel's Authority of Representation)

Article 26 The provisions of Article 34 (excluding paragraph (3)) and Article 56 through Article 58 (excluding Article 58, paragraph (3) of said Act) of the Code of Civil Procedure shall apply *mutatis mutandis* to a counsel and said counsel's authority of representation.

(Assistants in Court)

Article 27 The provision of Article 60 of the Code of Civil Procedure shall apply *mutatis mutandis* to an assistant in court in the proceedings of Domestic Relations Cases.

## Chapter VI Procedural Costs

### Section 1 Burden of Procedural Costs

(Burden of Procedural Costs)

Article 28 (1) With regard to procedural costs (meaning costs for proceedings for adjudication of domestic relations (hereinafter referred to as "Adjudication Costs") and costs for proceedings for conciliation of domestic relations (hereinafter referred to as "Conciliation Costs"); the same shall apply hereinafter), each person shall bear their own costs.

(2) Depending on the circumstances, the court may impose the whole or part of the procedural costs, which are to be borne by a party and by an Interested Party Intervenor (meaning the Interested Party Intervenor prescribed in Article 42, paragraph (7)); the same shall apply in item (i)) under the provision of preceding paragraph, on a person other than the party or intervenor who is to bear such costs, as set forth in the following:

(i) another party or Interested Party Intervenor;

(ii) a person who is to be subject to adjudication, except for the person set forth in the preceding item; or

(iii) a person equivalent to the person set forth in the preceding item, who is to benefit directly from the judicial decision concerned.

(3) Any procedural costs to be borne by a public prosecutor under the provisions of preceding two paragraphs shall be borne by the national treasury.

(Judicial Decision on the Burden of Procedural Costs, etc.)

Article 29 (1) When the court makes a judicial decision to conclude a case, it must, by its own authority, make a judicial decision on the burden of all costs incurred in the instance thereof (if the case has gone through conciliation proceedings, including Conciliation Costs); provided, however, that depending on the circumstances, when the court makes a judicial decision on part of a case or on an interlocutory dispute, it may make a judicial decision on the burden of costs thereof.

(2) Where an upper instance court modifies a judicial decision on merits, it must make a judicial decision on the burden of the total costs of the proceedings (if the case has gone through conciliation proceedings, including Conciliation Costs). The same shall apply where the court that has accepted a case remanded or transferred thereto makes a judicial decision to conclude the case.

(3) Where conciliation is successful, and if the burden of Conciliation Costs (if the case has gone through adjudication proceedings, including Adjudication Costs) is not specially specified, each person shall bear their own costs.

(4) Where a litigation case is pending before a court with regard to a case for

which conciliation may be conducted pursuant to the provisions of Article 244, and such court has referred the case to conciliation pursuant to the provisions of Article 257, paragraph (2) or Article 274, paragraph (1), and if conciliation is successful and the burden of court costs incurred for the litigation case is not specially specified, each person shall bear their own costs.

(Temporary Payment of Procedural Costs)

Article 30 The costs required for the examination of facts, examination of evidence, issuance of a summons, giving of notice or any other proceedings of Domestic Relations Cases may be temporarily paid by the national treasury on behalf of a person who is obliged to pay them.

(Application Mutatis Mutandis of the Code of Civil Procedure Concerning Procedural Costs)

Article 31 (1) The provisions of Articles 69 through 74 of the Code of Civil Procedure (excluding the parts concerning an immediate appeal filed against an order on an objection to a disposition made by a court clerk) shall apply mutatis mutandis to the burden of procedural costs. In this case: in Article 72 of said Code, the phrase "Where the parties have entered into a settlement in court" shall be deemed to be replaced with "Where conciliation is successful," and the phrase "costs for settlement or court costs" shall be deemed to be replaced with "Conciliation Costs under Article 29, paragraph (3) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011) or court costs under paragraph (4) of said Article"; in Article 73, paragraph (1) of said Code, the phrase "judicial decision or settlement" shall be deemed to be replaced with "judicial decision or successful conciliation," and the phrase "an application for assisting intervention is withdrawn or an objection to assisting intervention is withdrawn" shall be deemed to be replaced with "an application for intervention under the provisions of Article 41, paragraph (1) or Article 42, paragraph (1) of the Domestic Relations Case Procedure Act is withdrawn or a petition for permission for intervention under Article 42, paragraph (2) of said Act is withdrawn"; and in Article 73, paragraph (2) of said Code, the phrase "Article 61 to Article 66 and Article 71, paragraph (7)" shall be deemed to be replaced with "Article 71, paragraph (7) as applied mutatis mutandis pursuant to Article 31, paragraph (1) of the Domestic Relations Case Procedure Act."

(2) An immediate appeal under the provision of Article 69, paragraph (3) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph and an immediate appeal against a judicial decision on an objection under Article 71, paragraph (4) of said Code (including the cases applied mutatis mutandis pursuant to the second sentence of Article 72 of said Code as applied mutatis mutandis pursuant to the preceding paragraph) and Article 73,

paragraph (2) and Article 74, paragraph (2) of said Code shall have the effect of a stay of execution.

## **Section 2 Procedural Aid**

Article 32 (1) For a person who lacks the financial resources to pay the costs necessary for preparing for and conducting the proceedings of a domestic relations case or a person who will suffer substantial detriment to their standard of living by paying such costs, the court may, upon petition, make a judicial decision to grant judicial aid to such person; provided, however, that this shall not apply where it is clear that a person who seeks aid files a petition for adjudication of domestic relations or conciliation of domestic relations or performs any other procedural acts for unjust purposes.

(2) The provisions of Article 82, paragraph (2), and Articles 83 through 86 of the Code of Civil Procedure (excluding Article 83, paragraph (1), item (iii) of said Code) shall apply mutatis mutandis to procedural aid. In this case, the phrase "main clause of Article 82, paragraph (1)" in Article 84 of said Code shall be deemed to be replaced with "main clause of Article 32, paragraph (1) of the Domestic Relations Case Procedure Act."

## **Chapter VII Proceedings of Domestic Relations Cases, etc.**

(Closed Proceedings)

Article 33 The proceedings of Domestic Relations Cases shall not be open to the public; provided, however, that the court may permit observation by a person whom it considers to be appropriate.

(Date and Period)

Article 34 (1) A date for proceedings of a domestic relations case shall be designated by the presiding judge by the judge's own authority.

(2) A date for proceedings of a domestic relations case, only if unavoidable, may be designated on a Sunday or any other general holiday.

(3) A change of a date for proceedings of a domestic relations case may be made only if there are obvious reasons therefor.

(4) The provisions of Articles 94 through 97 of the Code of Civil Procedure shall apply mutatis mutandis to the date and period for the proceedings of a domestic relations case.

(Consolidation of Proceedings, etc.)

Article 35 (1) The court may consolidate or separate the proceedings of Domestic Relations Cases.

- (2) The court may revoke a judicial decision made under the provision of preceding paragraph.
- (3) Where the court has ordered the consolidation of proceedings of Domestic Relations Cases involving different parties, and if a party requests the examination of a witness who had already been examined before the consolidation but whom that party had no chance to examine, the court must have the witness examined.

(Service and Suspension of Proceedings)

Article 36 With regard to the service and the suspension of proceedings of a domestic relations case, the provisions of Part I, Chapter V, Section 4 of the Code of Civil Procedure and Articles 130 through 132 of said Code (excluding Article 132, paragraph (1) of said Code) shall apply mutatis mutandis. In this case, the phrase "claim that is the subject matter of the suit or the allegations and evidence for defense" in Article 131 of said Code shall be deemed to be replaced with "matter for which a judicial decision or conciliation is sought."

(Objection to Disposition by Court Clerks)

- Article 37 (1) With regard to an objection to a disposition by a court clerk, the court to which the court clerk belongs shall make a judicial decision.
- (2) An immediate appeal may be filed against the judicial decision set forth in the preceding paragraph.

**Chapter VIII Petition, etc. by Means of Electronic Data Processing System**

- Article 38 (1) With regard to a petition or any other statement (referred to as a "petition, etc." in the following paragraph) filed in the proceedings of a domestic relations case, the provisions of Article 132-10, paragraphs (1) through (5) of the Code of Civil Procedure (excluding the parts concerning a demand for payment) shall apply mutatis mutandis.
- (2) The inspection or copying of, or the issuance of an authenticated copy, transcript or extract of, a record of a domestic relations case under other provisions of this Act, which pertains to a petition, etc. filed pursuant to the provision of main clause of Article 132-10, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph, shall be made by means of the document set forth in paragraph (5) of said Article. The same shall apply to serving or sending a document pertaining to such petition, etc.

**Part II Proceedings for Adjudication of Domestic Relations**  
**Chapter I General Provisions**

**Section 1 Proceeding for Adjudication of Domestic Relations**  
**Subsection 1 General Rules**

(Particulars to Be Adjudicated)

Article 39 A family court shall, as provided for in this Part, adjudicate the particulars set forth in Appended Tables 1 and 2 as well as the particulars specified in this said Part.

(Counselor)

Article 40 (1) A family court shall adjudicate a matter while hearing the opinions of a counselor; provided, however, that the family court may, when it finds it to be appropriate, adjudicate a matter without hearing the opinions of a counselor.

- (2) A family court may have a counselor attend a date of proceedings for adjudication of domestic relations.
- (3) In order to state opinions as set forth in paragraph (1), a counselor may, with permission from the family court, hear an explanation from the petitioner with regard to the details of the materials submitted by the petitioner; provided, however, that this shall not apply to adjudication cases regarding the particulars set forth in Appended Table 2.
- (4) One or more counselors shall be assigned to each case.
- (5) A counselor shall be designated by a family court for each case from among persons appointed in advance by the family court every year.
- (6) The qualifications and number of persons to be appointed pursuant to the provision of preceding paragraph and other necessary particulars concerning their appointment pursuant to the provision of said paragraph shall be specified by the Rules of the Supreme Court.
- (7) A counselor shall be paid travel expenses, a daily allowance and accommodation charges at the amount specified by the Rules of the Supreme Court.

(Intervention as Party)

Article 41 (1) A person who is eligible to be a party may intervene in proceedings for adjudication of domestic relations as a party thereto.

- (2) A family court may, when it finds it to be appropriate, and upon the petition of a party or by its own authority, have a person who is eligible to be another party (limited to a person who is to be subject to adjudication) intervene in proceedings for adjudication of domestic relations.
- (3) The application for intervention under the provision of paragraph (1) and the petition set forth in the preceding paragraph must be filed by means of a document stating the purpose of and reasons for intervention.

- (4) An immediate appeal may be filed against a judicial decision to dismiss an application for intervention filed under the provision of paragraph (1).

(Intervention as Interested Party)

Article 42 (1) A person who is to be subject to adjudication may intervene in proceedings for adjudication of domestic relations.

- (2) A person other than a person who is to be subject to adjudication, but who is to be directly affected by the outcome of adjudication or who is eligible to be a party, may intervene in proceedings for adjudication of domestic relations with permission from the family court.

- (3) A family court may, when it finds it to be appropriate, and by its own authority, have a person who is to be subject to adjudication and the person prescribed in the preceding paragraph intervene in proceedings for adjudication of domestic relations.

- (4) The provision of paragraph (3) of the preceding Article shall apply mutatis mutandis to an application for intervention under the provision of paragraph (1) and a petition for permission for intervention under the provision of paragraph (2).

- (5) Where a person who is to intervene in proceedings for adjudication of domestic relations under the provisions of paragraph (1) or (2) is a minor, and when the family court finds that such person's interests would be harmed by having said person intervene in said proceedings for adjudication of domestic relations in consideration of said person's age, degree of development, and all other circumstances, the family court must dismiss the application for intervention filed under the provision of paragraph (1) or the petition for permission for intervention filed under the provision of paragraph (2).

- (6) An immediate appeal may be filed against a judicial decision to dismiss an application for intervention filed under the provision of paragraph (1) (including a judicial decision to dismiss an application for the intervention filed under the provision of paragraph (1) pursuant to the preceding paragraph).

- (7) A person who intervenes in proceedings for adjudication of domestic relations pursuant to the provisions of paragraphs (1) through (3) (hereinafter referred to as an "Interested Party Intervenor") may perform the procedural acts that may be performed by a party (excluding the withdrawal of or amendment to a petition for adjudication of domestic relations and the withdrawal of an appeal against a judicial decision or of an objection to a disposition by a court clerk); provided, however, that, with regard to the filing of an appeal against a judicial decision and of an objection to a disposition made by a court clerk, the Interested Party Intervenor may perform such act only when said intervenor is eligible to do so pursuant to the other provisions of this Act concerning the

filing of an appeal or of an objection.

(Exclusion from Proceedings)

Article 43 (1) A family court may exclude a person who is ineligible to be a party and a person who has lost the eligibility to be a party, from proceedings for adjudication of domestic relations.

(2) An immediate appeal may be filed against a judicial decision of exclusion under the provision of preceding paragraph.

(Taking Over of Proceedings by Person Eligible to Continue Proceedings under Laws and Regulations)

Article 44 (1) Where a party is unable to continue proceedings for adjudication of domestic relations due to death, loss of eligibility or any other event, a person who is eligible to continue proceedings under laws and regulations must take over the proceedings.

(2) Where a person who is eligible to continue proceedings under laws and regulations files a petition for taking over proceedings under the provision of the preceding paragraph, and a judicial decision to dismiss the petition is made, the person may file an immediate appeal against said judicial decision.

(3) In the case referred to in paragraph (1), the family court may, upon the petition of another party or by its own authority, have a person who is eligible to continue proceedings under laws and regulations take over proceedings for adjudication of domestic relations.

(Taking Over by Another Petitioner)

Article 45 (1) Where a petitioner for adjudication of domestic relations is unable to continue proceedings therefor due to death, loss of eligibility or any other event, and if there is no one who is eligible to continue proceedings under laws and regulations, a person who may file the petition for said adjudication of domestic relations may take over the proceedings.

(2) In the case referred to in the preceding paragraph, the family court may, when it finds it to be necessary and by its own authority, have a person who may file the petition for said adjudication of domestic relations take over the proceedings.

(3) A petition for the taking over of the proceedings under the provision of paragraph (1) and a judicial decision on the taking over of the proceedings under the provision of preceding paragraph must be filed and made within one month from the day on which the event set forth in paragraph (1) takes place.

(Preparation of Records, etc.)

Article 46 A court clerk must prepare records regarding a date for proceedings

for adjudication of domestic relations; provided, however, that if the presiding judge finds it to be unnecessary to prepare records regarding a date other than a date for the examination of evidence, it shall be sufficient to take a note that clearly indicates the outline of developments in the proceedings, in lieu of preparing such record.

(Inspection of Records, etc.)

- Article 47 (1) A party or a third party who has made a prima facie showing of interest may, with permission from the family court, make a request to a court clerk for the inspection or copying of, or the issuance of an authenticated copy, transcript or extract of, a record of a case for adjudication of domestic relations, or for the issuance of a certificate of particulars concerning a case for adjudication of domestic relations (hereinafter referred to as the "Inspection of a Record, etc.." in Article 289, paragraph (6))
- (2) The provision of preceding paragraph shall not apply to a record of a case for adjudication of domestic relations which is prepared in the form of audiotapes or videotapes (including objects on which certain particulars are recorded by any means equivalent thereto). In this case, a party or a third party who has made a prima facie showing of interest may, with permission from the family court, make a request to a court clerk for the reproduction of these objects.
- (3) Where a petition for permission under the provisions of preceding two paragraphs is filed by a party, the family court must grant permission.
- (4) Notwithstanding the provision of preceding paragraph, a family court may choose not to grant permission under said paragraph when it is found that there is a risk of causing harm to the interest of a minor who is a person concerned with a case, a risk of causing harm to the private life or business operations of a party or a third party, or a risk of disclosing significant secrets regarding the private life of a party or a third party, thereby causing considerable interference with the social life of the party or third party or substantial harm to the reputation of such parties. The same shall apply when it is found that there are special circumstances where it is inappropriate to grant permission to the party in response to petition under said paragraph, in light of the nature of the case, developments in proceedings, the content of the record and other particulars.
- (5) Where a petition for permission under the provisions of paragraph (1) or (2) is filed by a third party who has made a prima facie showing of interest, the family court may grant permission thereto when it finds it to be appropriate.
- (6) Notwithstanding the provision of paragraph (1), a party may make a request to a court clerk for the issuance of an authenticated copy, transcript or extract of a written ruling or any other written judicial decision or of a certificate of particulars concerning a case for adjudication of domestic relations, without

permission from the family court. The same shall apply where a person subject to a ruling makes such a request after said ruling is made.

- (7) A request for the inspection, copying or reproduction of a record of a case for adjudication of domestic relations may not be made if these acts would interfere with the preservation of the record of the case for adjudication of domestic relations or with the performance of the court's duties.
- (8) An immediate appeal may be filed against a judicial decision to dismiss the petition set forth in paragraph (3).
- (9) If an immediate appeal under the provision of preceding paragraph is found to have been filed for the purpose of unjustly delaying proceedings for adjudication of domestic relations, the court of prior instance must dismiss the immediate appeal.
- (10) An immediate appeal may be filed against a judicial decision made under the provision of preceding paragraph.

(Notice to Public Prosecutors)

Article 48 When a court or any other government agency, a public prosecutor or an official comes to know in the course of performing their duties that a case that should be adjudicated exists upon the petition of a public prosecutor, such entity or person must give notice to that effect to a public prosecutor of the public prosecutor's office corresponding to the family court which has jurisdiction over the case.

### **Subsection 2 Petition for Adjudication of Domestic Relations**

(Method of Filing Petitions, etc.)

- Article 49 (1) A petition for adjudication of domestic relations must be filed by submitting a written petition (hereinafter referred to as a "Written Petition for Adjudication of Domestic Relations") to a family court.
- (2) A Written Petition for Adjudication of Domestic Relations must state the following particulars:
    - (i) the party (parties) and the statutory agent(s); and
    - (ii) the object of and reasons for the petition.
  - (3) Where a petitioner seeks a ruling on two or more particulars, and if the proceedings for adjudication of domestic relations regarding these particulars are of the same kind and these particulars are based on the same factual or statutory cause, the petitioner may seek the ruling by filing a single petition.
  - (4) Where a Written Petition for Adjudication of Domestic Relations is in violation of the provision of paragraph (2), the presiding judge shall specify a reasonable period and order that such defect should be corrected within that period. The same shall apply where fees for filing a petition for adjudication of

domestic relations are not paid pursuant to the provisions of the Act on Costs of Civil Procedure (Act No. 40 of 1971) are not paid.

- (5) In the case referred to in the preceding paragraph, if the petitioner fails to correct the defect, the presiding judge, by a direction, shall dismiss the Written Petition for Adjudication of Domestic Relations.
- (6) An immediate appeal may be filed against the direction set forth in the preceding paragraph.

(Amendment to Petitions)

Article 50 (1) A petitioner may amend the object of or reasons for petition unless there is any change to the basis for the petition; provided, however, that this shall not apply after proceedings have been concluded pursuant to the provision of Article 71 (including the cases where applied mutatis mutandis pursuant to Article 188, paragraph (4)).

- (2) An amendment to the object of or reasons for a petition must be made in writing except when it is made on a date for proceedings for adjudication of domestic relations.
- (3) If an amendment to the object of or reasons for a petition is unlawful, the family court must make a judicial decision not to permit such amendment.
- (4) If an amendment to the object of or reasons for a petition would substantially delay proceedings for adjudication of domestic relations, the family court may make a judicial decision not to permit such amendment.

### **Subsection 3 Date for Proceedings for Adjudication of Domestic Relations**

(Summons to Person Concerned with Case)

Article 51 (1) A family court may summon a person concerned with a case on a date for proceedings for adjudication of domestic relations.

- (2) A person concerned with a case who is summoned must appear on a date for proceedings for adjudication of domestic relations; provided, however, that said person may have an agent appear on said person's behalf if there are unavoidable circumstances.
- (3) If the person concerned with the case set forth in the preceding paragraph does not appear without justifiable grounds, the family court shall punish said person by a non-criminal fine of up to 50,000 yen.

(Presiding Judge's Control of Proceedings)

Article 52 (1) On a date for proceedings for adjudication of domestic relations, the presiding judge shall control the proceedings.

- (2) The presiding judge may permit a person to speak or prohibit a person who

does not comply with direction from speaking.

- (3) When a party makes an objection to a direction issued by the presiding judge with regard to said judge's control of proceedings on a date for proceedings for adjudication of domestic relations, the family court shall make a judicial decision on such objection.

(Proceedings by Authorized Judges)

Article 53 (1) A family court may have an authorized judge conduct proceedings on a date for proceedings for adjudication of domestic relations; provided, however, that with regard to the examination of facts and examination of evidence, this shall be allowed only where an authorized judge may examine facts or examine evidence pursuant to the provision of Article 61, paragraph (3) or the provision of Part II, Chapter IV, Sections 1 through 6 of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 64, paragraph (1).

- (2) In the case referred to in the preceding paragraph, the authorized judge shall perform the duties of the family court and the presiding judge.

(Proceedings through Communication by Audio Transmissions)

Article 54 (1) Where a party lives in a remote place or a family court finds it to be appropriate for any other reasons, the family court may, after hearing the opinions of the parties, conduct proceedings on a date for proceedings for adjudication of domestic relations (excluding the examination of evidence) by means that enables the family court and both parties to communicate simultaneously with one another by audio transmissions, as provided for in the Rules of the Supreme Court.

- (2) A party who has participated in the proceedings set forth in the preceding paragraph without appearing on a date for proceedings for adjudication of domestic relations shall be deemed to have appeared on that date.

(Attendance of Interpreters and Other Measures)

Article 55 The provision of Article 154 of the Code of Civil Procedure shall apply mutatis mutandis to the attendance of an interpreter, etc. on a date for proceedings for adjudication of domestic relations, and the provision of Article 155 of said Code shall apply mutatis mutandis to the measures for a party, Interested Party Intervenor, agent or assistant in court who is unable to make such statements as necessary to clarify the particulars relating to proceedings for adjudication of domestic relations.

#### **Subsection 4 Examination of Facts and Examination of Evidence**

(Examination of Facts and Examination of Evidence, etc.)

- Article 56 (1) A family court shall examine facts by its own authority and must examine evidence as it finds necessary upon petition or by its own authority.
- (2) A party shall cooperate in the examination of facts and examination of evidence in order to achieve proper and prompt proceedings and adjudication.

(Prima Facie Showing)

Article 57 A prima facie showing must be made by materials that can be examined immediately.

(Examination of Facts by Family Court Probation Officer)

- Article 58 (1) A family court may have a family court probation officer examine facts.
- (2) If there are pressing circumstances, the presiding judge may have a family court probation officer examine facts.
- (3) A family court probation officer shall report the results of the examination of facts to the family court in writing or orally.
- (4) A family court probation officer may attach their own opinions to the report under the provision of preceding paragraph.

(Attendance of Family Court Probation Officers on Dates for Proceedings, etc.)

- Article 59 (1) A family court may, when it finds it to be necessary, have a family court probation officer attend on a date for proceedings for adjudication of domestic relations.
- (2) A family court may, when it finds it to be necessary, have the family court probation officer, who attends on a date for proceedings pursuant to the provision of preceding paragraph, state their own opinions.
- (3) When a family court, in connection with the processing of a case for adjudication of domestic relations, finds it to be necessary in order to coordinate the family environment and other environments of a person concerned with the case, it may have a family court probation officer communicate with a social welfare organization or take other measures.
- (4) If there are pressing circumstances, the presiding judge may have a family court probation officer take the measures set forth in the preceding paragraph.

(Diagnosis by Technical Officials of Court)

- Article 60 (1) A family court may, when it finds it to be necessary, have a technical official of the court who is a physician diagnose the physical and mental condition of a person concerned with a case.
- (2) The provisions of Article 58, paragraphs (2) through (4) shall apply mutatis mutandis to the diagnosis set forth in the preceding paragraph, and the provisions of paragraphs (1) and (2) of the preceding Article shall apply

mutatis mutandis to the attendance on a date for proceedings and statement of opinions by a technical official of the court.

(Commission of Examination of Facts, etc.)

Article 61 (1) A family court may commission another family court or a summary court to examine facts.

(2) When a commissioned judge who performs duties as commissioned under the provision of preceding paragraph finds it to be appropriate for another family court or a summary court to examine facts, said judge may further commission such other court to examine facts.

(3) A family court may, when it finds it to be appropriate, have an authorized judge examine facts.

(4) Where a commissioned judge or authorized judge examines facts pursuant to the provisions of preceding three paragraphs, the respective judge shall perform the duties of the family court and the presiding judge.

(Commission of Examination, etc.)

Article 62 A family court may commission a government agency, public officer or any other entity as it finds appropriate to conduct the necessary examination, or may request a bank, a trust company or the employer of a person concerned or any other person to make the necessary report concerning the deposits, trust property, income or other particulars regarding a person concerned.

(Notice of Examination of Facts)

Article 63 Where an examination of facts is conducted and a family court finds that the results thereof could cause a material change to a party's engagement in conducting proceedings for adjudication of domestic relations, the family court must give notice to that effect to the party and an Interested Party Intervenor.

(Examination of Evidence)

Article 64 (1) With regard to the examination of evidence in proceedings for adjudication of domestic relations, the provisions of Part II, Chapter IV, Sections 1 through 6 of the Code of Civil Procedure (excluding the provisions of Article 179, Article 182, Articles 187 through 189, Article 207, paragraph (2), Article 208, and Article 224 of said Code (including the cases where applied mutatis mutandis pursuant to Article 229, paragraph (2) and Article 232, paragraph (1) of said Code) and Article 229, paragraph (4) of said Code) shall apply mutatis mutandis.

(2) An immediate appeal under the provisions of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph shall have the

effect of a stay of execution.

- (3) If a party falls under any of the following items, the family court shall punish said party by a non-criminal fine of up to 200,000 yen:
- (i) where the party does not comply with an order to submit issued under the provision of Article 223, paragraph (1) of the Code of Civil Procedure (including the cases where applied *mutatis mutandis* pursuant to Article 231 of said Code) as applied *mutatis mutandis* pursuant to paragraph (1), or where the party, without justifiable grounds, does not comply with an order to submit issued under the provision of Article 223, paragraph (1) of said Code as applied *mutatis mutandis* pursuant to Article 232, paragraph (1) of said Code as applied *mutatis mutandis* pursuant to paragraph (1); or
  - (ii) where the party, for the purpose of obstructing the examination of documentary evidence, causes a document to be lost or otherwise renders it unusable despite an obligation to submit it under the provision of Article 220 of the Code of Civil Procedure (including the cases where applied *mutatis mutandis* pursuant to Article 231 of said Code) as applied *mutatis mutandis* pursuant to paragraph (1), or where the party, for the purpose of obstructing observation, causes the subject matter of the observation to be lost or otherwise renders it unusable.
- (4) If a party falls under any of the following items, the family court shall punish him/her by a non-criminal fine of up to 100,000 yen:
- (i) where the party, without justifiable grounds, does not comply with an order to submit issued under the provision of Article 223, paragraph (1) of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to Article 229, paragraph (2) of said Code (including the cases where applied *mutatis mutandis* pursuant to Article 231 of said Code) as applied *mutatis mutandis* pursuant to paragraph (1);
  - (ii) where the party causes a document or any other object, which shows a person's handwriting or an impression of a seal to be used for comparison, to be lost or otherwise renders it unusable, for the purpose of obstructing such use for comparison; or
  - (iii) where the party, without justifiable grounds, does not comply with an order issued under the provision of Article 229, paragraph (3) of the Code of Civil Procedure (including the cases where applied *mutatis mutandis* pursuant to Article 231 of said Code) as applied *mutatis mutandis* pursuant to paragraph (1), or where the party writes letters to be used for comparison under such order, with a style of handwriting that is different from said party's own.
- (5) Where a family court examines a party, it may order that party to appear on a date for proceedings for adjudication of domestic relations.
- (6) The provisions of Articles 192 through 194 of the Code of Civil Procedure

shall apply mutatis mutandis where a party who is ordered to appear pursuant to the provision of preceding paragraph does not appear without justifiable grounds, and the provisions of Article 290, paragraphs (1) and (2) of said Code shall apply mutatis mutandis where a party appears but refuses to swear under oath or make statements without justifiable grounds.

**Subsection 5 Understanding of the Intention of Children in  
Proceedings for Adjudication of Domestic Relations**

Article 65 In proceedings for adjudication of domestic relations regarding a parent and child, parental authority or guardianship of a minor, or in proceedings for adjudication of domestic relations the outcome of which would affect a minor (including a minor ward; hereinafter the same shall apply in this Article), the family court shall endeavor to understand the intentions of the child by hearing statements from said child, having a family court probation officer conduct an examination or using any other appropriate methods, and to take the child's intentions into consideration in adjudicating the case, according to the child's age or degree of development.

**Subsection 6 Special Provisions for Proceedings for Adjudication of  
Domestic Relations Regarding Particulars Eligible for Conciliation of  
Domestic Relations**

(Jurisdiction by Agreement)

Article 66 (1) Adjudication cases regarding the particulars set forth in Appended Table 2 shall be subject to the jurisdiction of a family court determined by agreement between the parties, in addition to a family court determined pursuant to other provisions of this Act.

(2) The provisions of Article 11, paragraphs (2) and (3) of the Code of Civil Procedure shall apply mutatis mutandis to the agreement set forth in the preceding paragraph.

(Sending of Copy of Written Petition for Adjudication of Domestic Relations,  
etc.)

Article 67 (1) Where a petition for adjudication of domestic relations regarding any of the particulars set forth in Appended Table 2 is filed, the family court must send a copy of a Written Petition for Adjudication of Domestic Relations to the respondent, except when the petition is unlawful or the petition is clearly groundless; provided, however, that if it is found that there is a risk of interfering with smooth progress in the proceedings for adjudication of domestic relations, the family court may give notice to the respondent of the

fact that a petition for adjudication of domestic relations is filed, in lieu of sending a copy of a Written Petition for Adjudication of Domestic Relations.

- (2) The provisions of Article 49, paragraphs (4) through (6) shall apply mutatis mutandis where it is impossible to send a copy of a Written Petition for Adjudication of Domestic Relations or to give notice in lieu of sending such copy under the provision of the preceding paragraph.
- (3) Where the presiding judge specifies a reasonable period and orders a petitioner to prepay costs for sending a copy of a Written Petition for Adjudication of Domestic Relations or for giving notice in lieu of sending such copy under the provision of paragraph (1), but such costs are not prepaid, the presiding judge must, by a direction, dismiss the Written Petition for Adjudication of Domestic Relations.
- (4) An immediate appeal may be filed against the direction set forth in the preceding paragraph.

(Hearing Statements)

Article 68 (1) In proceedings for adjudication of domestic relations regarding any of the particulars set forth in Appended Table 2, the family court must hear statements from a party, except when the petition is unlawful or the petition is clearly groundless.

- (2) Upon the request of a party, the family court must hear said party's statements as provided for in the provision of preceding paragraph on the hearing date.

(Hearing Date)

Article 69 In proceedings for adjudication of domestic relations regarding any of the particulars set forth in Appended Table 2, when the family court examines facts by holding a hearing on a date set therefor and hearing statements from a party, another party may attend the hearing on said date; provided, however, that this shall not apply if it is found that the attendance of such other party at the hearing on said date is likely to interfere with the examination of facts.

(Notice of Examination of Facts)

Article 70 When a family court has examined the facts in proceedings for adjudication of domestic relations regarding any of the particulars set forth in Appended Table 2, it must give notice to that effect to a party and an Interested Party Intervenor, except when it finds it not to be particularly necessary to do so.

(Conclusion of Proceedings)

Article 71 In proceedings for adjudication of domestic relations regarding any of

the particulars set forth in Appended Table 2, the family court shall specify a date for concluding the proceedings, while leaving a reasonable grace period until said date, except when the petition is unlawful or the petition is clearly groundless; provided, however, that on a date for proceedings for adjudication of domestic relations on which both parties can attend, the family court may declare the conclusion of the proceedings immediately.

(Date of Ruling)

Article 72 When a family court concludes proceedings under the provision of preceding Article, it must specify a date for making a ruling.

### **Subsection 7 Rulings, etc.**

(Rulings)

Article 73 (1) When a case for adjudication of domestic relations is ready for making a judicial decision, the family court shall make a ruling.

(2) When part of a case for adjudication of domestic relations is ready for making a judicial decision, the family court shall make a ruling for such part of the case. The same shall apply when one of the cases for adjudication of domestic relations for which consolidation of proceedings has been ordered is ready for making a judicial decision.

(Notice and Effect of Rulings, etc.)

Article 74 (1) Except as otherwise provided, notice of a ruling must be given to parties and a Interested Party Intervenors as well as any other person subject to adjudication, by means considered to be appropriate.

(2) Except as otherwise provided, a ruling (excluding a ruling to dismiss a petition) shall become effective when notice thereof is given to a person subject to adjudication (if there are two or more persons subject to adjudication, one of these persons); provided, however, that a ruling against which an immediate appeal may be filed shall not become effective unless it becomes final and binding.

(3) A ruling to dismiss a petition shall become effective when notice thereof is given to the petitioner.

(4) A ruling shall not become final and binding prior to the expiration of the period for filing an immediate appeal.

(5) The process of a ruling becoming final and binding shall be interrupted by an immediate appeal filed during the period set forth in the preceding paragraph.

(Enforceability of Rulings)

Article 75 A ruling to order the payment of money, delivery of an object,

performance of an obligation to register or performance of any other act shall have the same effect as an enforceable title of obligation.

(Method of Rulings and Written Rulings)

Article 76 (1) A ruling shall be made by preparing a written ruling; provided, however, that in making a ruling against which an immediate appeal may not be filed, it shall be sufficient to state the main text of a ruling in the Written Petition for Adjudication of Domestic Relations or in a record, in lieu of preparing a written ruling.

(2) A written ruling must state the following particulars:

- (i) the main text;
- (ii) the essentials of the reasons;
- (iii) the party (parties) and the statutory agent(s); and
- (iv) the court.

(Order of Correction)

Article 77 (1) If there is a miscalculation, clerical error or any other clear error similar thereto in a ruling, the family court may, upon petition or by its own authority, make a ruling of correction at any time.

(2) A ruling of correction must be made by preparing a written order.

(3) An immediate appeal may be filed against a ruling of correction only by a person who may file an immediate appeal on the assumption that the corrected ruling is the original ruling.

(4) An immediate appeal may be filed against a judicial decision to dismiss the petition set forth in paragraph (1) as unlawful.

(5) When a lawful immediate appeal is filed against a ruling, the immediate appeal set forth in the preceding two paragraphs may not be filed.

(Revocation or Modification of Rulings)

Article 78 (1) When a family court has made a ruling and subsequently finds the ruling to be unreasonable, it may revoke or modify said ruling by its own authority, except for the following rulings:

- (i) a ruling to dismiss a petition in cases where a ruling is to be made only when a petition is filed; and
- (ii) a ruling against which an immediate appeal may be filed.

(2) After five years have passed since the day on which a ruling became final and binding, the family court may not revoke or modify it as provided for in the provision of preceding paragraph; provided, however, that this shall not apply where the family court finds said ruling to be unreasonable due to a change in circumstances.

(3) When a family court revokes or modifies a ruling pursuant to the provision of

paragraph (1), it must hear statements from the party to the adjudication and any other person subject to adjudication.

- (4) An immediate appeal may be filed against a ruling revoking or modifying the previous ruling under the provision of paragraph (1) only by a person who may file an immediate appeal on the assumption that the revoked or modified ruling is the original ruling.

(Application Mutatis Mutandis of the Code of Civil Procedure Concerning Rulings)

Article 79 The provisions of Article 247, Article 256, paragraph (1), and Article 258 (excluding the second sentence of paragraph (2) of said Article) of the Code of Civil Procedure shall apply mutatis mutandis to a ruling. In this case, the phrase "after the rendition" in Article 256, paragraph (1) of said Code shall be deemed to be replaced with "from the day on which notice of the ruling is first given to the person who is to receive notice of the ruling."

(Interlocutory Order)

- Article 80 (1) When a dispute on a legal relationship which will be the basis for an adjudication or any other interlocutory dispute is ready for making a judicial decision, the family court may make an interlocutory order.
- (2) An interlocutory order must be made by preparing a written order.

(Judicial Decisions Other Than Rulings)

- Article 81 (1) In proceedings for adjudication of domestic relations, the family court shall make a judicial decision by an order, except when making a ruling. In this case, the provisions of Articles 73 through 79 (excluding the proviso to Article 74, paragraph (2), Article 76, paragraph (1), and Article 78, paragraph (3)) shall apply mutatis mutandis.
- (2) A judicial decision concerning the control of proceedings for adjudication of domestic relations may be revoked at any time.
- (3) A judicial decision other than a ruling may be made by an assistant judge independently.

### **Subsection 8 Closing of Cases by Withdrawal**

(Withdrawal of Petitions for Adjudication of Domestic Relations)

- Article 82 (1) Except as otherwise provided, a petition for adjudication of domestic relations may be withdrawn in whole or in part before a ruling is made.
- (2) A petition for adjudication of domestic relations regarding any of the particulars set forth in Appended Table 2 may be withdrawn in whole or in

part before a ruling becomes final and binding; provided, however, that after a ruling is made, the withdrawal of a petition shall not become effective without the consent of the respondent.

- (3) Where the consent of the respondent is required for the withdrawal of a petition pursuant to the provision of proviso to the preceding paragraph and Article 153 (including the cases where applied mutatis mutandis pursuant to Article 199), the family court shall give notice to the respondent of the fact that the petition is withdrawn; provided, however, that this shall not apply where the petition is withdrawn orally on a date for proceedings for adjudication of domestic relations and the respondent attends the proceedings on that date.
- (4) If the respondent does not file an objection within two weeks from the day on which the respondent has received a notice given under the provision of main clause of the preceding paragraph, the respondent shall be deemed to have consented to the withdrawal of the petition. The same shall apply to the case as provided for in the provision of proviso to said paragraph where the respondent does not file an objection within two weeks from the day on which the petition has been withdrawn.
- (5) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure shall apply mutatis mutandis to the withdrawal of a petition for adjudication of domestic relations. In this case, the phrase "date for oral argument, preparatory proceedings or settlement (hereinafter referred to as the "Date for Oral Argument, etc." in this Chapter)" in the proviso to Article 261, paragraph (3) of said Code shall be deemed to be replaced with "date for proceedings for adjudication of domestic relations."

(Constructive Withdrawal of Petitions for Adjudication of Domestic Relations)  
Article 83 Where a petitioner for adjudication of domestic relations (in the case where the consent of the respondent is required for the withdrawal of a petition under Article 153 (including cases where applied mutatis mutandis pursuant to the provision of Article 199), both parties), on two consecutive occasions, fails to appear on a date for proceedings for adjudication of domestic relations where the petitioner is summoned, or appears on a date for proceedings for adjudication of domestic relations where the petitioner is summoned and leaves their seat without making any statements, the family court may deem that the petition has been withdrawn.

#### **Subsection 9 Proceedings Conducted by a High Court as Court of First Instance**

Article 84 (1) For the purpose of the application of the provisions of this Section in cases where a high court conducts proceedings for adjudication of domestic

relations as the court of first instance: in the provisions of said Section (excluding the provisions of Article 58, Article 59, paragraphs (1) through (3), Article 61, paragraphs (1) and (2), and Article 65), the term "family court" shall be deemed to be replaced with "high court"; in Article 39, Article 47, paragraph (6), Article 49, paragraph (3), Article 56, paragraph (2), Article 65, Article 72, Article 73, Article 74, paragraphs (1) through (3) (excluding the proviso to paragraph (2)), Article 75, Article 77, paragraph (1), Article 78 (excluding paragraph (1), item (ii), and paragraph (4)), Article 79, Article 80, paragraph (1), Article 81, paragraph (1), and Article 82, paragraphs (1) and (2), the term "ruling" shall be deemed to be replaced with "judicial decision in lieu of a ruling"; in Article 42, paragraph (2), the phrase "outcome of a ruling" shall be deemed to be replaced with "outcome of a judicial decision in lieu of a ruling"; in Article 58, paragraph (1), Article 59, paragraphs (1) through (3), Article 61, paragraph (1), and Article 65, the term "family court" shall be deemed to be replaced with "high court"; in Article 58, paragraph (3), the term "family court" shall be deemed to be replaced with "high court"; in Article 76, the term "written ruling" shall be deemed to be replaced with "written judicial decision"; in Article 76, paragraph (1), the term "ruling" shall be deemed to be replaced with "judicial decision in lieu of a ruling"; in the proviso to Article 76, the phrase "ruling against which an immediate appeal may not be filed" shall be deemed to be replaced with "judicial decision in lieu of a ruling against which an immediate appeal may not be filed on the assumption that it is a ruling by a family court"; and Article 78, paragraph (1), item (ii), the phrase "a ruling against which an immediate appeal may be filed" shall be deemed to be replaced with "judicial decision in lieu of a ruling against which an immediate appeal may be filed on the assumption that it is a ruling by a family court."

(2) The provisions of Articles 40 and 48 shall not apply where a high court conducts proceedings for adjudication of domestic relations as the court of first instance.

## **Section 2 Appeals**

### **Subsection 1 Appeals Against Rulings**

#### **Division 1 Immediate Appeals**

(Rulings Against Which Immediate Appeals May Be Filed)

Article 85 (1) An immediate appeal may be filed against a ruling only as specially provided.

(2) An immediate appeal may not be filed independently against a judicial decision on the burden of procedural costs.

(Period for Filing Immediate Appeal)

Article 86 (1) Except as otherwise provided, an immediate appeal against a ruling must be filed within an unextendable period of two weeks; provided, however, that this shall not preclude the effect of an immediate appeal filed prior to such period.

(2) Except as otherwise provided, the period for filing an immediate appeal shall run from the day on which a person who is to receive notice of a ruling received notice of a ruling if an immediate appeal is filed by said person, or from the day on which the petitioner received notice of a ruling if an immediate appeal is filed by a person other than a person who is to receive notice of a ruling (if there are two or more such days, the latest day), respectively.

(Method of Filing Immediate Appeals, etc.)

Article 87 (1) An immediate appeal must be filed by submitting a petition for appeal with the court of prior instance.

(2) A petition for appeal must state the following particulars:

- (i) the party (parties) and the statutory agent(s); and
- (ii) the indication of the ruling in prior instance, and a statement that an immediate appeal is filed against said ruling.

(3) If an immediate appeal is unlawful and it is obvious that such deficiency cannot be corrected, the court of prior instance must dismiss the appeal.

(4) An immediate appeal may be filed against a ruling made under the provision of preceding paragraph.

(5) The immediate appeal set forth in the preceding paragraph must be filed within an unextendable period of one week; provided, however, that this shall not preclude the effect of an immediate appeal filed prior to such period.

(6) The provision of Article 49, paragraphs (4) and (5) shall apply mutatis mutandis where a petition for appeal is in violation of paragraph (2) and where fees for filing an immediate appeal are not paid pursuant to the provision of Act on Costs of Civil Procedure.

(Sending of Copies of Petitions for Appeals, etc.)

Article 88 (1) Where an immediate appeal is filed against a ruling, the court in charge of the appeal shall send a copy of a petition for appeal to the party and Interested Party Intervenor in the prior instance (excluding the appellant), except when the immediate appeal is unlawful or the immediate appeal is clearly groundless; provided, however, that if it is found that there is a risk of interfering with the smooth progress of proceedings in the instance of an appeal, the court in charge of the appeal may give notice to those parties of the fact that an immediate appeal is filed, in lieu of sending a copy of a petition for appeal.

(2) Where the presiding judge specifies a reasonable period and orders an

appellant to prepay costs for sending a copy of a petition for appeal or giving notice in lieu of sending such copy under the provision of preceding paragraph, but such costs are not prepaid, the presiding judge must, by a direction, dismiss the petition for appeal.

(Hearings of Statements)

Article 89 (1) The court in charge of an appeal may not revoke the ruling in prior instance unless it hears statements from a party in the prior instance and any other person subject to adjudication (excluding the appellant).

(2) In adjudication cases regarding any of the particulars set forth in Appended Table 2, the court in charge of an appeal must hear statements from a party in the prior instance (excluding the appellant), except when the immediate appeal is unlawful or the immediate appeal is clearly groundless.

(Correction by Courts of Prior Instance)

Article 90 The court of prior instance must correct its ruling when it finds grounds for an immediate appeal filed against the ruling; provided, however, that a ruling regarding any of the particulars set forth in Appended Table 2 may not be corrected.

(Judicial Decisions by Courts in Charge of Appeals)

Article 91 (1) The court in charge of an appeal shall make a judicial decision on an immediate appeal in the form of an order.

(2) When the court in charge of an appeal finds grounds for an immediate appeal, it must by itself make a judicial decision in lieu of a ruling on the case for adjudication of domestic relations; provided, however, that this shall not apply when it remands the case to the court of first instance pursuant to the provision of Article 307 or Article 308, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 93, paragraph (3).

(Lack of Jurisdiction of Courts of Prior Instance)

Article 92 (1) Where the court in charge of an appeal finds that the whole or part of a case for adjudication of domestic relations (excluding adjudication cases regarding the particulars set forth in Appended Table 2) is not subject to the jurisdiction of the court of prior instance, it must revoke the ruling in prior instance; provided, however, that this shall not apply if it finds that there are special circumstances where it is appropriate to maintain the ruling in prior instance in light of developments in the proceedings, the nature of the case, the reasons for an appeal and other particulars.

(2) When the court in charge of an appeal revokes the ruling in prior instance on the grounds of lack of jurisdiction over a case for adjudication of domestic

relations, it must transfer the case to the family court which has jurisdiction over the case.

(Application Mutatis Mutandis of Provisions Concerning Proceedings for

Adjudication of Domestic Relations and of the Code of Civil Procedure, etc.)

Article 93 (1) Except as otherwise provided, with regard to an immediate appeal against a ruling and the proceedings in the instance of such an appeal, the provisions of Subsections 1 through 8 of the preceding Section (excluding the provisions of Article 40, Article 41, paragraph (4), Article 42, paragraph (6), Article 43, paragraph (2), Article 44, paragraph (2), Article 47, paragraphs (8) through (10), Article 48, Article 49, paragraph (6), Article 66, Article 67, paragraph (4), the proviso to paragraph (2) and paragraphs (4) and (5) of Article 74, the proviso to Article 76, paragraph (1), Article 77, paragraphs (3) through (5), Article 78, paragraph (4), Article 81, paragraph (3), and Article 83), the provision of Section 4 (excluding the provisions of Article 105, paragraph (2), Article 110, Article 111, and Article 113), and the provision of the following Chapter (excluding the provisions concerning the jurisdiction of a family court and an immediate appeal) shall apply mutatis mutandis. In this case, the phrase "a ruling against which an immediate appeal may be filed" in Article 78, paragraph (1), item (ii) shall be deemed to be replaced with "judicial decision in lieu of a ruling against which an immediate appeal may be filed on the assumption that it is a ruling by a family court."

(2) When the court in charge of an appeal is not required to send a copy of a petition for appeal or give notice of the filing of an immediate appeal as provided in the provision of Article 88, paragraph (1), it may dismiss an immediate appeal with or without prejudice on the merits, without taking the step of concluding proceedings under the provision of Article 71 as applied mutatis mutandis pursuant to the preceding paragraph.

(3) The provisions of Article 283, Article 284, Article 292, Article 298, paragraph (1), Article 299, paragraph (1), Article 302, Article 303, and Articles 305 through 308 of the Code of Civil Procedure shall apply mutatis mutandis to an immediate appeal against a ruling and proceedings in the instance of such an appeal. In this case, the phrase "Article 261, paragraph (3), Article 262, paragraph (1), and Article 263" in Article 292, paragraph (2) of said Code shall be deemed to be replaced with "Article 82, paragraph (5) and Article 83 of the Domestic Relations Case Procedure Act," and the term "Article 189" in Article 303, paragraph (5) of said Code shall be deemed to be replaced with "Article 291 of the Domestic Relations Case Procedure Act."

## **Division 2 Special Appeals**

(Judicial Decisions Against Which Special Appeals May Be Filed, etc.)

Article 94 (1) An appeal may specially be filed with the Supreme Court against a ruling of a family court against which no appeal is allowed to be made, and an order made by a high court on a case for adjudication of domestic relations, on the grounds that the respective judicial decision contains a misconstruction of the Constitution or any other violation of the Constitution.

(2) A court in charge of an appeal before which the appeal set forth in the preceding paragraph (hereinafter referred to as a "Special Appeal") is pending shall conduct an examination only with regard to the reasons for a Special Appeal indicated in a petition for appeal or a statement of reasons for an appeal.

(Stay of Execution of Judicial Decisions in Prior Instance)

Article 95 (1) A Special Appeal shall not have the effect of a stay of execution; provided, however, that the court in charge of the appeal set forth in paragraph (2) of the preceding Article or the court of prior instance may, upon petition, order a stay of execution of the judicial decision in the prior instance or any other necessary measures while requiring or not requiring the provision of security, until a judicial decision on the Special Appeal is made.

(2) Where security is to be provided pursuant to the provision of proviso to the preceding paragraph, if it is provided as a statutory deposit, such deposit must be made at the official depository located in the jurisdictional district of the family court which has jurisdiction over the location of the court that has ordered the provision of security.

(3) The provisions of Articles 76, 77, 79, and 80 of the Code of Civil Procedure shall apply mutatis mutandis to the security set forth in the preceding paragraph.

(Application Mutatis Mutandis of Provisions Concerning Immediate Appeal and of the Code of Civil Procedures)

Article 96 (1) The provision of Article 86, paragraph (2), Articles 87 through 89, Article 91, paragraph (1), and Article 93 shall apply mutatis mutandis to a Special Appeal and proceedings in the instance of such an appeal. In this case, the phrase "and paragraph (5)" in Article 87, paragraph (6) shall be deemed to be replaced with "through paragraph (6)."

(2) The provisions of Article 314, paragraph (2), Article 315, Article 316 (excluding paragraph (1), item (i)), Article 321, paragraph (1), Article 322, the first sentence of paragraph (1), paragraphs (2), the second sentence of paragraph (3), and paragraph (4) of Article 325, Article 326, and Article 336, paragraph (2) of the Code of Civil Procedure shall apply mutatis mutandis to a Special Appeal and proceedings in the instance of such an appeal. In this case:

in Article 314, paragraph (2) of said Code, the phrase "Article 288 and Article 289, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article" shall be deemed to be replaced with "Article 87, paragraph (6) of the Domestic Relations Case Procedure Act as applied mutatis mutandis by replacing certain terms and phrases pursuant to Article 96, paragraph (1) of said Act"; in Article 316, paragraph (2) of said Code, the phrase "may be filed against" shall be deemed to be replaced with "may be filed, within an unextendable period of one week, against"; in Article 322 of said Code, the phrase "the preceding two Articles" shall be deemed to be replaced with "the provision of Article 94, paragraph (2) of the Domestic Relations Case Procedure Act, and Article 321, paragraph (1) as applied mutatis mutandis pursuant to Article 96, paragraph (2) of said Act"; in the first sentence of paragraph (1) and paragraph (2) of Article 325 of said Code, the phrase "Article 312, paragraph (1) or (2)" shall be deemed to be replaced with "Article 94, paragraph (1) of the Domestic Relations Case Procedure Act"; in the second sentence of paragraph (3) of Article 325 of said Code, the phrase "In this case" shall be deemed to be replaced with "Where a court that has accepted a case remanded or transferred thereto makes a judicial decision"; and in paragraph (4) of Article 325 of said Code, the term "set forth in the preceding paragraph" shall be deemed to be replaced with "at a court that has accepted a case remanded or transferred thereto."

### **Division 3 Appeals with Permission**

- (Judicial Decisions Against Which Appeals with Permission May Be Filed, etc.)
- Article 97 (1) An appeal may be specially filed with the Supreme Court against an order made by a high court on a case for adjudication of domestic relations (excluding an order on the petition set forth in the following paragraph), only if that high court permits it pursuant to the following paragraph, in addition to the case under the provision of Article 94, paragraph (1); provided, however, that this shall apply only where an immediate appeal may be filed against the order on the assumption that it is a ruling made by a family court.
- (2) Where the order set forth in the preceding paragraph contains a determination that is inconsistent with precedents rendered by the Supreme Court (or precedents rendered by the former Supreme Court or those rendered by high courts as the final appellate court or the court in charge of an appeal against a ruling, if there are no precedents rendered by the Supreme Court) or where said order is found to involve other material particulars concerning the construction of laws and regulations, the high court set forth in said paragraph must, upon petition, permit an appeal against said order.
- (3) The petition set forth in the preceding paragraph may not state the grounds

prescribed in Article 94, paragraph (1) as reasons for appeal.

- (4) Where permission is granted under the provision of paragraph (2), it shall be deemed that the appeal set forth in paragraph (1) (hereinafter referred to as an "Appeal with Permission" in this Article and the paragraph (1) of the following Article) has been filed.
- (5) The court in charge of an appeal before which an Appeal with Permission is pending shall conduct an examination only with regard to the reasons for the Appeal with Permission indicated in a petition for permission under the provision of paragraph (2) or a statement of reasons for a petition under said paragraph.
- (6) The court in charge of an appeal before which an Appeal with Permission is pending may quash the order in the prior instance if it contains a violation of laws or regulations that apparently affects a judicial decision.

(Application Mutatis Mutandis of Provisions Concerning Immediate Appeals, etc. and of the Code of Civil Procedure)

Article 98 (1) The provisions of Article 86, paragraph (2), Article 87 (excluding paragraphs (4) and (5)), Article 88, Article 89, Article 91, paragraph (1), Article 93, and Article 95 shall apply mutatis mutandis to an Appeal with Permission and proceedings in the instance of such an appeal. In this case: the term "immediate appeal" in Article 86, paragraph (2), Article 87, paragraph (1), paragraph (2), item (ii), and paragraph (3), Article 88, paragraph (1), and Article 89, paragraph (2), the phrase "filing an immediate appeal" in Article 87, paragraph (6), and the term "Special Appeal" in the main clause of Article 95, paragraph (1) shall be deemed to be replaced with "petition set forth in Article 97, paragraph (2)"; the term "petition for appeal" in Article 87, paragraphs (1), (2), and (6), Article 88, and Article 93, paragraph (2) shall be deemed to be replaced with "petition for permission under the provision of Article 97, paragraph (2)"; the term "immediate appeal" in Article 91, paragraph (1), the first sentence of paragraph (1), and paragraphs (2) and (3) of Article 93, and the term "Special Appeal" in the proviso to Article 95, paragraph (1) shall be deemed to be replaced with "Appeal with Permission."

- (2) The provisions of Article 315 and Article 336, paragraph (2) of the Code of Civil Procedure shall apply mutatis mutandis to the petition set forth in paragraph (2) of the preceding Article; the provision of Article 318, paragraph (3) of said Code shall apply mutatis mutandis where permission is to be granted under the provision of paragraph (2) of the preceding Article; and the provisions of second sentence of Article 318, paragraph (4), Article 321, paragraph (1), Article 322, the first sentence of paragraph (1), paragraph (2), the second sentence of paragraph (3), and paragraph (4) of Article 325, and Article 326 of said Code shall apply mutatis mutandis where permission has

been granted under the provision of paragraph (2) of the preceding Article. In this case, the term "Article 320" in the second sentence of Article 318, paragraph (4) of said Code shall be deemed to be replaced with "Article 97, paragraph (5) of the Domestic Relations Case Procedure Act"; the phrase "the preceding two Articles" in Article 322 of said Code shall be deemed to be replaced with "the provision of Article 97, paragraph (5) of the Domestic Relations Case Procedure Act, and Article 321, paragraph (1) as applied mutatis mutandis pursuant to Article 98, paragraph (2) of said Act"; the phrase "Article 312, paragraph (1) or (2)" in the first sentence of paragraph (1) and paragraph (2) of Article 325 of said Code shall be deemed to be replaced with "Article 97, paragraph (2) of the Domestic Relations Case Procedure Act"; the phrase "In this case" in the second sentence of Article 325, paragraph (3) of said Code shall be deemed to be replaced with "Where a court that has accepted a case remanded or transferred thereto makes a judicial decision"; and in paragraph (4) of Article 325 of said Code, the term "set forth in the preceding paragraph" shall be deemed to be replaced with "at a court that has accepted a case remanded or transferred thereto."

### **Subsection 2 Appeals Against Judicial Decisions Other Than Rulings**

(Subject of Appeals)

Article 99 An immediate appeal may be filed against a judicial decision other than a ruling only as specially provided.

(Objection to Judicial Decisions Made by Authorized Judges or Commissioned Judges)

Article 100 (1) A party who disagrees with a judicial decision made by an authorized judge or commissioned judge may file an objection with the court before which the case for adjudication of domestic relations is pending; provided, however, that this shall apply only where an immediate appeal may be filed against the judicial decision on the assumption that it is a judicial decision by a family court.

(2) An immediate appeal may be filed against a judicial decision on the objection set forth in the preceding paragraph.

(Period of Filing Immediate Appeals, etc.)

Article 101 (1) An immediate appeal against a judicial decision other than a ruling must be filed within an unextendable period of one week; provided, however, that this shall not preclude the effect of an immediate appeal filed prior to such period.

(2) Except as otherwise provided, the immediate appeal set forth in the preceding

paragraph shall not have the effect of a stay of execution; provided, however, that the court in charge of the appeal or the court of prior instance may, upon petition, order a stay of execution of the judicial decision in prior instance or any other necessary measures while requiring or not requiring the provision of security, until a judicial decision on the immediate appeal is made.

- (3) The provisions of Article 95, paragraphs (2) and (3) shall apply mutatis mutandis to the security deposit and security in the case where security is provided under the provision of proviso to the preceding paragraph.

(Application Mutatis Mutandis of Provisions Concerning Appeals Against Rulings)

Article 102 The provisions of preceding Subsection (excluding the provisions of Article 85, paragraph (1), Article 86, paragraph (1), and Articles 88 and 89 (including the cases where these provisions are applied mutatis mutandis pursuant to Article 96, paragraph (1) and Article 98, paragraph (1)) shall apply mutatis mutandis to an appeal against a judicial decision other than a ruling, which is made by a court or judge or the presiding judge.

**Section 3 Retrials**

(Retrials)

Article 103 (1) A petition for retrial may be filed against a ruling or any other judicial decision that has become final and binding (limited to such judicial decision that concludes a case; the same shall apply in paragraph (5)).

- (2) With regard to proceedings for retrial, unless they are contrary to the nature thereof, the provisions concerning proceedings in the respective instances shall apply mutatis mutandis.
- (3) The provisions of Part IV of the Code of Civil Procedure (excluding the provisions of Articles 341 and 349 of said Code) shall apply mutatis mutandis to the petition for retrial set forth in paragraph (1) and the proceedings thereof. In this case, the phrase "conduct a trial and make a judicial decision on the merits to the extent that an appeal is entered" in Article 348, paragraph (1) of said Code shall be deemed to be replaced with "conduct proceedings and make a judicial decision on the merits."
- (4) The immediate appeal against a ruling of commencement of retrial as set forth in Article 346, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph shall have the effect of a stay of execution.
- (5) An immediate appeal may be filed against an order to dismiss a petition for retrial against a ruling or any other judicial decision pursuant to the provision of Article 348, paragraph (2) of the Code of Civil Procedure as applied mutatis

mutandis pursuant to paragraph (3), only by a person who may file an immediate appeal against said ruling or judicial decision.

(Judicial Decision of a Stay of Execution)

Article 104 (1) Where the petition for retrial set forth in paragraph (1) of the preceding Article is filed, and if the circumstances alleged as reasons for an appeal appear to be legally well-grounded, a prima facie showing is made on factual particulars, and a prima facie showing is made to the effect that execution is likely to cause damage that cannot be compensated for, the court may, upon petition, order a temporary stay of compulsory execution while requiring or not requiring the provision of security, or order the revocation of the disposition of execution already taken while requiring the provision of security.

(2) No appeal may be entered against a judicial decision on a petition filed under the provision of preceding paragraph.

(3) The provisions of Article 95, paragraphs (2) and (3) shall apply mutatis mutandis to the security deposit and security in the case where security is provided under the provision of paragraph (1).

#### **Section 4 Provisional Order Prior to Rulings**

(Provisional Order Prior to Rulings)

Article 105 (1) A family court before which a case for adjudication of domestic relations on the merits (if a petition for conciliation of domestic relations is filed with regard to the matter addressed in a case for adjudication of domestic relations, such case for conciliation of domestic relations) is pending may make a ruling to issue a ruling of provisional seizure, provisional disposition or the appointment of an administrator of property or any other necessary provisional orders, as provided for by this Act.

(2) Where a case for adjudication of domestic relations on the merits is pending before a high court, that high court shall make a judicial decision in lieu of the ruling set forth in the preceding paragraph.

(Petition for a Provisional Order Prior to Rulings, etc.)

Article 106 (1) A petition for a provisional order prior to a ruling (such provisional order shall mean a judicial decision in lieu of the ruling set forth in paragraph (1) of the preceding Article and the ruling set forth in paragraph (2) of said Article; the same shall apply hereinafter) must be filed by clarifying the purpose thereof and the grounds for seeking a provisional order.

(2) A petitioner for a provisional order prior to a ruling must make a prima facie showing of the grounds for seeking a provisional order.

- (3) Where a petition for a provisional order prior to a ruling is filed, the family court (or a high court in the case set forth in paragraph (2) of the preceding Article) may, when it finds it to be necessary, examine the facts and evidence by its own authority.
- (4) A petition for a provisional order prior to a ruling may be withdrawn in whole or in part even after a provisional order prior to a ruling is issued.

(Hearing Statements)

Article 107 A provisional order prior to a ruling, which is to order a provisional disposition to determine a provisional status, may not be issued without hearing statements from a person who is to be subject to adjudication; provided, however, that this shall not apply when there are circumstances where taking the step to hear such a person's statements makes it impossible to achieve the purpose of the provisional order.

(Inspection of Records, etc.)

Article 108 Notwithstanding the provision of Article 47, paragraph (3), where a party files a petition for permission under the provisions of paragraph (1) or (2) of said Article with regard to a case for a provisional order prior to a ruling, the family court (or a high court in the case set forth in Article 105, paragraph (2)) may give notice to a person who is to be subject to adjudication in the case for a provisional order prior to a ruling, of the fact that the case is now pending before it, or may grant permission only when it finds it to be appropriate and only before it gives notice of a provisional order prior to a ruling.

(Rulings)

- Article 109 (1) A provisional order prior to a ruling shall be issued based on a prima facie showing.
- (2) The provision of proviso to Article 74, paragraph (2) shall not apply to a provisional order prior to a ruling.
  - (3) The execution and effect of a provisional order prior to a ruling shall be governed by the Civil Provisional Remedies Act (Act No. 91 of 1989) and other laws and regulations concerning the execution and effect of a provisional seizure and a provisional disposition. In this case, the phrase "the district court which has jurisdiction over the location of the property to be provisionally seized or the disputed subject matter" in Article 45 of said Act shall be deemed to be replaced with "the family court before which a case for adjudication of domestic relations on the merits (if a petition for conciliation of domestic relations is filed with regard to the matter addressed in a case for adjudication of domestic relations, such case for conciliation of domestic relations) is pending (if the case for adjudication of domestic relations is

pending before a high court, the court of prior instance)."

(Immediate Appeals)

Article 110 (1) A petitioner for a provisional order prior to a ruling (excluding the judicial decision in lieu of a ruling set forth in Article 105, paragraph (2); the same shall apply in the following paragraph) may file an immediate appeal against a ruling to dismiss the petition; provided, however, that this shall not apply to a ruling to dismiss a petition for any of the following provisional orders:

- (i) a provisional order for the appointment of an administrator of property or for the instructions on the administration of property, etc. under the provisions of Article 126, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 134, paragraph (1) and Article 143, paragraph (1)), Article 158, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 242, paragraph (3)), and Article 200, paragraph (1); and
  - (ii) a provisional order for the appointment of a person acting as a representative under the provision of Article 127, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 135, Article 144, Article 181, and Article 225, paragraph (1)), Article 166, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to paragraph (5) of said Article), Article 174, paragraph (1) (including the cases where applied *mutatis mutandis* pursuant to Article 242, paragraph (3)), Article 175, paragraph (3), and Article 215, paragraph (1).
- (2) A person who may file an immediate appeal against a ruling on a petition for adjudication of domestic relations on the merits (excluding a ruling to dismiss a petition) may file an immediate appeal against a provisional order prior to a ruling (excluding a ruling to issue any of the provisional orders set forth in the items of the preceding paragraph).

(Stay of Execution upon the Filing of an Immediate Appeal)

Article 111 (1) Where an immediate appeal is filed under the provision of paragraph (2) of the preceding Article, and if a *prima facie* showing is made with regard to the circumstances which will obviously be the grounds for revocation of the ruling in the prior instance and the likelihood that the execution of the ruling in the prior instance will cause damage that cannot be compensated for, the court in charge of appeal may, upon petition, order a stay of execution of the ruling in the prior instance while requiring the provision of security immediately or on condition that security will be provided or while not requiring it, or order the revocation of a disposition of execution already made while requiring the provision of security immediately or on condition that

security will be provided, until a judicial decision on the immediate appeal becomes effective. A family court may also issue these orders while it retains a record of the case for a provisional order prior to a ruling.

- (2) The provisions of Article 106, paragraphs (2) and (3) shall apply mutatis mutandis to the petition set forth in the preceding paragraph.

(Revocation of a Provisional Order Prior to a Ruling)

Article 112 (1) Where a provisional order prior to a ruling has become final and binding, and the grounds for seeking a provisional order have ceased to exist or where otherwise the circumstances have changed thereafter, the family court before which a case for adjudication of domestic relations on the merits (if a petition for the conciliation of domestic relations is filed with regard to the matter addressed in a case for adjudication of domestic relations, such case for conciliation of domestic relations) is pending or the family court that has made the provisional order prior to a ruling may make a ruling to revoke the provisional order prior to a ruling upon the petition of a person who may file an immediate appeal against a ruling on a petition for adjudication of domestic relations on the merits (excluding a ruling to dismiss a petition) or by its own authority.

- (2) Where a case for adjudication of domestic relations on the merits is pending before a high court, that high court shall make a judicial decision in lieu of the ruling to dismiss a provisional order prior to a ruling set forth in the preceding paragraph.
- (3) The provisions of Article 106 and Article 109, paragraphs (1) and (2) shall apply mutatis mutandis to the ruling to dismiss a provisional order prior to a ruling set forth in paragraph (1) and to the judicial decision set forth in the preceding paragraph.

(Immediate Appeals, etc.)

Article 113 (1) A petitioner for the ruling to dismiss a provisional order prior to a ruling set forth in paragraph (1) of the preceding Article may file an immediate appeal against a ruling to dismiss the petition (excluding a ruling to dismiss a petition for revocation of any of the provisional orders set forth in the items of Article 110, paragraph (1)).

- (2) A petitioner for a provisional order prior to a ruling may file an immediate appeal against the ruling to revoke a provisional order prior to a ruling set forth in paragraph (1) of the preceding Article (excluding a ruling to revoke any of the provisional orders set forth in the items of Article 110, paragraph (1)), and against a ruling of restoration under the provision of Article 33 of the Civil Provisional Remedies Act as applied mutatis mutandis pursuant to Article 115.
- (3) The provision of Article 111 shall apply mutatis mutandis to a stay of

execution upon the filing of an immediate appeal under the preceding two paragraphs.

(Preparation of Records)

Article 114 (1) A court clerk must prepare records regarding a date for proceedings for a provisional order prior to a ruling; provided, however, that this shall not apply if the presiding judge finds it to be unnecessary to prepare such records.

(2) The provision of Article 46 shall not apply to proceedings for a provisional order prior to a ruling.

(Application Mutatis Mutandis of the Civil Provisional Remedies Act)

Article 115 The provision of Article 4 of the Civil Provisional Remedies Act shall apply mutatis mutandis to the security required in proceedings for a provisional order prior to a ruling; Articles 14, 15, and 20 through 24 of said Act (excluding Article 23, paragraph (4) of said Act) shall apply mutatis mutandis to a provisional order prior to a ruling; Article 33 of said Act shall apply mutatis mutandis to a judicial decision to revoke a provisional order prior to a ruling; and Article 34 of said Act shall apply mutatis mutandis to the ruling to revoke a provisional order prior to a ruling set forth in Article 112, paragraph (1).

### **Section 5 Commission of Entry in Family Registers, etc.**

Article 116 In the following cases, a court clerk shall, without delay, commission a person who administers affairs relating to family registers or a registry office to make an entry in a family register or make a registration as provided in the Act on Guardianship Registration, etc. (Act No. 152 of 1999), as provided for by the Rules of the Supreme Court; provided, however, that this shall only apply to the cases specified by the Rules of the Supreme Court as requiring an entry in a family register or registration under said Act to be commissioned to such person or office:

- (i) where a ruling on any of the particulars set forth in Appended Table 1 or a judicial decision in lieu of such ruling becomes effective; and
- (ii) where a provisional order prior to a ruling becomes effective or loses its effect.

## **Chapter II Cases for Adjudication for Domestic Relations**

### **Section 1 Adjudication Cases Regarding Guardianship of Adult**

(Jurisdiction)

Article 117 (1) An adjudication case for the commencement of guardianship (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (1); the same shall apply in the following paragraph and item (i) of the following Article) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person who is to be an adult ward.

(2) Adjudication cases regarding the guardianship of an adult (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (1) through (16)), except for an adjudication case for the commencement of guardianship, shall be subject to the jurisdiction of a family court that has made a ruling of the commencement of guardianship (if the court in charge of an appeal has made a judicial decision of the commencement of guardianship, the family court that is the court of first instance); provided, however, that if an adjudication case for the commencement of guardianship is pending before a family court, these cases shall be subject to that family court.

(Capacity to Perform Procedural Acts)

Article 118 In the following adjudication cases (including adjudication cases for a provisional order sought by designating the adjudication cases set forth in items (i), (iv) and (vi) as cases on the merits), a person who is to be an adult ward and adult wards may perform procedural acts themselves, not through their statutory agent, notwithstanding the provision of Article 31 of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 17, paragraph (1). The same shall apply where such person is a person under curatorship or a person under assistance (limited to a person under assistance who is required to obtain consent from the assistant for performing procedural acts) and said person has not obtained consent from the curator or supervisor of the curator or the assistant or supervisor of the assistant:

- (i) an adjudication case for the commencement of guardianship;
- (ii) an adjudication case for the revocation of a ruling of the commencement of guardianship (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (2));
- (iii) an adjudication case for the appointment of a guardian of an adult (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (3));
- (iv) an adjudication case for the dismissal of a guardian of an adult (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (5); the same shall apply in Article 127, paragraph (1));
- (v) an adjudication case for the appointment of a supervisor of a guardian of an adult (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (6));

- (vi) an adjudication case for the dismissal of a supervisor of a guardian of an adult (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (8); the same shall apply in Article 127, paragraph (5));
- (vii) an adjudication case for the appointment of a special agent for an adult ward (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (12));
- (viii) an adjudication case for the supervision of the affairs of the guardianship of an adult (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (14)); and
- (ix) an adjudication case of a disposition regarding the administration of property offered to an adult ward by a third party (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (15); the same shall apply in Article 125, paragraphs (1) and (2)).

(Expert Examinations and Hearing of Opinions Concerning Mental State)

Article 119 (1) A family court may not make a ruling of the commencement of guardianship unless it conducts an expert examination concerning the mental state of a person who is to be an adult ward; provided, however, that this shall not apply if it finds such examination to be obviously unnecessary.

(2) A family court may not make a ruling to revoke a ruling of the commencement of guardianship under the provision of Article 10 of the Civil Code unless it hears the opinion of a physician concerning the mental state of an adult ward; provided, however, that this shall not apply if it finds such hearing of opinions to be obviously unnecessary.

(Hearing Statements and Opinions)

Article 120 (1) When making the rulings set forth in the following items, the family court shall hear statements from the persons specified respectively in these items (in items (i) through (iii), excluding the petitioner); provided, however, that this shall not apply to a person who is to be an adult ward or is an adult ward if it is impossible to hear their opinions due to said adult ward's mental or physical disability:

- (i) a ruling of the commencement of guardianship: the person who is to be an adult ward;
- (ii) a ruling to revoke a ruling of the commencement of guardianship (limited to the case under the provision of Article 10 of the Civil Code): the adult ward and a guardian of that adult;
- (iii) a ruling of the appointment of a guardian of an adult or supervisor of a guardian of an adult: the person who is to be an adult ward or the adult ward;

- (iv) a ruling of the dismissal of a guardian of an adult: the guardian of an adult; and
  - (v) a ruling of the dismissal of a supervisor of a guardian of an adult: the supervisor of a guardian of an adult.
- (2) When making the rulings set forth in the following items, the family court must hear the opinions of the persons specified respectively in these items:
- (i) a ruling of the appointment of a guardian of an adult: the person who is to be a guardian of an adult; and
  - (ii) a ruling of the appointment of a supervisor of a guardian of an adult: the person who is to be a supervisor of a guardian of an adult.

(Restrictions on the Withdrawal of Petitions)

Article 121 The following petitions may not be withdrawn without permission from the family court, even before a ruling is made:

- (i) a petition for the commencement of guardianship;
- (ii) a petition for the appointment of a guardian of an adult under the provision of Article 843, paragraph (2) of the Civil Code; and
- (iii) a petition for the appointment of a guardian of an adult under the provision of Article 843, paragraph (3) of the Civil Code filed by a person who shall request such appointment pursuant to the provision of Article 845 of said Code.

(Notices of Rulings, etc.)

Article 122 (1) Notice of a ruling of the commencement of guardianship must be given to a person who is to be an adult ward. In this case, the provision of Article 74, paragraph (1) shall not apply to the person who is to be an adult ward.

- (2) Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1):
- (i) a ruling of the commencement of guardianship: the person who is appointed as a guardian of an adult pursuant to the provision of Article 843, paragraph (1) of the Civil Code, and the voluntarily appointed guardian and the supervisor of the voluntarily appointed guardian under a voluntary guardianship contract that is to terminate pursuant to the provision of Article 10, paragraph (3) of the Act on Voluntary Guardianship Contract (Act No. 150 of 1999; hereinafter referred to as the "Voluntary Guardianship Contract Act"); and
  - (ii) a ruling to revoke a ruling of the commencement of guardianship: a guardian of an adult and a supervisor of a guardian of an adult.

(Immediate Appeals)

Article 123 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in item (i), excluding the petitioner):

- (i) a ruling of the commencement of guardianship: the persons prescribed in Article 7 of the Civil Code and those prescribed in Article 10, paragraph (2) of the Voluntary Guardianship Contract Act;
- (ii) a ruling to dismiss a petition for the commencement of guardianship: the petitioner;
- (iii) a ruling to dismiss a petition for the revocation of a ruling of the commencement of guardianship: the persons prescribed in Article 10 of the Civil Code;
- (iv) a ruling of the dismissal of a guardian of an adult: the adult ward;
- (v) a ruling to dismiss a petition for the dismissal of a guardian of an adult: the petitioner and the supervisor of the guardian of an adult, as well as the adult ward and said adult ward's relative;
- (vi) a ruling of the dismissal of a supervisor of a guardian of an adult: the supervisor of a guardian of an adult; and
- (vii) a ruling to dismiss a petition for the dismissal of a supervisor of a guardian of an adult: the petitioner, as well as the adult ward and said adult ward's relative.

(2) The period for filing an immediate appeal against a ruling of the commencement of guardianship to be filed by a person other than a person who receives notice of a ruling shall run from the day on which a person who is appointed as a guardian of an adult pursuant to the provision of Article 843, paragraph (1) of the Civil Code received notice of a ruling (if there are two or more such days, the latest day).

(Supervision of the Affairs of Guardianship of Adults)

Article 124 (1) A family court may have an appropriate person examine the affairs of the guardianship of an adult or the status of the property of an adult ward, or administer such property temporarily.

(2) A family court may grant a reasonable remuneration to the person who has conducted an examination or administration pursuant to the provision of preceding paragraph, out of the property of the adult ward.

(3) A family court may have a family court probation officer conduct an examination under the provision of paragraph (1).

(4) The provisions of Articles 644, 646, 647, and 650 of the Civil Code shall apply mutatis mutandis to the person who administers property pursuant to paragraph (1).

(Replacement of Administrators, etc.)

Article 125 (1) A family court may, at any time, replace an administrator whom it has appointed in an adjudication case for a disposition regarding the administration of property offered to an adult ward by a third party, with another.

(2) A family court may order an administrator whom it has appointed in an adjudication case for a disposition regarding the administration of property offered to an adult ward by a third party (including an administrator appointed as a replacement pursuant to the provision of preceding paragraph; hereinafter referred to as an "Administrator of Property" in this Article) to report on the status of the property and settle the account for administration.

(3) The costs required for the report and settlement of the account set forth in the preceding paragraph shall be paid out of the property of an adult ward.

(4) A family court may issue an order to an Administrator of Property for an increase or decrease in or a change to the security that said administrator has provided, or an exemption from providing the security.

(5) When a ruling to order a mortgage to be established on the real property or a vessel owned by an Administrator of Property becomes effective, a court clerk must commission the registration of the establishment thereof. The same shall apply to a registration of change or the extinction of a mortgage thus established.

(6) The provisions of Articles 644, 646, 647, and 650 of the Civil Code shall apply mutatis mutandis to an Administrator of Property.

(7) When an adult ward has become able to administer their own property, the property under administration no longer exists or it has otherwise become inappropriate to continue to place said adult ward's property under administration, the family court shall make a ruling to revoke the appointment of an Administrator of Property or any other disposition regarding the administration of property, upon the petition of the adult ward, the Administrator of Property or any interested party or by its own authority.

(Provisional Order during a Case on the Merits to Adjudicate Commencement of Guardianship)

Article 126 (1) Where a petition for the commencement of guardianship is filed, and when it is necessary for daily life, medical treatment and nursing care or administration of the property of a person who is to be an adult ward, the family court (or a high court in the case set forth in Article 105, paragraph (2); hereinafter the same shall apply in this Article and the following Article) may, upon petition or by its own authority, appoint an administrator of property or give instructions to a party concerned with the case with regard to the particulars regarding daily life, medical treatment and nursing care or

administration of the property of the person who is to be an adult ward, while not requiring the provision of security, until a ruling on the petition for the commencement of guardianship becomes effective.

- (2) Where a petition for the commencement of guardianship is filed, and when it is particularly necessary for the preservation of the property of a person who is to be an adult ward, the family court may, upon the petition of the person who has filed said petition, order that the person who is to be an adult ward becomes subject to the guardianship of the administrator of property set forth in the preceding paragraph in performing acts in relation to property (excluding the acts prescribed in the proviso to Article 9 of the Civil Code; the same shall apply in paragraph (7)), until a ruling on the petition for the commencement of guardianship becomes effective.
- (3) When it is impossible to hear the opinions of a person who is to be an adult ward due to said person's mental or physical disability, the family court may, notwithstanding the provision of Article 107, make a ruling under the provision of preceding paragraph (referred to as a "Ruling to Order Guardianship" in the following paragraph through paragraph (7)) without taking the step of hearing said person's statements.
- (4) A Ruling to Order Guardianship shall become effective when notice thereof is given to the administrator of the property set forth in paragraph (1) (if there are two or more such administrators, one of them).
- (5) Notice of a Ruling to Order Guardianship must be given to a person who is to be an adult ward. In this case, the provision of Article 74, paragraph (1) shall not apply to a person who is to be an adult ward.
- (6) The period for filing an immediate appeal against a Ruling to Order Guardianship to be filed by a person other than a person who receives notice of a ruling shall run from the day on which the administrator of property set forth in paragraph (1) receives notice under the provision of paragraph (4) (if there are two or more such days, the latest day).
- (7) When a Ruling to Order Guardianship is made, the person who is to be an adult ward and the administrator of property set forth in paragraph (1) may rescind acts performed in relation to property by the person who is to be an adult ward. In this case, the provisions of the Civil Code concerning the rescission of acts performed by a person with limited capacity to act shall apply *mutatis mutandis*.
- (8) The provisions of Paragraphs (1) through (6) of the preceding Article, and the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply *mutatis mutandis* to the administrator of property set forth in paragraph (1). In this case, the term "an adult ward" in paragraph (3) of the preceding Article shall be deemed to be replaced with "a person who is to be an adult ward."

(Provisional Order during a Case on the Merits to Adjudicate Dismissal of a Guardian of an Adult, etc.)

- Article 127 (1) Where an adjudication case for the dismissal of a guardian of an adult is pending before a family court, and when it is necessary for the interests of the adult ward, the family court may, upon the petition of the person who has filed a petition for the dismissal of the guardian of the adult or by its own authority, suspend the performance of duties by the guardian of the adult or appoint a person acting as the representative thereof, until a ruling on the dismissal of the guardian of the adult becomes effective.
- (2) A ruling to suspend the performance of duties by a guardian of an adult under the provision of preceding paragraph shall become effective when notice thereof is given to the guardian of the adult who is to be suspended from performing duties, any other guardian of the adult or a person acting as a representative appointed pursuant to the provision of said paragraph.
- (3) A family court may, at any time, replace a person acting as a representative appointed pursuant to the provision of paragraph (1), with another.
- (4) A family court may grant a reasonable remuneration to a person acting as a representative appointed pursuant to paragraph (1) or a person acting as a representative appointed as a replacement pursuant to the provision of preceding paragraph, out of the property of the adult ward.
- (5) The provision of preceding paragraphs shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the dismissal of a supervisor of a guardian of an adult as a case on the merits.

## **Section 2 Adjudication Cases Regarding Curatorship**

(Jurisdiction)

- Article 128 (1) An adjudication case for the commencement of curatorship (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (17); the same shall apply hereinafter) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person who is to be a person under curatorship.
- (2) Adjudication cases regarding curatorship (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (17) through (35)), except for an adjudication case for the commencement of curatorship, shall be subject to the jurisdiction of a family court that has made a ruling of the commencement of curatorship (if the court in charge of an appeal has made a judicial decision of commencement of curatorship, the family court that is the court of first instance); provided, however, that if an adjudication case for the commencement of curatorship is pending before a family court, these cases

shall be subject to that family court.

(Capacity to Perform Procedural Acts)

Article 129 The provision of Article 118 shall apply mutatis mutandis to a person who is to be a person under curatorship and to a person under curatorship in the following adjudication cases (including adjudication cases for a provisional order sought by designating the adjudication cases set forth in items (i), (vii) and (ix) as cases on the merits):

- (i) an adjudication case for the commencement of curatorship;
- (ii) an adjudication case for the determination of acts which require the consent of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (18));
- (iii) an adjudication case for permission in lieu of the consent of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (19));
- (iv) an adjudication case for the revocation of a ruling of the commencement of curatorship (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (20));
- (v) an adjudication case for the revocation of a ruling to determine acts which require the consent of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (21));
- (vi) an adjudication case for the appointment of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (22));
- (vii) an adjudication case for the dismissal of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (24); the same shall apply in Article 135);
- (viii) an adjudication case for the appointment of a supervisor of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (26));
- (ix) an adjudication case for the dismissal of a supervisor of a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (28); the same shall apply in Article 135);
- (x) an adjudication case for vesting the authority of representation in a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (32));
- (xi) an adjudication case for the revocation of a ruling to vest the authority of representation in a curator (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (33)); and
- (xii) an adjudication case for the supervision of the affairs of curatorship (meaning an adjudication case regarding the particulars set forth in

Appended Table 1, row (34)).

(Hearing Statements and Opinions)

Article 130 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (in items (i), (ii), (iv) and (v), excluding the petitioner):

- (i) a ruling of the commencement of curatorship: the person who is to be a person under curatorship;
- (ii) a ruling to determine acts which require the consent of a curator: the person who is to be a person under curatorship or a person under curatorship;
- (iii) a ruling of permission in lieu of the consent of a curator: the person under curatorship;
- (iv) a ruling to revoke a ruling of the commencement of curatorship (limited to the case under the provision of Article 14, paragraph (1) of the Civil Code): the person under curatorship and the curator;
- (v) a ruling of the appointment of a curator or a supervisor of a curator: the person who is to be a person under curatorship or the person under curatorship;
- (vi) a ruling of the dismissal of a curator: the curator; and
- (vii) a ruling of the dismissal of a supervisor of a curator: the supervisor of a curator.

(2) When making the rulings set forth in the following items, the family court must hear the opinions of the persons specified respectively in these items:

- (i) a ruling of the appointment of a curator: the person who is to be a curator; and
- (ii) a ruling of the appointment of a supervisor of a curator: the person who is to be a supervisor of a curator.

(Notice of Rulings)

Article 131 Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1):

- (i) a ruling of the commencement of curatorship: the person who is appointed as a curator pursuant to the provision of Article 876-2, paragraph (1) of the Civil Code, and the voluntarily appointed guardian and the supervisor of the voluntarily appointed guardian under a voluntary guardianship contract that is to terminate pursuant to Article 10, paragraph (3) of the Voluntary Guardianship Contract Act;
- (ii) a ruling to determine acts which require the consent of a curator: the curator and the supervisor of the curator (if this ruling is made

- simultaneously upon making a ruling of the appointment of a curator or a supervisor of a curator, the person who is to be a curator or the person who is to be a supervisor of a curator);
- (iii) a ruling of permission in lieu of the consent of a curator: the curator and the supervisor of the curator;
  - (iv) a ruling to revoke a ruling of the commencement of curatorship: the curator and the supervisor of the curator;
  - (v) a ruling to revoke a ruling to determine acts which require the consent of a curator: the curator and the supervisor of the curator;
  - (vi) a ruling to vest the authority of representation in a curator: the person under curatorship and the supervisor of a curator (if this ruling is made simultaneously upon making a ruling of the appointment of a supervisor of a curator, the person who is to be a supervisor of a curator); and
  - (vii) a ruling to revoke a ruling to vest the authority of representation in a curator: the person under curatorship and the supervisor of a curator.

(Immediate Appeals)

Article 132 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in items (i) and (iv), excluding the petitioner):

- (i) a ruling of the commencement of curatorship: the persons prescribed in the main clause of Article 11 of the Civil Code and those prescribed in Article 10, paragraph (2) of the Voluntary Guardianship Contract Act;
- (ii) a ruling to dismiss a petition for the commencement of curatorship: the petitioner;
- (iii) a ruling to dismiss a petition for revocation of a ruling of the commencement of curatorship: the persons prescribed in Article 14, paragraph (1) of the Civil Code;
- (iv) a ruling to determine acts which required the consent of a curator: the person under curatorship;
- (v) a ruling to dismiss a petition for permission in lieu of the consent of a curator: the petitioner;
- (vi) a ruling of the dismissal of a curator: the curator;
- (vii) a ruling to dismiss a petition for the dismissal of a curator: the petitioner, the supervisor of the curator, as well as the person under curatorship and his/her relative;
- (viii) a ruling of the dismissal of a supervisor of a curator: the supervisor of a curator; and
- (ix) a ruling to dismiss a petition for the dismissal of a supervisor of a curator: the petitioner, as well as the person under curatorship and said person's relative.

(2) The period for filing an immediate appeal against a ruling of the commencement of curatorship to be filed by a person other than a person who receives notice of a ruling and by a person who is to be a person under curatorship shall run from the latest day, out of the day on which the person who is to be a person under curatorship received notice of a ruling and the day on which the person who is appointed as a curator pursuant to the provision of Article 876-2, paragraph (1) of the Civil Code received notice of a ruling.

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases Regarding Guardianship of Adults)

Article 133 The provision of Article 119 shall apply mutatis mutandis to the expert examination and hearing of opinions concerning the mental state of a person who is to be a person under curatorship or of a person under curatorship; the provision of Article 121 shall apply mutatis mutandis to the withdrawal of a petition for the commencement of curatorship and the withdrawal of a petition for the appointment of a curator; and the provision of Article 124 shall apply mutatis mutandis to the supervision of the affairs of curatorship.

(Provisional Order during a Case on the Merits to Adjudicate Commencement of Curatorship)

Article 134 (1) The provision of Article 126, paragraph (1) shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the commencement of curatorship as a case on the merits.

(2) Where a petition for the commencement of curatorship is filed, and when it is particularly necessary for the preservation of the property of a person who is to be a person under curatorship, the family court (or a high court in the case set forth in Article 105, paragraph (2)) may, upon the petition of the person who has filed said petition, order that the person who is to be a person under curatorship be subject to the curatorship of the administrator of property to be appointed pursuant to the provision of Article 126, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph (hereinafter simply referred to as an "Administrator of Property" in this Article) in performing acts in relation to property (limited to the acts prescribed in Article 13, paragraph (1) of the Civil Code; the same shall apply in paragraph (5)), until a ruling on the petition for the commencement of curatorship becomes effective.

(3) Notice of a ruling under the provision of preceding paragraph (hereinafter referred to as a "Ruling to Order Curatorship" in the following paragraph and paragraph (5)) shall be given to an Administrator of Property, in addition to the persons prescribed in Article 74, paragraph (1).

(4) The period for filing an immediate appeal against a Ruling to Order

Curatorship to be filed by a person other than a person who receives notice of a ruling and by a person who is to be a person under curatorship shall run from the latest day, out of the day on which the person who is to be a person under curatorship receives notice of a ruling and the day on which the Administrator of Property receives notice of a ruling under the provision of preceding paragraph.

- (5) When a Ruling to Order Curatorship is made, the person who is to be a person under curatorship and the Administrator of Property may rescind acts performed in relation to property by the person who is to be a person under curatorship without obtaining consent from the Administrator of Property. In this case, the provisions of the Civil Code concerning the rescission of acts performed by a person with limited capacity to act shall apply mutatis mutandis.
- (6) The provisions of Article 125, paragraphs (1) through (6), as well as the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply mutatis mutandis to an Administrator of Property. In this case, the term "an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "a person who is to be a person under curatorship."

(Provisional Order Sought by Designating an Adjudication Case for the Dismissal of Curators, etc. as a Case on Merits)

Article 135 The provisions of Article 127, paragraphs (1) through (4) shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the dismissal of a curator or an adjudication case for the dismissal of a supervisor of a curator as a case on the merits.

### **Section 3 Adjudication Cases Regarding Assistance**

(Jurisdiction)

Article 136 (1) An adjudication case for the commencement of assistance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (36); the same shall apply hereinafter) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person who is to be a person under assistance.

(2) Adjudication cases regarding assistance (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (36) through (54)), except for an adjudication case for the commencement of assistance, shall be subject to the jurisdiction of a family court that has made a ruling of the commencement of assistance (if the court in charge of an appeal has made a judicial decision of the commencement of assistance, the family court that is

the court of first instance); provided, however, that if an adjudication case for the commencement of assistance is pending before a family court, these cases shall be subject to that family court.

(Capacity to Perform Procedural Acts)

Article 137 The provision of Article 118 shall apply mutatis mutandis to a person who is to be a person under assistance and to a person under assistance in the following adjudication cases (including adjudication cases for a provisional order sought by designating the adjudication cases set forth in items (i), (vii) and (ix) as cases on the merits):

- (i) an adjudication case for the commencement of assistance;
- (ii) an adjudication case for the determination of acts which require the consent of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (37));
- (iii) an adjudication case for permission in lieu of the consent of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (38));
- (iv) an adjudication case for the revocation of a ruling of the commencement of assistance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (39));
- (v) an adjudication case for the revocation of a ruling to determine acts which require the consent of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (40));
- (vi) an adjudication case for the appointment of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (41));
- (vii) an adjudication case for the dismissal of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (43); the same shall apply in Article 144);
- (viii) an adjudication case for the appointment of a supervisor of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (45));
- (ix) an adjudication case for the dismissal of a supervisor of an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (47); the same shall apply in Article 144);
- (x) an adjudication case for vesting the authority of representation in an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (51));
- (xi) an adjudication case for the revocation of a ruling to vest the authority of representation in an assistant (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (52)); and

(xii) an adjudication case for the supervision of the affairs of assistance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (53)).

(Hearing of Opinions Concerning Mental State)

Article 138 A family court may not make a ruling of the commencement of assistance unless it hears the opinion of a physician or any other appropriate person concerning the mental state of the person who is to be a person under assistance.

(Hearing Statements and Opinions)

Article 139 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (in items (i), (iii), and (iv), excluding the petitioner):

- (i) a ruling of the commencement of assistance: the person who is to be a person under assistance;
- (ii) a ruling of permission in lieu of the consent of an assistant: the person under assistance;
- (iii) a ruling to revoke a ruling of the commencement of assistance (limited to the case under the provisions of Article 18, paragraph (1) or (3) of the Civil Code): the person under assistance and the assistant;
- (iv) a ruling of the appointment of an assistant or a supervisor of an assistant: the person who is to be a person under assistance or the person under assistance;
- (v) a ruling of the dismissal of an assistant: the assistant; and
- (vi) a ruling of the dismissal of a supervisor of an assistant: the supervisor of an assistant.

(2) When making the rulings set forth in the following items, the family court must hear the opinions of the persons specified respectively in these items:

- (i) a ruling of the appointment of an assistant: the person who is to be an assistant; and
- (ii) a ruling of the appointment of a supervisor of an assistant: the person who is to be a supervisor of an assistant.

(Notice of Rulings)

Article 140 Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1):

- (i) a ruling of the commencement of assistance: the person who is appointed as an assistant pursuant to the provision of Article 876-7, paragraph (1) of the Civil Code, and the voluntarily appointed guardian and the supervisor of the

voluntarily appointed guardian under a voluntary guardianship contract that is to terminate pursuant to Article 10, paragraph (3) of the Voluntary Guardianship Contract Act;

- (ii) a ruling to determine acts which require the consent of an assistant: the assistant and the supervisor of the assistant (if this ruling is made simultaneously upon making a ruling of the appointment of an assistant or a supervisor of an assistant, the person who is to be an assistant or the person who is to be a supervisor of an assistant);
- (iii) a ruling of permission in lieu of the consent of an assistant: the assistant and the supervisor of the assistant;
- (iv) a ruling to revoke a ruling of the commencement of assistance: the assistant and the supervisor of the assistant;
- (v) a ruling to revoke a ruling to determine acts which require the consent of an assistant: the assistant and the supervisor of the assistant;
- (vi) a ruling to vest the authority of representation in an assistant: the person under assistance and the supervisor of an assistant (if this ruling is made simultaneously upon making a ruling of the appointment of a supervisor of an assistant, the person who is to be a supervisor of an assistant); and
- (vii) a ruling to revoke a ruling to vest the authority of representation in an assistant: the person under assistance and the supervisor of an assistant.

(Immediate Appeals)

Article 141 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in item (i), excluding the petitioner):

- (i) a ruling of the commencement of assistance: the persons prescribed in the main clause of Article 15, paragraph (1) of the Civil Code and those prescribed in Article 10, paragraph (2) of the Voluntary Guardianship Contract Act;
- (ii) a ruling to dismiss a petition for the commencement of assistance: the petitioner;
- (iii) a ruling to dismiss a petition for the revocation of a ruling of the commencement of assistance: the persons prescribed in Article 18, paragraph (1) of the Civil Code;
- (iv) a ruling to dismiss for a petition for permission in lieu of the consent of an assistant: the petitioner;
- (v) a ruling of the dismissal of an assistant: the assistant;
- (vi) a ruling to dismiss a petition for the dismissal of an assistant: the petitioner, the supervisor of the assistant, as well as the person under assistance and said person's relative;
- (vii) a ruling of the dismissal of a supervisor of an assistant: the supervisor of

- an assistant; and
- (ix) a ruling to dismiss a petition for the dismissal of a supervisor of an assistant: the petitioner, as well as the person under assistance and said person's relative.
- (2) The period for filing an immediate appeal against a ruling of the commencement of assistance to be filed by a person other than a person who receives notice of a ruling and by the person who is to be a person under assistance shall run from the latest day, out of the day on which the person who is to be a person under assistance received notice of a ruling and the day on which a person who is appointed as an assistant pursuant to the provision of Article 876-7, paragraph (1) of the Civil Code received notice of a ruling.

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases Regarding the Guardianship of Adults)

Article 142 The provision of Article 121 shall apply mutatis mutandis to the withdrawal of a petition for the commencement of assistance and the withdrawal of a petition for the appointment of an assistant, and the provision of Article 124 shall apply mutatis mutandis to the supervision of the affairs of assistance.

(Provisional Order during a Case on the Merits to Adjudicate Commencement of Assistance)

- Article 143 (1) The provision of Article 126, paragraph (1) shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the commencement of assistance as a case on the merits.
- (2) Where a petition for the commencement of assistance and a petition for the determination of acts which require the consent of an assistant is filed, and when it is particularly necessary for the preservation of the property of a person who is to be a person under assistance, the family court (or a high court in the case set forth in Article 105, paragraph (2)) may, upon the petition of the person who has filed said petition, order that the person who is to be a person under assistance be subject to the assistance of the administrator of property to be appointed pursuant to the provision of Article 126, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph (hereinafter simply referred to as an "Administrator of Property" in this Article) in performing acts in relation to property (limited to the acts prescribed in Article 13, paragraph (1) of the Civil Code, which are addressed in the petition for the determination of acts which require the consent of an assistant; the same shall apply in paragraph (5)), until a ruling on the petition for the commencement of assistance becomes effective.
- (3) Notice of a ruling under the provision of preceding paragraph (hereinafter

referred to as a "Ruling of an Order for Assistance" in the following paragraph and paragraph (5)) shall be given to an Administrator of Property, in addition to the persons prescribed in Article 74, paragraph (1).

- (4) The period for filing an immediate appeal against a Ruling of an Order for Assistance to be filed by a person other than a person who receives notice of a ruling and by a person who is to be a person under assistance shall run from the latest day, out of the day on which the person who is to be a person under assistance receives notice of a ruling and the day on which an Administrator of Property receives notice of a ruling under the provision of preceding paragraph.
- (5) When a Ruling of an Order for Assistance is made, the person who is to be a person under assistance and the Administrator of Property may rescind acts in relation to property performed by the person who is to be a person under assistance without having obtained consent from the Administrator of Property. In this case, the provisions of the Civil Code concerning the rescission of acts performed by a person with limited capacity to act shall apply *mutatis mutandis*.
- (6) The provisions of Article 125, paragraphs (1) through (6), as well as the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply *mutatis mutandis* to an Administrator of Property. In this case, the term "an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "a person who is to be a person under assistance."

(Provisional Order Sought by Designating an Adjudication Case for Dismissal of an Assistant, etc. as a Case on the Merits)

Article 144 The provisions of Article 127, paragraphs (1) through (4) shall apply *mutatis mutandis* to a provisional order sought by designating an adjudication case for the dismissal of an assistant or an adjudication case for the dismissal of a supervisor of an assistant as a case on the merits.

#### **Section 4 Adjudication Cases for Dispositions Regarding Administration of Property of Absentee**

(Jurisdiction)

Article 145 An adjudication case for a disposition regarding the administration of the property of an absentee (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (55)) shall be subject to the jurisdiction of the family court which has jurisdiction over the previous place of domicile or residence of the absentee.

(Replacement of Administrators, etc.)

Article 146 (1) A family court may, at any time, replace an administrator appointed pursuant to the provision of Article 25, paragraph (1) of the Civil Code or an administrator appointed to be a replacement pursuant to Article 26 of said Code, with another.

(2) A family court may order an administrator appointed pursuant to the provision of Article 25, paragraph (1) of the Civil Code or an administrator appointed to be a replacement pursuant to the provision of Article 26 of said Code, and an administrator appointed to be a replacement pursuant to the provision of preceding paragraph (referred to as an "administrator appointed by a family court" in paragraphs (4) and (6)) to report on the status of the property and settle the account for administration. In the case set forth in Article 27, paragraph (2) of said Code, the same shall apply to an administrator appointed by an absentee.

(3) Costs required for the report and settlement of the account set forth in the preceding paragraph shall be paid out of the property of an absentee.

(4) A family court may issue an order to an administrator (meaning an administrator appointed by a family court and an administrator appointed by an absentee; the same shall apply in the following paragraph and the following Article) for an increase or decrease in or a change to the security that said administrator has provided, or exemption from providing the security.

(5) When a ruling to order a mortgage to be established on the real property or vessel owned by an administrator becomes effective, a court clerk must commission the registration of the establishment thereof. The same shall apply to a registration of a change or the extinction of a mortgage thus established.

(6) The provisions of Articles 644, 646, 647, and 650 of the Civil Code shall apply mutatis mutandis to an administrator appointed by a family court.

#### (Revocation of a Disposition)

Article 147 When an absentee has become able to administer their own property, the property under administration no longer exists or it has otherwise become inappropriate to continue to place the absentee's property under administration, the family court must make a ruling to revoke the appointment of an administrator under the provision of Article 25, paragraph (1) of the Civil Code or any other disposition regarding the administration of the property of the absentee, upon the petition of the absentee, the administrator or any interested party or by its own authority.

### **Section 5 Adjudication Cases Regarding Adjudication of Disappearance Subsection 1 Adjudication Cases for the Adjudication of Disappearance**

Article 148 (1) An adjudication case for the adjudication of a disappearance

(meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (56); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the previous place of domicile or residence of an absentee.

- (2) The provision of Article 118 shall apply mutatis mutandis to an absentee in an adjudication case for adjudication of a disappearance.
- (3) A family court may not make a ruling of adjudication of a disappearance unless it gives public notice of the following particulars and the period set forth in items (ii) and (iv) has passed. In this case, the period set forth in items (ii) and (iv) shall not be shorter than three months in the case set forth in Article 30, paragraph (1) of the Civil Code or one month in the case set forth in paragraph (2) of said Article:
  - (i) the fact that a petition for adjudication of the disappearance of an absentee has been filed;
  - (ii) the requirement that the absentee should provide notification of their existence within a certain period;
  - (iii) the rule that the absentee's disappearance will be adjudicated if the notification set forth in the preceding item is not made; and
  - (iv) the requirement that any person who knows whether the absentee is alive or dead should make a notification of such fact within a certain period.
- (4) Notice of a ruling of adjudication of a disappearance shall not be required to be given to the absentee.
- (5) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in item (i), excluding the petitioner):
  - (i) a ruling of adjudication of a disappearance: the absentee and an interested party; and
  - (ii) a ruling to dismiss a petition for adjudication of a disappearance: the petitioner.

### **Subsection 2 Adjudication Cases for Revocation of Adjudication of Disappearance**

Article 149 (1) An adjudication case for the revocation of adjudication of a disappearance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (57); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of an absentee.

- (2) The provision of Article 118 shall apply mutatis mutandis to an absentee in an adjudication case for the revocation of adjudication of a disappearance.
- (3) If the domicile or residence of an absentee is known from the case record, it

shall be sufficient to give notice of a ruling to revoke the adjudication of a disappearance to the absentee.

- (4) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling to revoke the adjudication of a disappearance: an interested party (excluding the petitioner); and
  - (ii) a ruling to dismiss a petition for the revocation of an adjudication of a disappearance: the absentee and an interested party.

### **Section 6 Adjudication Cases Regarding Marriage, etc.**

(Jurisdiction)

Article 150 The adjudication cases set forth in the following items shall be subject to the family court which has jurisdiction over the places specified respectively in these items:

- (i) an adjudication case for a disposition regarding cooperation and mutual assistance between a husband and wife (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (1); the same shall apply in item (i) of the following Article): the place of domicile of the husband or wife;
- (ii) an adjudication case for the change of an administrator of property, etc. under a matrimonial property contract (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (58)): the place of domicile of the husband or wife;
- (iii) an adjudication case for a disposition regarding the sharing of living expenses (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (2)): the place of domicile of the husband or wife;
- (iv) an adjudication case for a disposition regarding the custody of a child (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (3); the same shall apply in item (ii) of the following Article): the place of domicile of the child (in the case of a petition regarding two or more children who have the same father or mother, one of such children);
- (v) an adjudication case for a disposition regarding the distribution of property (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (4)): the place of domicile of the person who has been a husband or wife; and
- (vi) an adjudication case for the designation of a successor to the ownership of equipment for rituals, etc. upon divorce, etc. (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (5)): the place of domicile of the owner.

(Capacity to Perform Procedural Acts)

Article 151 The provision of Article 118 shall apply mutatis mutandis to the persons specified in the following items in the adjudication cases set forth respectively in these items and in adjudication cases for a provisional order sought by designating these adjudication cases as cases on the merits (excluding cases to seek the provision of property benefits among all these adjudication cases):

- (i) an adjudication case for a disposition regarding cooperation and mutual assistance between a husband and wife: the husband and wife; and
- (ii) an adjudication case for a disposition regarding the custody of a child: the child.

(Hearing Statements)

Article 152 (1) When making a ruling of the change of an administrator of property, etc. under a matrimonial property contract, the family court must hear statements from the husband and wife (excluding the petitioner).

(2) When making a ruling of a disposition regarding the custody of a child (excluding a ruling of a disposition regarding the sharing of expenses required for the custody of a child), the family court must hear statements from the child (limited to a child of 15 years of age or older), in addition to hearing statements from a party pursuant to the provision of Article 68.

(Restrictions on the Withdrawal of a Petition)

Article 153 Notwithstanding the provision of Article 82, paragraph (2), the withdrawal of a petition for adjudication of a disposition regarding the distribution of property shall not become effective without the consent of the respondent after the respondent has submitted a document on the merits or made statements on a date for proceedings for adjudication of domestic relations.

(Order of Performance, etc.)

Article 154 (1) In a ruling of a disposition regarding cooperation and mutual assistance between a husband and wife, the family court may specify the extent or method of mutual assistance or modify them.

(2) In the following rulings, the family court may order a party (in a ruling set forth in item (ii), a husband or wife) to pay money, deliver an object, perform an obligation to register or perform any other act:

- (i) a ruling of a disposition regarding cooperation and mutual assistance between a husband and wife;
- (ii) a ruling of the change of an administrator of property, etc. under a

- matrimonial property contract;
- (iii) a ruling of a disposition regarding the sharing of living expenses; and
  - (iv) a ruling of a disposition regarding the distribution of property.
- (3) When a family court, in a ruling of a disposition regarding the custody of a child, specifies the designation or change of a person who is to have custody of the child, the visitation and other contacts between the father or mother and the child, the sharing of expenses required for the custody of the child, and other particulars necessary for custody of the child, it may order a party to surrender custody of the child, pay money or provide any other property benefit or perform any other act.
- (4) In a ruling of the designation of a successor to the ownership of equipment used in rituals, etc. upon divorce, etc., the family court may order a party to deliver or transfer genealogy information, equipment used in rituals and graves.

(Division of Property in Co-ownership)

Article 155 Where a family court makes a ruling of a disposition regarding the division of property in co-ownership simultaneously upon making a ruling of the change of an administrator of property under a matrimonial property contract, and when it finds that there are special circumstances, it may, as a method of dividing the property in co-ownership, have one of the parties to the marriage assume an obligation to the other party to the marriage, in lieu of dividing said property.

(Immediate Appeals)

Article 156 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of a disposition regarding cooperation and mutual assistance between a husband and wife, and a ruling to dismiss a petition for such ruling: the husband and wife;
- (ii) a ruling of the change of an administrator of property, etc. under a matrimonial property contract, and a ruling to dismiss a petition for such ruling: the husband and wife;
- (iii) a ruling of a disposition regarding the sharing of living expenses, and a ruling to dismiss a petition for such ruling: the husband and wife;
- (iv) a ruling of a disposition regarding the custody of a child, and a ruling to dismiss a petition for such ruling: the parents of the child and the person who has custody of the child;
- (v) a ruling of a disposition regarding the distribution of property, and a ruling to dismiss a petition for such ruling: the person who has been a husband or wife; and

(vi) a ruling of the designation of a successor to the ownership of equipment for rituals, etc. upon divorce, etc., and a ruling to dismiss a petition for such ruling: a party to the marriage (in the case set forth in the provision of Article 769, paragraph (2) of the Civil Code as applied mutatis mutandis pursuant to Article 751, paragraph (2) of said Code, the surviving spouse), and any other interested party.

(Provisional Order Sought by Designating an Adjudication Case Regarding Marriage, etc. as Case on the Merits)

Article 157 (1) Where a petition for adjudication or conciliation regarding the following particulars is filed, and when it is necessary for the preservation of a compulsory execution or the prevention of an imminent danger to a child or any other interested party, the family court (or a high court in the case set forth in Article 105, paragraph (2); hereinafter the same shall apply in this Article and the following Article) may, upon the petition of the person who has filed said petition, issue a ruling of provisional seizure, provisional disposition or any other necessary provisional order by designating the adjudication case on said matter as a case on the merits:

- (i) a disposition regarding cooperation and mutual assistance between a husband and wife;
- (ii) a disposition regarding the sharing of living expenses;
- (iii) a disposition regarding the custody of a child; and
- (iv) a disposition regarding the distribution of property.

(2) When a family court orders a provisional disposition to determine a provisional status on the particulars set forth in item (iii) of the preceding paragraph (excluding a provisional disposition regarding the sharing of expenses required for the custody of a child), it must hear statements from the child (limited to a child of 15 years of age or older), in addition to hearing statements from a person who is to be subject to adjudication pursuant to the provision of Article 107; provided, however, that this shall not apply when there are circumstances where taking the step of hearing the child's statements makes it impossible to achieve the purpose of the provisional order.

(Provisional Order Sought by Designating an Adjudication Case for Change of Administrator of Property, etc. under a Matrimonial Property Contract as a Case on the Merits)

Article 158 (1) Where a petition for the change of an administrator of property under a matrimonial property contract is filed by a husband or wife, and when it is necessary for the administration of the property owned by the petitioner and administered by the other party or of the property in co-ownership, the family court may, upon petition or by its own authority, appoint an

administrator of property or give instructions to a party concerned with the case with regard to the particulars regarding the administration of the property owned by the petitioner and administered by the other party or of the property in co-ownership, while not requiring the provision of security, until a ruling on the petition for the change of an administrator of property (where a petition for a disposition regarding the division of property in co-ownership is filed, a ruling on such petition) becomes effective.

- (2) Where a petition for the change of an administrator of property under a matrimonial property contract is filed, and when it is necessary for the preservation of a compulsory execution or the prevention of an imminent danger to a party concerned with the case, the family court may, upon the petition of the person who has filed said petition or of the other party to the marriage, issue a ruling of provisional disposition or any other necessary provisional order.
- (3) The provisions of Article 125, paragraphs (1) through (6), as well as the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply mutatis mutandis to the administrator of property set forth in paragraph (1). In this case, the phrase "property of an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "property under administration."

**Section 7 Adjudication Cases Regarding Parents and Children**  
**Subsection 1 Adjudication Cases for the Appointment of a Special Agent in an Action to Rebut Presumption of Child in Wedlock**

Article 159 (1) An adjudication case for the appointment of a special agent in an action to rebut presumption of a child in wedlock (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (59); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a child.

- (2) The provision of Article 118 shall apply mutatis mutandis to a husband in an adjudication case for the appointment of a special agent in an action to rebut presumption of a child in wedlock.
- (3) A person who has filed a petition for the appointment of a special agent in an action to rebut presumption of a child in wedlock may file an immediate appeal against a ruling to dismiss said person's petition.

**Subsection 2 Adjudication Cases for Permission to Change the Surname of a Child**

Article 160 (1) An adjudication case for permission to change the surname of a

child (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (60); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a child (in the case of a petition for permission for the change of the surname regarding two or more children who have the same father or mother, one of such children).

- (2) The provision of Article 118 shall apply mutatis mutandis to a child (limited to a child of 15 years of age or older) in an adjudication case for permission to change the surname of a child.
- (3) A person who has filed a petition for permission to change the surname of a child may file an immediate appeal against a ruling to dismiss said person's petition.

### **Subsection 3 Adjudication Cases for Permission to Adopt**

Article 161 (1) An adjudication case for permission to adopt (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (61); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the person who is to be adopted.

- (2) The provision of Article 118 shall apply mutatis mutandis to a person who is to adopt another and a person who is to be adopted (limited to a person of 15 years of age or older) in an adjudication case for permission to adopt.
- (3) When making a ruling of permission to adopt, the family court must hear statements from the following persons; provided, however, that this shall not apply to a person who is to be adopted if it is impossible to hear said person's opinions due to said person's mental or physical disability:
  - (i) a person who is to be adopted (limited to a person of 15 years of age or older); and
  - (ii) a person who exercises parental authority over a person who is to be adopted, and a guardian of a minor who is to be adopted.
- (4) A person who has filed a petition for permission to adopt may file an immediate appeal against a ruling to dismiss said person's petition.

### **Subsection 4 Adjudication Cases for Permission for Dissolution of Adoptive Relationships After the Death of a Party to Adoption**

Article 162 (1) An adjudication case for permission for the dissolution of an adoptive relationship after the death of a party to an adoption (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (62); the same shall apply in the following paragraph) shall be subject to the

jurisdiction of the family court which has jurisdiction over the place of domicile of the petitioner.

- (2) The provision of Article 118 shall apply mutatis mutandis to an adoptive parent and an adopted child (limited to a person of 15 years of age or older) in an adjudication case for permission for the dissolution of an adoptive relationship after the death of a party to an adoption.
- (3) Where a petition for permission for the dissolution of an adoptive relationship after the death of a party to an adoption is filed after an adopted child has died, the family court shall give notice to that effect to a person who is to be the heir of said adoptive parent as an heir per stirpes of the adopted child, except when the petition is unlawful or the petition is clearly groundless; provided, however, that this shall be required only when the name and domicile or residence of such person is known from the case record.
- (4) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
  - (i) a ruling for permission for the dissolution of an adoptive relationship after the death of a party to an adoption: an interested party (excluding the petitioner); and
  - (ii) a ruling to dismiss a petition for permission for the dissolution of an adoptive relationship after the death of a party to an adoption: the petitioner.

**Subsection 5 Adjudication Cases for Designation of a Successor to  
Ownership of Equipment for Rituals, etc. upon Dissolution of an  
Adoptive Relationship, etc.**

- Article 163 (1) An adjudication case for the designation of a successor to the ownership of equipment for rituals, etc. upon the dissolution of an adoptive relationship, etc. (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (6)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the owner.
- (2) In a ruling of the designation of a successor to the ownership of equipment for rituals, etc. upon the dissolution of an adoptive relationship, etc., the family court may order a party to deliver genealogy information, equipment for rituals and graves.
  - (3) A party to the dissolution of an adoptive relationship and any other interested party may file an immediate appeal against a ruling of the designation of a successor to the ownership of equipment for rituals, etc. upon the dissolution of an adoptive relationship, etc. and a ruling to dismiss a petition for such ruling.

**Subsection 6 Adjudication Cases Regarding Special Adoption**

(Adjudication Cases for the Establishment of Special Adoption)

- Article 164 (1) An adjudication case for the establishment of a special adoption (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (63); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person who is to adopt another person.
- (2) The provision of Article 118 shall apply mutatis mutandis to a person who is to adopt another person and the parents of a person who is to be adopted in an adjudication case for the establishment of a special adoption (including an adjudication case for a provisional order sought by designating said adjudication case as a case on the merits).
- (3) When making a ruling of the establishment of a special adoption, the family court must hear statements from the following persons. In this case, when it makes such a ruling without the consent of the persons set forth in item (i), it must hear their statements on a hearing date:
- (i) the parents of the person who is to be adopted:
  - (ii) the person who exercises parental authority over the person who is to be adopted (excluding the persons set forth in the preceding item), and a guardian of the minor who is to be adopted; and
  - (iii) the person who exercises parental authority over the father or mother of the person who is to be adopted, and a guardian of the father or mother of the person who is to be adopted.
- (4) When making a ruling to dismiss a petition for the establishment of a special adoption, the family court must hear statements from a person who exercises parental authority over the father or mother of the person who is to be adopted, and a guardian of the minor who is to be adopted.
- (5) Notice of a ruling of the establishment of a special adoption must be given to the persons set forth in paragraph (3), items (ii) and (iii), in addition to the persons prescribed in Article 74, paragraph (1).
- (6) Notice of a ruling of the establishment of special adoption shall not be required to be given to the person who is to be adopted.
- (7) Where a family court makes a ruling of the establishment of a special adoption, and if the father or mother of a person who is to be adopted is unknown, it shall not be required to hear statements from the father or mother of the person who is to be adopted, a person who exercises parental authority over the father or mother of the person who is to be adopted, or a guardian of the father or mother of the person who is to be adopted, or give notice of the ruling to any of these persons.
- (8) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling of the establishment of a special adoption: the father or mother of

- the person who is to be adopted, the person who exercises parental authority over the person who is to be adopted but who is not the father or mother of the person who is to be adopted, a guardian of the minor who is to be adopted, the person who exercises parental authority over the father or mother of the person who is to be adopted, and a guardian of the father or mother of the person who is to be adopted; and
- (ii) a ruling to dismiss a petition for the establishment of a special adoption: the petitioner.

(Adjudication Cases for the Dissolution of Special Adoptions)

- Article 165 (1) An adjudication case for the dissolution of a special adoption (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (64); the same shall apply in the following paragraph and paragraph (5) of the following Article) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the adoptive parents.
- (2) The provision of Article 118 shall apply mutatis mutandis to adoptive parents, an adopted child and said child's natural parents in an adjudication case for the dissolution of a special adoption (including an adjudication case for a provisional order sought by designating said adjudication case as a case on the merits).
- (3) When making a ruling of the dissolution of a special adoption, the family court must hear statements from the following persons. In this case, it must hear statements from the persons set forth in items (i) through (iii) on the date of a hearing:
- (i) the adopted child (limited to a child of 15 years of age or older);
  - (ii) the adoptive parents;
  - (iii) the natural parents of the adopted child;
  - (iv) the person who exercises parental authority over the adopted child (excluding the persons set forth in item (ii)), and a guardian of the adopted child;
  - (v) a guardian of an adoptive parent; and
  - (vi) the person who exercises parental authority over a natural parent of the adopted child, and a guardian of a natural parent of the adopted child.
- (4) When making a ruling to dismiss a petition for the dissolution of a special adoption, the family court must hear statements from the following persons:
- (i) the natural parents of the adopted child (excluding the petitioner);
  - (ii) the person who exercises parental authority over the adopted child, and a guardian of the adopted child; and
  - (iii) the person who exercises parental authority over a natural parent of the adopted child, and a guardian of a natural parent of the adopted child.

- (5) Notice of a ruling of the dissolution of a special adoption must be given to the persons set forth in paragraph (3), items (iv) through (vi), in addition to the persons prescribed in Article 74, paragraph (1).
- (6) Notice of a ruling of the dissolution of a special relationship shall not be required to be given to the adopted child when the family court finds that such notice would harm the interests of the adopted child in consideration of said child's age, degree of development, and in all other circumstances.
- (7) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in item (i), excluding the petitioner):
  - (i) a ruling of the dissolution of a special adoption: the adopted child, the adoptive parents, the natural parents of the adopted child, the person who exercises parental authority over the adopted child but who is not the adoptive parent, a guardian of the adopted child, a guardian of an adoptive parent, the person who exercises the parental authority over a natural parent of the adopted child, and a guardian of a natural parent of the adopted child;
  - (ii) a ruling to dismiss a petition for the dissolution of a special adoption: the petitioner.
- (8) The period for filing an immediate appeal against a ruling of the dissolution of a special adoption to be filed by an adopted child shall run from the day on which a person other than the adopted child receives notice of a ruling (if there are two or more such days, the latest day).

(Provisional Order during a Case on the Merits to Adjudicate the Establishment of Special Adoption, etc.)

- Article 166 (1) Where a petition for the establishment of a special adoption is filed, and when it is necessary for the interests of a person who is to be adopted, the family court (or a high court in the case set forth in Article 105, paragraph (2); the same shall apply in paragraphs (3) and (4)) may, upon the petition of the person who has filed said petition, appoint the petitioner as a person who has custody of the person who is to be adopted or suspend the performance of duties by the person who has parental authority over the person who is to be adopted or by a guardian of the minor who is to be adopted or appoint a person acting as the representative thereof, until a ruling on the petition for the establishment of a special adoption becomes effective.
- (2) A ruling to suspend the performance of duties under the provision of preceding paragraph shall become effective when notice thereof is given to the person who has parental authority or a guardian of a minor who is to be suspended from performing duties, the person who exercises parental authority over the person who is to be adopted or any other guardian of the minor who is

to be adopted, or a person acting as a representative appointed pursuant to the provision of said paragraph.

- (3) A family court may, at any time, replace a person acting as a representative appointed pursuant to the provision of paragraph (1), with another.
- (4) A family court may grant a reasonable remuneration to a person acting as a representative appointed pursuant to the provision of paragraph (1) or a person acting as a representative appointed as a replacement pursuant to the provision of preceding paragraph, out of the property of the person who is to be adopted.
- (5) The provision of preceding paragraphs (excluding the parts concerning a provisional order for the appointment of a person who has custody of a person who is to be adopted) shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the dissolution of a special adoption as a case on the merits.

### **Section 8 Adjudication Cases Regarding Parental Authority**

(Jurisdiction)

Article 167 Adjudication cases regarding parental authority (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (65) through (69) and in Appended Table 2, rows (7) and (8)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of subject child (in the case of a petition for the designation or change of a person who has parental authority or for a disposition regarding the administration of property offered to a child by a third party with respect to two or more children who have the same father or mother, one of such children).

(Capacity to Perform Procedural Acts)

Article 168 The provision of Article 118 shall apply mutatis mutandis to the persons specified in the following items in the adjudication cases set forth respectively in these items (including adjudication cases for a provisional order sought by designating the adjudication cases set forth in items (iii) and (vii) as cases on the merits):

- (i) an adjudication case for the appointment of a special agent for a child (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (65)): the child;
- (ii) an adjudication case for a disposition regarding the administration of property offered to a child by a third party (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (66); the same shall apply in Article 173): the child;

- (iii) an adjudication case for the loss of parental authority, suspension of parental authority or loss of right of administration of property (meaning an adjudication case regarding the particulars as set forth in Appended Table 1, row (67)): the child and said child's parents;
- (iv) an adjudication case for the revocation of a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (68)): the child and said child's parents;
- (v) an adjudication case for permission for the surrender or resumption of parental authority or right of administration of property (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (69)): the child and said child's parents;
- (vi) an adjudication case for the designation of a person who is to have parental authority over an adopted child after the dissolution of an adoptive relationship (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (7)): the adopted child and said adopted child's parents and adoptive parents; and
- (vii) an adjudication case for the designation or change of a person who has parental authority (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (8)): the child and said child's parents.

(Hearing Statements)

Article 169 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (in items (i), (ii), and (iv), excluding the petitioner). In this case, it must hear statements from the person who has parental authority over the child set forth in item (i) on a hearing date:

- (i) a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the child (limited to a child of 15 years of age or older), and the person who has parental authority over the child;
- (ii) a ruling to revoke a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the child (limited to a child of 15 years of age or older), the person who exercises parental authority over the child, a guardian of the minor of the child, and a person who has lost of parental authority, is subject to the suspension of parental authority or has lost of right of administration of property;
- (iii) a ruling of permission for the surrender of parental authority or right of administration of property: the child (limited to a child of 15 years of age or older); and
- (iv) a ruling of permission for the resumption of parental authority or right of

administration of property: the child (limited to a child of 15 years of age or older), the person who exercises parental authority over the child, and a guardian of a minor.

- (2) When making a ruling of the designation or change of a person who has parental authority, the family court must hear statements from the child (limited to a child of 15 years of age or older), in addition to hearing statements from a party pursuant to the provision of Article 68.

(Notice of a Ruling)

Article 170 Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1): provided, however, that this shall not apply when the family court finds that such notice would harm the interest of a child in consideration of said child's age, degree of development, and all other circumstances:

- (i) a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the child; and
- (ii) a ruling to revoke a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the child, the person who exercises parental authority over the child, and a guardian of a minor.

(Orders of Delivery, etc.)

Article 171 In a ruling of the designation or change of a person who has parental authority, the family court may order a party to surrender custody of the child or provide property benefit or perform any other act.

(Immediate Appeals)

Article 172 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in items (i) through (iii) and (v), excluding the petitioner):

- (i) a ruling of the loss of parental authority: the person who loses parental authority and said person's relative;
- (ii) a ruling of the suspension of parental authority: the person who is subject to the suspension of parental authority and said person's relative;
- (iii) a ruling of the loss of right of administration of property: the person who loses right of administration of property and said person's relative;
- (iv) a ruling to dismiss a petition for the loss of parental authority, suspension of parental authority or loss of right of administration of property: the petitioner, the child and said child's relative, a guardian of the minor, and a supervisor of a guardian of the minor;

- (v) a ruling to revoke a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the child and said child's relative, the person who exercises parental authority over the child, a guardian of the minor, and a supervisor of a guardian of the minor;
  - (vi) a ruling to dismiss a petition for the revocation of a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property: the petitioner, as well as the person who has lost parental authority, is subject to the suspension of parental authority, or has lost right of administration of property and said person's relative;
  - (vii) a ruling to dismiss a petition for permission for the resumption of parental authority or right of administration of property: the petitioner;
  - (viii) a ruling of the designation of a person who is to have parental authority over an adopted child after the dissolution of an adoptive relationship: the parents of the adopted child and the person who has custody of the adopted child;
  - (ix) a ruling to dismiss a petition for the designation of a person who is to have parental authority over an adopted child after the dissolution of an adoptive relationship: the petitioner, the parents of the adopted child, and the person who has custody of the adopted child; and
  - (x) a ruling of the designation or change of a person who has parental authority, and a ruling to dismiss a petition for such ruling: the parents of the child and the person who has custody of the child.
- (2) The period for filing the immediate appeals set forth in the following items shall run from the dates specified respectively in these items:
- (i) an immediate appeal against a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property, filed by a person other than a person who receives notice of a ruling and by a child: the day on which the person who loses parental authority, is subject to the suspension of parental authority or loses the right of administration of property has received notice of a ruling: or
  - (ii) an immediate appeal against a ruling to revoke a ruling of the loss of parental authority, suspension of parental authority or loss of the right of administration of property, filed by a person other than a person who receives notice of a ruling and by a child: the day on which the person who loses parental authority, is subject to the suspension of parental authority or loses the right of administration of property has received notice of a ruling.

(Application Mutatis Mutandis of Provisions Concerning the Replacement of Administrators, etc.)

Article 173 The provision of Article 125 shall apply mutatis mutandis to an

adjudication case for a disposition regarding the administration of property offered to a child by a third party.

(Provisional Order during a Case on the Merits to Adjudicate the Loss of Parental Authority, Suspension of Parental Authority or the Loss of Right of Administration of Property)

Article 174 (1) Where a petition for the loss of parental authority, suspension of parental authority or loss of the right of administration of property is filed, and when the family court (or a high court in the case set forth in Article 105, paragraph (2); the same shall apply in this Article and the following Article) finds it to be necessary in the interests of a child, the family court may, upon the petition of the person who has filed said petition, suspend the performance of duties by the person who has parental authority over the child or appoint a person acting as the representative thereof, until a ruling on the petition for the loss of parental authority, suspension of parental authority or loss of right of administration of property becomes effective.

(2) A ruling to suspend the performance of duties by a person who has parental authority under the provision of preceding paragraph shall become effective when notice thereof is given to the person who has parental authority who is to be suspended from performing duties, the person who exercises parental authority over the child, or a person acting as a representative appointed pursuant to the provision of said paragraph.

(3) A family court may, at any time, replace a person acting as a representative appointed pursuant to the provision of paragraph (1), with another.

(4) A family court may grant reasonable remuneration to a person acting as a representative appointed pursuant to the provision of paragraph (1) or a person acting as a representative appointed as a replacement pursuant to the preceding paragraph, out of the property of the child.

(Provisional Order Sought by Designating Adjudication Case for Designation or Change of a Person Who Has Parental Authority as Case on Merits)

Article 175 (1) Where a petition for adjudication or conciliation regarding the designation or change of a person who has parental authority is filed, and when it is necessary for the preservation of a compulsory execution or the prevention of an imminent danger to a child or any other interested party, the family court may, upon the petition of the person who has filed said petition, issue an order for a provisional disposition or any other necessary provisional order by designating the adjudication case for the designation or change of a person who has parental authority as a case on the merits.

(2) When issuing an order for a provisional disposition to determine a provisional status pursuant to the provision of preceding paragraph, the family court must

hear statements from the child (limited to a child of 15 years of age or older), in addition to hearing statements from a person who is to be subject to adjudication pursuant to the provision of Article 107; provided, however, that this shall not apply when there are circumstances where taking the step of hearing the child's statements makes it impossible to achieve the purpose of the petition for a provisional order.

- (3) Where a petition for adjudication or conciliation regarding the designation or change of a person who has parental authority is filed, and when it is necessary in the interests of a child, the family court may, upon the petition of the person who has filed said petition, suspend the performance of duties by the person who has parental authority or appoint a person acting as the representative thereof, until a ruling on the petition for the designation or change of a person who has parental authority becomes effective.
- (4) A ruling to suspend the performance of duties by a person who has parental authority under the provision of preceding paragraph shall become effective when notice thereof is given to the person who has parental authority who is to be suspended from performing duties, the person who exercises parental authority over the child, or a person acting as a representative appointed pursuant to the provision of said paragraph.
- (5) A family court may, at any time, replace a person acting as a representative appointed pursuant to the provision of paragraph (3), with another.
- (6) A family court may grant reasonable remuneration to a person acting as a representative appointed pursuant to the provision of paragraph (3) or a person acting as a representative appointed as a replacement pursuant to the provision of preceding paragraph, out of the property of the child.

## **Section 9 Adjudication Cases Regarding Guardianship of Minors**

(Jurisdiction)

Article 176 Adjudication cases regarding guardianship of a minor (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (70) through (83)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a minor ward.

(Capacity to Perform Procedural Acts)

Article 177 The provision of Article 118 shall apply mutatis mutandis to a minor ward in the following adjudication cases (including adjudication cases for a provisional order sought by designating the adjudication cases set forth in items (iii) and (v) as cases on the merits) (in the adjudication case set forth in item (i), the adopted child and adoptive parents):

- (i) a ruling of the appointment of a person who is to be a guardian of a minor

- after the dissolution of an adoptive relationship (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (70));
- (ii) a ruling of the appointment of a guardian of a minor (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (71));
  - (iii) a ruling of the dismissal of a guardian of a minor (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (73); the same shall apply in Article 181);
  - (iv) an adjudication case for the appointment of a supervisor of a guardian of a minor (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (74));
  - (v) an adjudication case for the dismissal of a supervisor of a guardian of a minor (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (76); the same shall apply in Article 181);
  - (vi) an adjudication case for the appointment of a special agent for a minor ward (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (79));
  - (vii) an adjudication case for the supervision of the affairs of the guardianship of a minor (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (81)); and
  - (viii) an adjudication case for a disposition regarding the administration of property offered to a minor ward by a third party (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (82); the same shall apply in Article 180).

(Hearing Statements and Opinions)

Article 178 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (in item (i), excluding the petitioner):

- (i) a ruling of the appointment of a guardian of a minor or a supervisor of a guardian of a minor: the minor ward (limited to a minor ward of 15 years of age or older);
  - (ii) a ruling of the dismissal of a guardian of a minor: the guardian of a minor; and
  - (iii) a ruling of the dismissal of a supervisor of a guardian of a minor: the supervisor of a guardian of a minor.
- (2) When making the rulings set forth in the following items, the family court must hear the opinions of the persons specified respectively in these items:
- (i) the appointment of a person who is to be a guardian of a minor after the dissolution of an adoptive relationship or a guardian of a minor: the person who is to be a guardian of a minor; and

- (ii) the appointment of a supervisor of a guardian of a minor: the person who is to be a supervisor of a guardian of a minor.

(Immediate Appeals)

Article 179 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling to dismiss a petition for the appointment of a person who is to be a guardian of a minor after the dissolution of an adoptive relationship: the petitioner;
- (ii) a ruling of the dismissal of a guardian of a minor: the guardian of a minor;
- (iii) a ruling to dismiss a petition for the dismissal of a guardian of a minor: the petitioner, a supervisor of the guardian of a minor, as well as the minor ward and said ward's relative;
- (iv) a ruling of the dismissal of a supervisor of a guardian of a minor: the supervisor of a guardian of a minor; and
- (v) a ruling to dismiss a petition for the dismissal of a supervisor of a guardian of a minor: the petitioner, as well as the minor ward and said ward's relative.

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases for the Guardianship of Adults)

Article 180 The provision of Article 121 shall apply mutatis mutandis to the withdrawal of a petition for the appointment of a guardian of a minor; the provision of Article 124 shall apply mutatis mutandis to the supervision of the affairs of the guardianship of a minor; and the provision of Article 125 shall apply mutatis mutandis to an adjudication case for a disposition regarding the administration of property offered to a minor ward by a third party. In this case, the phrase "guardian of an adult under the provision of Article 843, paragraph (2)" in Article 121, item (ii) shall be deemed to be replaced with "guardian of a minor under the provision of Article 840, paragraph (1)," and the phrase "guardian of an adult under the provision of Article 843, paragraph (3)" in Article 121, item (iii) shall be deemed to be replaced with "guardian of a minor under the provision of Article 840, paragraph (2)."

(Provisional Orders Sought by Designating an Adjudication Case for the Dismissal of a Guardian of a Minor, etc. as a Case on the Merits)

Article 181 The provisions of Article 127, paragraphs (1) through (4) shall apply mutatis mutandis to a provisional order sought by designating an adjudication case for the dismissal of a guardian of a minor or a supervisor of a guardian of a minor as a case on the merits.

**Section 10 Adjudication Cases Regarding Support**

(Jurisdiction)

Article 182 (1) An adjudication case for the establishment of an obligation of support (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (84)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person who is to be a person under duty to provide support (in the case of a petition for the establishment of an obligation of support for two or more persons, one of such persons).

(2) An adjudication case for the revocation of the establishment of an obligation of support (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (85)) shall be subject to the jurisdiction of a family court that has made a ruling of the establishment of an obligation of support (if the court in charge of an appeal has made a judicial decision of the establishment of an obligation of support, the family court that is the court of first instance).

(3) An adjudication case for a determination of the order of support and for a change or revocation of such determination (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (9)), and an adjudication case for a determination of the extent or method of the support and for a change or revocation of such determination (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (10)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the respondent (in the case of a petition filed against two or more respondents, one of such respondents).

(Special Provisions for Filing a Petition)

Article 183 In the case of filing a petition for the establishment of an obligation of support by uniting it with a petition for the appointment of a custodian under the provision of Article 20, paragraph (2), item (iv) of the Act on Mental Health and Welfare for the Mentally Disabled (Act No. 123 of 1950), it may be filed with the family court which has jurisdiction over the place of domicile of a person with a mental disorder or intellectual disability.

(Hearing Statements)

Article 184 When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (excluding the petitioner):

(i) a ruling of the establishment of an obligation of support: the person who is to be a person under duty to provide support; and

(ii) a ruling to revoke the establishment of an obligation of support: the support

obligee.

(Order of Performance)

Article 185 In a ruling of a determination of the extent or method of support, and of a change or revocation of such determination, the family court may order a party to pay money, deliver an object, perform an obligation to register or perform any other act.

(Immediate Appeals)

Article 186 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of the establishment of an obligation of support: the person who is to be a person under duty to provide support (excluding the petitioner);
- (ii) a ruling to dismiss a petition for the establishment of an obligation of support: the petitioner;
- (iii) a ruling to revoke the establishment of an obligation of support: the support obligee (excluding the petitioner);
- (iv) a ruling to dismiss a petition for the revocation of the establishment of an obligation of support: the petitioner;
- (v) a ruling of a determination of the order of support, and of a change or revocation of such determination, and a ruling to dismiss such petition: the petitioner and the respondent; and
- (vi) a ruling of a determination of the extent or method of support, and of change or revocation of such determination, and a ruling to dismiss such petition: the petitioner and the respondent.

(Provisional Orders Sought by Designating an Adjudication Case Regarding Support as a Case on the Merits)

Article 187 Where a petition for adjudication or conciliation regarding the following particulars is filed, and when it is necessary for the preservation of a compulsory execution or the prevention of an imminent danger to a person concerned with the case, the family court (or a high court in the case set forth in Article 105, paragraph (2)) may, upon the petition of the person who has filed said petition, issue a ruling of provisional seizure, provisional disposition or any other necessary provisional order by designating the adjudication case on said matter as a case on the merits:

- (i) a determination of the order of support, and change or revocation of such determination; and
- (ii) a determination of the extent and method of support, and change or revocation of such determination.

## **Section 11 Adjudication Cases Regarding Disinheritance of Presumptive Heirs**

(Adjudication Cases for Disinheritance of Presumptive Heirs and Adjudication Cases for the Revocation of Disinheritance of Presumptive Heirs)

- Article 188 (1) An adjudication case for the disinheritance of a presumptive heir (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (86); the same shall apply hereinafter) and an adjudication case for the revocation of a ruling of the disinheritance of a presumptive heir (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (87); the same shall apply in paragraph (1) of the following Article) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a decedent; provided, however, that if these cases are filed after the death of a decedent, they shall be subject to the family court which has jurisdiction over the place where the inheritance process has commenced.
- (2) The provision of Article 118 shall apply mutatis mutandis to a decedent in the adjudication cases prescribed in the preceding paragraph.
- (3) In an adjudication case for the disinheritance of a presumptive heir, the family court must hear statements from the presumptive heir for whom disinheritance is sought, except when the petition is unlawful or the petition is clearly groundless. In this case, it must hear statements from such presumptive heir on a hearing date.
- (4) With regard to proceedings in an adjudication case for the disinheritance of a presumptive heir, the provisions of Articles 67 and 69 through 72 shall apply mutatis mutandis, while deeming the petitioner and the presumptive heir for whom disinheritance is sought to be the parties to the case.
- (5) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling of the disinheritance of a presumptive heir: the disinherited presumptive heir; and
  - (ii) a ruling to dismiss a petition for a ruling of the disinheritance of a presumptive heir or a petition for the revocation of such ruling: the petitioner.

(Adjudication Cases for Dispositions Regarding the Administration of Estates)

- Article 189 (1) An adjudication case for a disposition regarding the administration of an estate for a period before a ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (88); the same shall apply in the following paragraph) shall be

subject to the jurisdiction of a family court before which the adjudication case for the disinheritance of a presumptive heir or the adjudication case for the revocation of a ruling of the disinheritance of a presumptive heir is pending (if neither adjudication case is pending before any court, the family court which has jurisdiction over the place where an inheritance process has commenced; if either adjudication case is pending before the court in charge of an appeal, such court).

- (2) The provision of Article 125, paragraphs (1) through (6) shall apply mutatis mutandis to an administrator appointed in an adjudication case for a disposition regarding the administration of an estate for a period before a ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding. In this case, the term "family court" in paragraphs (1), (2) and (4) of said Article shall be deemed to be replaced with "court that has ordered a disposition regarding the administration of an estate for a period before a ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding," and the phrase "property of an adult ward" in paragraph (3) of said Article shall be deemed to be replaced with "estate."
- (3) When a ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding, the court that has ordered a disposition regarding the administration of an estate for a period before the ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding must make a juridical decision to rescind the disposition, upon the petition of the presumptive heir for whom disinheritance is sought, the administrator set forth in the preceding paragraph or any interested party or by its own authority.

### **Section 20 Adjudication Cases for Designation of Successor to Ownership of Equipment for Rituals, etc. upon Inheritance**

- Article 190 (1) An adjudication case for the designation of a successor to the ownership of equipment for rituals, etc. upon inheritance (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (11)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place where the inheritance process has commenced.
- (2) In a ruling of the designation of a successor to the ownership of equipment for rituals, etc. upon inheritance, the family court may order a party to deliver genealogy information, equipment for rituals and graves.
  - (3) An heir and any other interested party may file an immediate appeal against a ruling of the designation of a successor to the ownership of equipment for rituals, etc. upon inheritance and a ruling to dismiss a petition for such ruling.

## Section 13 Adjudication Cases Regarding the Division of Estates

(Jurisdiction)

- Article 191 (1) Adjudication cases regarding the division of an estate (meaning the adjudication cases regarding the particulars set forth in Appended Table 2, rows (12) through (14)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place where inheritance process has commenced.
- (2) Notwithstanding the provision of preceding paragraph, where an adjudication case for the division of an estate (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (12); the same shall apply hereinafter) is pending before a court, an adjudication case for a disposition to determine an heir's amount of contribution (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (14); the same shall apply in the following Article) shall be subject to the jurisdiction of the court before which the adjudication case for the division of an estate is pending.

(Consolidation of Proceedings, etc.)

- Article 192 When an adjudication case for the division of an estate and an adjudication case for a disposition to determine an heir's amount of contribution are pending before a court, the proceedings and rulings of these adjudication cases shall be conducted and made in a consolidated manner. The same shall apply where adjudication cases filed by two or more heirs for a disposition to determine their respective amounts of contribution are pending before a court.

(Designation of Periods for a Filing Petition for the Adjudication of a Disposition to Determine an Heir's Amount of Contribution)

- Article 193 (1) In proceedings for adjudication of the division of an estate, the family court may designate a period of not less than one month during which a party shall file a petition for a ruling of a disposition to determine said party's amount of contribution.
- (2) If a petition for a ruling of a disposition to determine an heir's amount of contribution is filed after the expiration of the period set forth in the preceding paragraph, the family court may dismiss said petition.
- (3) Even where the family court has not designated the period set forth in paragraph (1), if a party files a petition for a disposition to determine said party's amount of contribution late due to grounds attributable thereto, and a substantial delay is likely to occur in the proceedings for adjudication of the division of an estate by consolidating these proceedings with the proceedings for adjudication of a disposition to determine the amount of contribution based

on said petition, the family court may dismiss the petition.

(Judicial Decisions to Order the Conversion of an Estate into Cash)

- Article 194 (1) When a family court finds it to be necessary in order to make a ruling of the division of an estate, it may order an heir to put the whole or part of the estate up for auction and thereby convert it into cash.
- (2) When a family court finds it to be necessary and appropriate in order to make a ruling of the division of an estate, it may hear the opinion of an heir and order said heir to sell the whole or part of the estate by a private contract and thereby convert it into cash; provided, however, that this shall not apply if any of the coheirs manifests the intention that the sale should be conducted by auction.
- (3) Where a judicial decision made under the provisions of preceding two paragraphs (hereinafter referred to as a "judicial decision to order a conversion into cash" in this Article) has become final and binding, and the grounds for making the judicial decision to order a conversion into cash have ceased to exist or otherwise the circumstances have changed thereafter, the family court may revoke the judicial decision upon the petition of an heir or by its own authority.
- (4) Notice of a judicial decision to order a conversion into cash must be given to the parties to an adjudication case for the division of an estate, in addition to the persons prescribed in Article 74, paragraph (1) as applied *mutatis mutandis* pursuant to Article 81, paragraph (1).
- (5) An heir may file an immediate appeal against a judicial decision to order a conversion into cash.
- (6) Where a family court makes a judicial decision to order a conversion into cash, and if the administrator of property as set forth in Article 200, paragraph (1) has not been appointed, it must appoint such administrator.
- (7) A family court may grant reasonable remuneration, which is to come from the proceeds of the estate, to an heir who is ordered to conduct a conversion into cash by a judicial decision to order a conversion into cash.
- (8) The provision of Article 125, as well as the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply *mutatis mutandis* to an administrator of property appointed pursuant to the provision of paragraph (6). In this case, the term "property of an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "estate."

(Division of Estates by Imposing Obligations)

Article 195 Where a family court makes a ruling of the division of an estate, and when it finds that there are special circumstances, it may, as a means of

dividing the estate, have one or more of the coheirs assume obligation to the other coheirs, in lieu of dividing the estate.

(Orders of Performance)

Article 196 In a ruling of the division of an estate, the family court may order a party to pay money, deliver an object, perform an obligation to register or perform any other act.

(Revocation and Modification of Rulings of the Prohibition of the Division of Estates)

Article 197 A family court may, upon the petition of an heir, revoke a ruling of prohibition of the division of an estate or make a ruling to modify such ruling at any time if the circumstances have changed. An adjudication case based on this petition shall be deemed to be an adjudication case regarding the particulars set forth in Appended Table 2.

(Immediate Appeals)

Article 198 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of the division of an estate, and a ruling to dismiss a petition for such ruling: an heir;
- (ii) a ruling of prohibition of the division of an estate: an heir;
- (iii) a ruling to revoke or modify a ruling of prohibition of the division of an estate: an heir;
- (iv) a ruling of a disposition to determine an heir's contribution portion: an heir; and
- (v) a ruling to dismiss a petition for a disposition to determine an heir's amount of contribution: the petitioner.

(2) Where rulings are made in a consolidated manner pursuant to the provision of first sentence of Article 192, an immediate appeal may not be filed independently against a ruling of a disposition to determine an heir's amount of contribution or a ruling to dismiss a petition for such ruling.

(3) Where rulings are made in a consolidated manner pursuant to the provision of second sentence of Article 192, an immediate appeal filed by one of the petitioners shall be effective in relation to all the petitioners.

(Application Mutatis Mutandis of Provisions Concerning Restrictions on the Withdrawal of Petitions)

Article 199 The provision of Article 153 shall apply mutatis mutandis to the withdrawal of a petition for a ruling of the division of an estate.

(Provisional Orders Sought by Designating an Adjudication Case for Division of Estates as the Case on Merits)

- Article 200 (1) Where a petition for adjudication or conciliation regarding the division of an estate is filed, and when it is necessary for the administration of property, the family court (or a high court in the case set forth in Article 105, paragraph (2); the same shall apply in the following paragraph) may, upon petition or by its own authority, appoint an administrator of property or give instructions to a party concerned with the case with regard to the particulars concerning the administration of property, while not requiring the provision of security, until a ruling on the petition for the division of an estate becomes effective.
- (2) Where a petition for adjudication or conciliation regarding the division of an estate is filed, and when it is necessary for the preservation of a compulsory execution or the prevention of imminent danger to a person concerned with the case, the family court may, upon the petition of the person who has filed said petition or of the respondent, issue a ruling of provisional seizure, provisional disposition or any other necessary provisional order sought by designating an adjudication case for the division of an estate as a case on the merits.
- (3) The provisions of Article 125, paragraphs (1) through (6), as well as the provisions of Articles 27 through 29 of the Civil Code (excluding Article 27, paragraph (2) of said Code) shall apply mutatis mutandis to the administrator of property set forth in paragraph (1). In this case, the term "property of an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "estate."

**Section 14 Adjudication Cases Regarding Acceptance and Renunciation of Inheritance**

- Article 201 (1) Adjudication cases regarding the acceptance and renunciation of an inheritance (meaning adjudication cases regarding the particulars set forth in Appended Table 1, rows (89) through (95)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place where the inheritance process has commenced.
- (2) Notwithstanding the provision of preceding paragraph, an adjudication case for the appointment of an appraiser upon the qualified acceptance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (93)) shall be subject to the jurisdiction of a family court that has accepted a statement on the qualified acceptance (if the court in charge of appeal has accepted such statement, the family court that is the court of first instance).
- (3) Where a family court has accepted a statement on the qualified acceptance (if the court in charge of an appeal has accepted such statement, such court) when

there are two or more heirs, it must, by its own authority, appoint an administrator for the inherited property pursuant to the provision of Article 936, paragraph (1) of the Civil Code.

- (4) The provision of Article 118 shall apply mutatis mutandis to a person who may rescind the qualified acceptance or renunciation of an inheritance in an adjudication case for the acceptance of a statement on the rescission of the qualified acceptance or renunciation of an inheritance (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (91)).
- (5) A statement on the qualified acceptance and the rescission thereof, and a statement on the renunciation of an inheritance and the rescission thereof must be filed by submitting a written statement containing the following particulars:
  - (i) the party and the statutory agent; and
  - (ii) a statement on the qualified acceptance or the rescission thereof, or a statement on the renunciation of an inheritance and the rescission thereof.
- (6) The provisions of Article 49, paragraphs (3) through (6) and Article 50 shall apply mutatis mutandis to the statement set forth in the preceding paragraph. In this case, the term "paragraph (2)" in Article 49, paragraph (4) shall be deemed to be replaced with "Article 201, paragraph (5)."
- (7) When making a ruling of acceptance of the statement set forth in paragraph (5), a family court must include such fact in the written statement. In this case, the ruling shall become effective if said fact is included in the written statement.
- (8) The provision of Article 76 shall not apply to the ruling set forth in the preceding paragraph.
- (9) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
  - (i) a ruling to dismiss a petition for an extension of the period for making an acceptance or renunciation of an inheritance: the petitioner;
  - (ii) a ruling to dismiss a statement on the rescission of the qualified acceptance or renunciation of an inheritance: a person who may rescind the qualified acceptance or renunciation of an inheritance; and
  - (iii) a ruling to dismiss a statement on the qualified acceptance or renunciation of an inheritance: the person who made a statement.
- (10) The provision of Article 125 shall apply mutatis mutandis to an adjudication case for a disposition regarding the preservation or administration of inherited property (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (90)). In this case, the term "property of an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "inherited property."

## **Section 15 Adjudication Cases Regarding Separation of Property**

- Article 202 (1) The adjudication cases set forth in the following items shall be subject to the jurisdiction of the courts specified respectively in these items:
- (i) an adjudication case for the separation of property (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (96); the same shall apply in the following item): the family court which has jurisdiction over the place where an inheritance process has commenced;
  - (ii) an adjudication case for a disposition regarding the administration of inherited property after the request for the separation of property (meaning an adjudication case regarding the particular set forth in Appended Table 1, row (97); the same shall apply in paragraph (3)): the family court before which an adjudication case for the separation of property is pending (if an adjudication case for the separation of property is pending before the court in charge of an appeal, such court; after a judicial decision of the separation of property becomes final and binding, the family court before which the adjudication case for the separation of property has been pending); and
  - (iii) an adjudication case for the appointment of an appraiser upon the separation of property (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (98)): the family court that has made a ruling of the separation of property (if the court in charge of an appeal has made a judicial decision of the separation of property, the family court that is the court of first instance).
- (2) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling of the separation of property: an heir;
  - (ii) a ruling to dismiss a petition for the separation of property filed under the provision of Article 941, paragraph (1) of the Civil Code: an inheritance obligee and a donee; and
  - (iii) a ruling to dismiss a petition for the separation of property filed under the provision of Article 950, paragraph (1) of the Civil Code: an obligee of an heir.
- (3) The provision of Article 125 shall apply mutatis mutandis to an adjudication case for a disposition regarding the administration of property after a request for the separation of property. In this case, the term "property of an adult ward" in Article 125, paragraph (3) shall be deemed to be replaced with "inherited property."

## **Section 16 Adjudication Cases Regarding the Nonexistence of an Heir**

(Jurisdiction)

Article 203 The adjudication cases set forth in the following items shall be subject to the jurisdiction of the family courts specified respectively in these items:

- (i) an adjudication case for a disposition regarding the administration of inherited property in the event of the nonexistence of an heir (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (99); the same shall apply in the following item and Article 208): the family court which has jurisdiction over the place where an inheritance process has commenced;
- (ii) an adjudication case for the appointment of an appraiser in the event of nonexistence of an heir (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (100)): the family court that has made a ruling of the appointment of an administrator of inherited property in an adjudication case for a disposition regarding the administration of inherited property in the event of nonexistence of an heir; and
- (iii) an adjudication case for the distribution of inherited property to a person with a special connection (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (101); the same shall apply in paragraph (2) of the following Article and Article 207): the family court which has jurisdiction over the place where an inheritance process has commenced.

(Ruling of Distribution of Inherited Property to Persons with Special Connections)

Article 204 (1) A ruling on a petition for the distribution of inherited property to a person with a special connection must be made after three months have passed from the date of expiration of the period set forth in Article 958 of the Civil Code.

(2) When two or more adjudication cases for the distribution of inherited property to persons with special connections are pending simultaneously with regard to the same inherited property, proceedings and rulings concerning these adjudication cases must be conducted and made in a consolidated manner.

(Hearings of Opinions)

Article 205 When making a ruling on a petition for the distribution of inherited property to a person with a special connection, the family court must hear the opinion of an administrator of inherited property appointed pursuant to the provision of Article 952, paragraph (1) of the Civil Code or appointed as a replacement pursuant to the provision of Article 125, paragraph (1) as applied mutatis mutandis pursuant to Article 208 (hereinafter simply referred to as an

"administrator of inherited property" in the following Article and Article 207).

(Immediate Appeals)

Article 206 (1) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of the distribution of inherited property to a person with a special connection: the petitioner and an administrator of inherited property; and
- (ii) a ruling to dismiss a petition for the distribution of inherited property to a person with a special connection: the petitioner.

(2) Where rulings are made in a consolidated manner pursuant to the provision of Article 204, paragraph (2), an immediate appeal filed by one of the petitioners or an administrator of inherited property shall be effective in relation to all the petitioners.

(Judicial Decisions to Order the Conversion of Inherited Property into Cash)

Article 207 The provisions of Paragraph (1), the main clause of paragraph (2), paragraphs (3) through (5), and paragraph (7) of Article 194 shall apply mutatis mutandis to an adjudication case for the distribution of inherited property to a person with a special connection. In this case: the term "heir" in paragraphs (1) and (7) of said Article shall be deemed to be replaced with "administrator of inherited property," and the phrase "hear opinions from an heir and order him/her" in paragraph (2) of said Article shall be deemed to be replaced with "order an administrator of inherited property"; the term "heir" in paragraph (3) of said Article shall be deemed to be replaced with "petitioner for the distribution of inherited property to a person with a special connection or an administrator of inherited property"; the term "parties" in paragraph (4) of said Article shall be deemed to be replaced with "petitioner"; and the term "heir" in paragraph (5) of said Article shall be deemed to be replaced with "petitioner for the distribution of inherited property to a person with a special connection or an administrator of inherited property."

(Application Mutatis Mutandis of Provisions Concerning the Replacement of an Administrator, etc.)

Article 208 The provision of Article 125 shall apply mutatis mutandis to an adjudication case regarding the administration of inherited property in the event of the nonexistence of an heir. In this case, the phrase "property of an adult ward" shall be deemed to be replaced with "inherited property."

## **Section 17 Adjudication Cases Regarding Wills**

(Jurisdiction)

Article 209 (1) Adjudication cases regarding a will (meaning adjudication cases regarding the particulars set forth in Appended Table 1, rows (102) through (108)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place where an inheritance process has commenced.

(2) Notwithstanding the provision of preceding paragraph, an adjudication case for the confirmation of a will (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (102)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a testator while the testator is alive.

(Hearings of Statements and Opinions)

Article 210 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items:

- (i) a ruling of the dismissal of an executor: the executor; and
- (ii) a ruling of the rescission of a will concerning a testamentary gift with burden: the donee and the person who would have benefited from the discharge of the burden.

(2) When making a ruling of the appointment of an executor, the family court must hear the opinion of a person who is to be an executor.

(Preparation of Records)

Article 211 A court clerk must prepare a record regarding the probate of a will.

(Restrictions on the Withdrawal of Petitions)

Article 212 A petition for the confirmation of a will or probate of a will may not be withdrawn without permission from the family court, even before a ruling is made.

(Notice of Rulings)

Article 213 Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1):

- (i) a ruling of the dismissal of an executor: an heir; and
- (ii) a ruling of the rescission of a will concerning a testamentary gift with burden: the person who would have benefited from the discharge of the burden.

(Immediate Appeals)

Article 214 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of the confirmation of a will: an interested party;
- (ii) a ruling to dismiss a petition for the confirmation of a will: the witness who attends the making of a will, and an interested party;
- (iii) a ruling to dismiss a petition for the appointment of an executor: an interested party;
- (iv) a ruling to dismiss a petition for the dismissal of an executor: the executor;
- (v) a ruling to dismiss a petition for the dismissal of an executor: an interested party;
- (vi) a ruling to dismiss a petition for permission for the resignation of an executor: the petitioner;
- (vii) a ruling of the rescission of a will concerning a testamentary gift with burden: the donee and any other interested party (excluding the petitioner); and
- (viii) a ruling to dismiss a petitioner for the rescission of a will concerning a testamentary gift with burden: an heir.

(Provisional Orders Sought by Designating an Adjudication Case for Dismissal of an Executor as a Case on the Merits)

Article 215 (1) Where a petition for the dismissal of an executor is filed, and when it is necessary in the interests of an heir, the family court (or a high court in the case set forth in Article 105, paragraph (2); the same shall apply in paragraphs (3) and (4)) may, upon the petition of the person who has filed said petition, suspend the performance of duties by the executor or appoint a person acting as the representative thereof, until a ruling on the petition for the dismissal of an executor becomes effective.

(2) A ruling to suspend the performance of duties by an executor under the provision of preceding paragraph shall become effective when notice thereof is given to the executor who is to be suspended from performing duties, another executor, or a person acting as a representative appointed pursuant to the provision of said paragraph.

(3) A family court may, at any time, replace a person acting as a representative appointed pursuant to the provision of paragraph (1), with another.

(4) A family court may grant a reasonable remuneration to a person acting as a representative appointed pursuant to the provision of paragraph (1) or a person acting as a representative appointed as a replacement pursuant to the provision of preceding paragraph, out of inherited property.

### **Section 18 Adjudication Cases Regarding an Heir's Legally Reserved Portion**

Article 216 (1) The adjudication cases set forth in the following items shall be

subject to the family court which has jurisdiction over the places specified respectively in these items:

- (i) an adjudication case for the appointment of an appraiser upon the calculation of an heir's legally reserved portion (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (109)): the place where an inheritance process has commenced; and
  - (ii) an adjudication case for permission for an heir's renunciation of said heir's legally reserved portion (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (110)): the place of domicile of a decedent.
- (2) A person who has filed a petition for permission for an heir's renunciation of said heir's legally reserved portion may file an immediate appeal against a ruling to dismiss the petition.

### **Section 19 Adjudication Cases Prescribed in the Voluntary Guardianship Contract Act**

(Jurisdiction)

Article 217 (1) An adjudication case regarding the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (111); the same shall apply in the following paragraph and the following Article) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the principal set forth in Article 2, item (ii) of the Voluntary Guardianship Contract Act (hereinafter simply referred to as the "Principal" in this Section).

- (2) Adjudication cases prescribed in the Voluntary Guardianship Contract Act (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (111) through (121)), except for an adjudication case for the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective, shall be subject to the jurisdiction of the family court that has made a ruling of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective (if the court in charge of an appeal has appointed such supervisor of a voluntarily appointed guardian, the family court that is the court of first instance); provided, however, that if an adjudication case for the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective is pending before a family court, these cases shall be subject to that family court.

(Capacity to Perform Procedural Acts)

Article 218 The provision of Article 118 shall apply mutatis mutandis to the principal in an adjudication case for the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective.

(Hearings of Opinions Concerning Mental State)

Article 219 A family court may not make a ruling of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective unless it hears the opinion of a physician or any other appropriate person concerning the mental state of the principal.

(Hearings of Statements and Opinions)

Article 220 (1) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (in items (i) and (iv), excluding the petitioner); provided, however, that this shall not apply to the principal if it is impossible to hear said principal's opinion due to mental or physical disability:

- (i) a ruling of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective, and a ruling of the appointment of a supervisor of a voluntarily appointed guardian in the event of a vacancy of a supervisor of a voluntarily appointed guardian or the appointment of an additional supervisor of a voluntarily appointed guardian: the principal;
- (ii) a ruling of the dismissal of a supervisor of a voluntarily appointed guardian: the supervisor of a voluntarily appointed guardian;
- (iii) a ruling of the dismissal of a voluntarily appointed guardian: the voluntarily appointed guardian; and
- (iv) a ruling of permission for the cancellation of a voluntary guardianship contract: the principal and the voluntarily appointed guardian.

(2) When making the ruling set forth in item (i) of the preceding paragraph, the family court must hear the opinion of a person who is to be a supervisor of a voluntarily appointed guardian.

(3) When making a ruling of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective, the family court must hear the opinion of a person entrusted with voluntary guardianship with regard to making a voluntary guardianship contract effective.

(Restrictions on the Withdrawal of Petitions)

Article 221 A petition for the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective and

for the appointment of a supervisor of a voluntarily appointed guardian in the event of the vacancy of a supervisor of a voluntarily appointed guardian may not be withdrawn without permission from the family court, even before a ruling is made.

(Notice of Rulings)

Article 222 Notice of the rulings set forth in the following items must be given to the persons specified respectively in these items, in addition to the persons prescribed in Article 74, paragraph (1):

- (i) a ruling of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective: the principal and a person entrusted with voluntary guardianship;
- (ii) a ruling to revoke a ruling of the commencement of guardianship, etc.: in the case of a ruling to revoke a ruling of the commencement of guardianship, a guardian of an adult and a supervisor of a guardian of an adult; in the case of a ruling to revoke a ruling of the commencement of curatorship, a curator and a supervisor of a curator; and in the case of a ruling to revoke a ruling of the commencement of assistance, an assistant and a supervisor of an assistant;
- (iii) a ruling of the dismissal of a voluntarily appointed guardian: the principal and a voluntarily appointed guardian; and
- (iv) a ruling of permission for the cancellation of a voluntary guardianship contract: the principal, a voluntarily appointed guardian, and a supervisor of a voluntarily appointed guardian.

(Immediate Appeals)

Article 223 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items (in items (iv) and (vi), excluding the petitioner):

- (i) a ruling to dismiss a petition of the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective: the petitioner;
- (ii) a ruling of the dismissal of a supervisor of a voluntarily appointed guardian: the supervisor of a voluntarily appointed guardian;
- (iii) a ruling to dismiss a petition for the dismissal of a supervisor of a voluntarily appointed guardian: the petitioner, and the principal and said principal's relative;
- (iv) a ruling of the dismissal of a voluntarily appointed guardian: the principal and a voluntarily appointed guardian;
- (v) a ruling to dismiss a petition for the dismissal of a voluntarily appointed guardian: the petitioner, a supervisor of a voluntarily appointed guardian,

- and the principal and said principal's relative;
- (vi) a ruling of permission for the cancellation of a voluntary guardianship contract: the principal and a voluntarily appointed guardian; and
- (vii) a ruling to dismiss a petition for permission for the cancellation of a voluntary guardianship contract: the petitioner.

(Examination of the Affairs of Supervisors of Voluntarily Appointed Guardians)  
Article 224 A family court may have a family court probation officer examine the affairs of a supervisor of a voluntarily appointed guardian.

(Provisional Orders Sought by Designating an Adjudication Case for the Dismissal of Supervisor of Voluntarily Appointed Guardians, etc. as a Case on the Merits)

Article 225 (1) The provision of Article 127, paragraphs (1) through (4) shall apply mutatis mutandis to a provisional orders sought by designating an adjudication case for the dismissal of a supervisor of a voluntarily appointed guardian (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (117)) as a case on the merits.

(2) The provision of Article 127, paragraphs (1) and (2) shall apply mutatis mutandis to a provisional orders sought by designating an adjudication case for the dismissal of a voluntarily appointed guardian (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (120)) as a case on the merits. In this case, the phrase "suspend the performance of his/her duties by the guardian of the adult or appoint a person acting as the representative thereof" in paragraph (1) of said Article shall be deemed to be replaced with "suspend the performance of duties by the guardian of the adult," and the phrase "a person acting as a representative appointed under the provision of said paragraph" in paragraph (2) of said Article shall be deemed to be replaced with "supervisor of a voluntarily appointed guardian."

## **Section 20 Adjudication Cases Prescribed in the Family Register Act**

(Jurisdiction)

Article 226 The adjudication cases set forth in the following items shall be subject to the family court which has jurisdiction over the places specified respectively in these items:

- (i) an adjudication case for permission for the change of a surname or name (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (122)): the place of domicile of the petitioner;
- (ii) an adjudication case for permission for the registration of an unregistered person (meaning an adjudication case regarding the particulars set forth in

Appended Table 1, row (123)): the place where the unregistered person is to be registered;

(iii) an adjudication case for permission for a correction to a family register (meaning an adjudication case regarding the particulars set forth in

Appended Table 1, row (124)): the place where the family register exists; and

(iv) an adjudication case of an appeal against a disposition made by a mayor of municipality on a family register-related case (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (125); the same shall apply in the following Article): the location of a city office (or a ward office in the case under the provision of Article 121 of the Family Register Act (Act No. 224 of 1947) as applied mutatis mutandis pursuant to Article 4 of said Act) or a town/village office.

#### (Capacity to Perform Procedural Acts)

Article 227 The provision of Article 118 shall apply mutatis mutandis to a person who may file a petition for any of the adjudication cases prescribed in the Family Register Act (meaning the adjudication cases regarding the particulars set forth in Appended Table 1, rows (122) through (125)) in such adjudication cases; provided, however, that in an adjudication case for an appeal against a disposition made by a mayor of municipality on a family register-related case, this shall only apply to a person who may make a notification or perform any other act for which the disposition has been made.

#### (Notice of Pendency of Cases)

Article 228 Where a petition for permission for a correction to a family register under the provision of Article 113 of the Family Register Act is filed by a person other than the person who has made a notification or the party to the notification case relating to the family register, the family court must give notice to that effect to the person who has made the notification or the party to the notification case relating to the family register, except when the petition is unlawful or the petition is clearly groundless; provided, however, that this shall be required only when the name and domicile or residence of such person is known from the case record.

#### (Hearings of Statements and Opinions)

Article 229 (1) When making a ruling of permission for the change of a surname, the family court must hear statements from a person (limited to a person of 15 years of age or older) who is in the same family register as the petitioner.

(2) Where an appeal is filed against a disposition made by a mayor of a municipality (including a special ward mayor; with respect to a designated city set forth in Article 252-19, paragraph (1) of the Local Autonomy Act (Act No.

67 of 1947), a ward mayor; hereinafter the same shall apply in this Section) on a family register-related case, the family court must hear the opinion of said mayor of the municipality.

(Notice of Rulings, etc.)

Article 230 (1) Notice of a ruling to dismiss an appeal against a disposition made by a mayor of a municipality on a family register-related case must be given to the mayor of the municipality, in addition to the persons prescribed in Article 74, paragraph (1).

(2) When a family court finds grounds for an appeal against a disposition made by a mayor of a municipality on a family register-related case, it shall order the mayor of the municipality to make reasonable dispositions.

(Immediate Appeals)

Article 231 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of permission for the change of a surname: an interested party (excluding the petitioner);
- (ii) a ruling to dismiss a petition for permission for the change of a surname: the petitioner;
- (iii) a ruling to dismiss a petition for the registration of an unregistered person: the petitioner;
- (iv) a ruling of permission for a correction of a family register: an interested party (excluding the petitioner);
- (v) a ruling to dismiss a petition for permission for a correction to a family register: the petitioner;
- (vi) a ruling to order a mayor of municipality to make reasonable dispositions under the provision of paragraph (2) of the preceding Article: the mayor of the municipality; and
- (vii) a ruling to dismiss an appeal against a disposition made by a mayor of a municipality on a family register-related case: the petitioner.

### **Section 21 Adjudication Cases Prescribed in the Act on Special Cases in Handling Gender for People with Gender Identity Disorder**

Article 232 (1) An adjudication case for a change in the handling of gender (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (126); the same shall apply in the following paragraph) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the petitioner.

(2) The provision of Article 118 shall apply mutatis mutandis to a petitioner in

an adjudication case for the change in handling of gender.

- (3) A person who has filed a petition for a change in the handling of gender may file an immediate appeal against a ruling to dismiss the petition.

### **Section 22 Adjudication Cases Prescribed in the Employees' Pension Insurance Act**

Article 233 (1) An adjudication case for a disposition regarding a pro rata share to be requested (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (15)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the petitioner or the respondent.

(2) The petitioner and the respondent may file an immediate appeal against a ruling of a disposition regarding a pro rata share to be requested, and a ruling to dismiss such petition.

(3) The provision of Article 68, paragraph (2) shall not apply to proceedings for a ruling of a disposition regarding a pro rata share to be requested.

### **Section 23 Adjudication Cases Prescribed in the Child Welfare Act**

(Jurisdiction)

Article 234 An adjudication case for the approval of a measure taken by a prefecture (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (127); the same shall apply in the following Article) and an adjudication case for the approval of a renewal of the period for a measure taken by a prefecture (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (128); the same shall apply in the following Article) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a child.

(Capacity to Perform Procedural Acts)

Article 235 The provision of Article 118 shall apply mutatis mutandis to a person who actually cares for a child, a person who exercises parental authority over a child, a guardian of a minor, and a child in an adjudication case for the approval of a measure taken by a prefecture (including an adjudication case for a provisional order sought by designating said adjudication case as a case on the merits) and an adjudication case for the approval of a renewal of the period for a measure taken by a prefecture.

(Hearing Statements and Opinions)

Article 236 (1) When making a ruling on a petition for the approval of a measure

taken by a prefecture and for the approval of a renewal of the period for a measure taken by a prefecture, the family court must hear statements from the persons prescribed in the preceding Article (in the case of a child, limited to a child of 15 years of age or older), except when the petition is unlawful or the petition is clearly groundless.

(2) In the case referred to in the preceding paragraph, the family court may seek the opinion of the petitioner concerning the statements from a person who actually cares for a child, a person who exercises parental authority over a child, and a guardian of a minor.

(Notice of Rulings)

Article 237 Notice of a ruling on the approval of a measure taken by a prefecture and on the approval of a renewal of the period for a measure taken by a prefecture must be given to a person who actually cares for a child, a person who exercises parental authority over a child, and a guardian of a minor, in addition to the persons prescribed in Article 74, paragraph (1).

(Immediate Appeals)

Article 238 An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:

- (i) a ruling of the approval of a measure taken by a prefecture: a person who actually cares for a child, a person who exercises parental authority over a child, and a guardian of a minor;
- (ii) a ruling to dismiss a petition for the approval of a measure taken by a prefecture: the petitioner;
- (iii) a ruling of the approval of a renewal of the period for a measure taken by a prefecture: a person who actually cares for a child, a person who exercises parental authority over a child, and a guardian of a minor; and
- (iv) a ruling to dismiss a petition for the approval of a renewal of the period for a measure taken by a prefecture: the petitioner.

(Provisional Orders Sought by Designating an Adjudication Case for the Approval of Measures Taken by Prefectures as a Case on the Merits)

Article 239 Where a petition for the approval of a measure taken by a prefecture is filed with regard to a child who is taken under temporary custody under the provision of Article 33, paragraph (2) of the Child Welfare Act (Act No. 164 of 1947) and a guardian of the child is restricted from performing all the acts set forth in the items of Article 12, paragraph (1) of the Act on the Prevention, etc. of Child Abuse (Act No. 82 of 2000) pursuant to the provision of said paragraph, and when it is necessary for the protection of the child, the family court (or a high court in the case set forth in Article 105, paragraph (2)) may, upon the

petition of a person who has filed said petition, order said guardian not to approach the child at said child's domicile or residence, the school that the child attends or any other place that the child usually visits, or loiter in the vicinity of the child's domicile or residence, the school that the child attends or any other place where the child is normally present (including the school route and any other routes where the child normally travels in daily life or social life), until a ruling on the petition for approval becomes effective.

**Section 24 Adjudication Cases Prescribed in the Public Assistance Act, etc.**

- Article 240 (1) An adjudication case for permission for admission to a facility, etc. (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (129); the same shall apply in paragraph (3)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a public assistance recipient.
- (2) An adjudication case for the determination of the amount of expenses to be borne by a person under duty to provide support (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (16)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person under duty to provide support (in the case of a petition filed against two or more persons under duty to provide support, one of such obligors).
- (3) The provision of Article 118 shall apply mutatis mutandis to a public assistance recipient, a person who exercises parental authority over a public assistance recipient, and a guardian of a public assistance recipient in an adjudication case for permission for admission to a facility, etc.
- (4) When making a ruling on a petition for permission for admission to a facility, etc., the family court must hear statements from a public assistance recipient (limited to a child of 15 years of age or older), a person who exercises parental authority over a public assistance recipient and a guardian of a public assistance recipient, except when the petition is unlawful or the petition is clearly groundless.
- (5) Notice of a ruling of permission for admission to a facility, etc. must be given to a person who exercises parental authority over a public assistance recipient and a guardian of a public assistance recipient, in addition to the persons prescribed in Article 74, paragraph (1).
- (6) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling of permission for admission to a facility, etc.: a person who exercises parental authority over a public assistance recipient and a

- guardian of a public assistance recipient;
- (ii) a ruling to dismiss a petition for permission for admission to a facility, etc.: the petitioner; and
- (iii) a ruling of the determination of the amount of expenses to be borne by a person under duty to provide support, and a ruling to dismiss such petition: the petitioner and the respondent.

### **Section 25 Adjudication Cases Prescribed in the Act on Mental Health and Welfare for the Mentally Disabled**

- Article 241 (1) An adjudication case for a change in the order among persons to serve as custodians and for the appointment of a custodian (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (130); the same shall apply in paragraph (4)) shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a person with a mental disorder or intellectual disability.
- (2) When making the rulings set forth in the following items, the family court must hear statements from the persons specified respectively in these items (excluding the petitioner):
- (i) a ruling of the change in the order among persons to serve as custodians: a person who is to be moved to a higher rank; and
  - (ii) a ruling of the appointment of a custodian: a person who is to be a custodian.
- (3) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
- (i) a ruling of the change in the order among persons to serve as custodians: a person who is to be moved to a higher rank (excluding the petitioner);
  - (ii) a ruling of the appointment of a custodian: a person who is to be a custodian (excluding the petitioner); and
  - (iii) a ruling to dismiss a petition for the change in the order among persons to serve as custodians or for the appointment of a custodian: the petitioner.
- (4) A family court may, at any time, replace a person appointed in an adjudication case for the change in the order among persons to serve as custodians or for the appointment of a custodian, with another.

### **Section 26 Adjudication Cases Prescribed in the Bankruptcy Act**

- Article 242 (1) The adjudication cases set forth in the following items shall be subject to the family court which has jurisdiction over the places specified respectively in these items:
- (i) an adjudication case for the change of an administrator of property under a

- matrimonial property contract, etc. upon the commencement of bankruptcy proceedings, etc. (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (131); the same shall apply in paragraph (3)): the place of domicile of the husband or wife;
- (ii) an adjudication case for the loss of the right of administration of property upon the commencement of bankruptcy proceedings against a person who exercises parental authority (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (132); the same shall apply in paragraph (3)): the place of domicile of the child; and
- (iii) an adjudication case for the acceptance of a statement on the renunciation of an inheritance in bankruptcy proceedings (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (133); the same shall apply in paragraph (3)): the place where the inheritance process has commenced.
- (2) A bankruptcy trustee may file an immediate appeal against a ruling to dismiss a statement on the renunciation of an inheritance in bankruptcy proceedings.
- (3) The provisions of Article 152, paragraph (1), Article 154, paragraph (2) (limited to the part concerning item (ii)), Article 155, Article 156 (limited to the part concerning item (ii)), and Article 158 shall apply mutatis mutandis to an adjudication case for the change of an administrator of property under a matrimonial property contract, etc. upon the commencement of bankruptcy proceedings; the provisions of Article 168 (limited to the part concerning item (iii)), Article 169, paragraph (1) (limited to the part concerning item (i)), Article 170 (limited to the part concerning item (i)), Article 172, paragraph (1) (limited to the part concerning items (iii) and (iv)) and paragraph (2) (limited to the part concerning item (i)), and the provisions of Article 174 (limited to the part concerning the loss of right of administration of property) shall apply mutatis mutandis to an adjudication case for the loss of right of administration of property upon the commencement of bankruptcy proceedings against a person who exercises parental authority; and the provisions of Article 201, paragraphs (5) through (8) shall apply mutatis mutandis to an adjudication case for the acceptance of a statement on the renunciation of an inheritance in bankruptcy proceedings.

### **Section 27 Adjudication Cases Prescribed in the Act on Facilitation of Succession of Management of Small and Medium Sized Enterprises**

Article 243 (1) An adjudication case for permission for an agreement on the calculation of an heir's legally reserved portion (meaning an adjudication case regarding the particulars set forth in Appended Table 1, row (134)) shall be

subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of the former representative set forth in Article 3, paragraph (2) of the Act on Facilitation of Succession of Management of Small and Medium Sized Enterprises (Act No. 33 of 2008).

- (2) Notice of a ruling of permission for an agreement on the calculation of an heir's legally reserved portion must be given to all the parties to the agreement.
- (3) An immediate appeal may be filed against the rulings set forth in the following items by the persons specified respectively in these items:
  - (i) a ruling of permission for an agreement on the calculation of an heir's legally reserved portion: a party to the agreement (excluding the petitioner); and
  - (ii) a ruling to dismiss a petition for permission for an agreement on the calculation of an heir's legally reserved portion: a party to the agreement.

### **Part III Proceedings for Conciliation of Domestic Relations**

#### **Chapter I General Provisions**

##### **Section 1 General Rules**

(Particulars to Be Conciliated, etc.)

Article 244 A family court shall conciliate litigation cases regarding personal status and other cases regarding family affairs (excluding the cases regarding the particulars set forth in Appended Table 1), and also adjudicate these cases as provided for in this Part.

(Jurisdiction, etc.)

Article 245 (1) A case for a conciliation of domestic relations shall be subject to the jurisdiction of the family court which has jurisdiction over the place of domicile of a respondent or a family court determined by agreement between the parties.

- (2) The provisions of Article 11, paragraphs (2) and (3) of the Code of Civil Procedure shall apply mutatis mutandis to the agreement set forth in the preceding paragraph.
- (3) The provisions of Article 191, paragraph (2) and Article 192 shall apply mutatis mutandis to a conciliation case for the division of an estate (meaning a conciliation case regarding the particulars set forth in Appended Table 2, row (12)) and a conciliation case for a disposition to determine an heir's amount of contribution (meaning an adjudication case regarding the particulars set forth in Appended Table 2, row (14)). In this case, the term "preceding paragraph" in Article 191, paragraph (2) shall be deemed to be replaced with "Article 245, paragraph (1)."

(Transfer to a District Court or Summary Court)

- Article 246 (1) Where a family court receives a petition for the conciliation of a case other than cases that it may conciliate pursuant to the provision of Article 244, it shall transfer the case to a district court or summary court which has jurisdiction over the case by its own authority.
- (2) Where a family court receives a petition for the conciliation of a case that it may conciliate pursuant to the provision of Article 244, and when it finds it to be necessary in order to process the case, it may transfer the whole or part of the case to a district court or summary court which has jurisdiction over the case by its own authority.
- (3) Notwithstanding the provisions of preceding two paragraphs, when the family court finds it to be particularly necessary in order to process a case, it may transfer the case to a domestic court or summary court (limited to a court which has subject-matter jurisdiction) other than the domestic court or summary court which has jurisdiction over the case.
- (4) The provisions of Article 9, paragraphs (3) through (5) shall apply mutatis mutandis to a decision of transfer under the provision of preceding three paragraphs.

(Conciliation Bodies)

- Article 247 (1) A family court shall conciliate a case through a conciliation committee; provided, however, that when a family court finds it to be appropriate, a case may be conciliated by a judge alone.
- (2) Upon the petition of a party, the family court must conciliate a case through a conciliation committee, notwithstanding the provision of proviso to the preceding paragraph.

(Conciliation Committee)

- Article 248 (1) A conciliation committee shall be composed of a judge and two or more domestic relations conciliation commissioners.
- (2) Domestic relations conciliation commissioners who compose a conciliation committee shall be designated by a family court for each case.
- (3) A resolution of a conciliation committee shall be adopted by a majority opinion. In the event of a tie, a judge shall decide on the matter.
- (4) Deliberations of conciliation committees shall be confidential.

(Domestic Relations Conciliation Commissioners)

- Article 249 (1) Domestic relations conciliation commissioners shall serve part-time, and the necessary particulars concerning their appointment and dismissal shall be specified by the Rules of the Supreme Court.
- (2) Domestic relations conciliation commissioners shall be paid an allowance as

separately provided by law, and also be paid travel expenses, a daily allowance and accommodation fees as specified by the Rules of the Supreme Court.

(Appointment of Domestic Relations Conciliators, etc.)

Article 250 (1) A domestic relations conciliator shall be appointed by the Supreme Court from among attorneys who have served in the capacity thereof for not less than five years.

- (2) A domestic relations conciliator shall perform the duties necessary for processing conciliation cases, as provided for by this Act.
- (3) A domestic relations conciliator shall hold office for two years, and may be reappointed.
- (4) A domestic relations conciliator shall serve on a part-time basis.
- (5) A domestic relations conciliator shall not be dismissed during said conciliator's term of office, except in any of the cases listed in the following items:
  - (i) where the domestic relations conciliator comes to fall under any of the items of Article 7 of the Attorney Act (Act No. 205 of 1949);
  - (ii) where the domestic relations conciliator is found to be mentally or physically incompetent to perform duties; or
  - (iii) where the domestic relations conciliator is found to have breached said conciliator's obligations in the course of their duties or committed any other misconduct so as to render said conciliator unfit to serve as a domestic relations conciliator.
- (6) In addition to what is provided for in this Act, the necessary particulars concerning the appointment and dismissal of a domestic relations conciliator shall be specified by the Rules of the Supreme Court.

(Powers of Civil Conciliators, etc.)

Article 251 (1) A domestic relations conciliator shall handle a case for conciliation of domestic relations, as designated by the court.

- (2) A domestic relations conciliator may, in the course of processing a case for conciliation of domestic relations that said conciliator handles, exercise the powers to be exercised by a family court, a judge or the presiding judge in connection with the processing of a case for conciliation of domestic relations as provided in this Act.
- (3) A domestic relations conciliator shall perform their duties independently.
- (4) A domestic relations conciliator may, when exercising their powers, give a necessary order concerning said conciliator's duties to a court clerk, a family court probation officer, and a technical official of the court who is a physician. In this case, the provision of Article 60, paragraph (5) of the Court Act (Act No. 59 of 1947) shall apply mutatis mutandis to a court clerk who has received an

order from a domestic relations conciliator.

- (5) A domestic relations conciliator shall be paid an allowance as separately provided for by law, and also be paid travel expenses, a daily allowance and accommodation charges as specified by the Rules of the Supreme Court.

(Capacity to Perform Procedural Acts)

Article 252 (1) In the conciliation cases set forth in the following items (in items (i) and (ii), excluding cases which seek the provision of property benefits), the persons specified respectively in these items may perform procedural acts themselves, not through their statutory agent, notwithstanding the provision of Article 31 of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 17, paragraph (1). The same shall apply where such person is a person under curatorship or a person under assistance (limited to a person under assistance who is required to obtain consent from the assistant for performing procedural acts) and said person has not obtained consent from the curator or supervisor of the curator or the assistant or supervisor of the assistant:

- (i) a conciliation case for a disposition regarding cooperation and mutual assistance between a husband and wife (meaning a conciliation case regarding the particulars set forth in Appended Table 2, row (1)): a husband and wife;
  - (ii) a conciliation case for a disposition regarding the custody of a child (meaning a conciliation case regarding the particulars set forth in Appended Table 2, row (3)): a child;
  - (iii) a conciliation case for the designation of a person who is to have parental authority over an adopted child after the dissolution of an adoptive relationship (meaning a conciliation case regarding the particulars set forth in Appended Table 2, row (7)): the adopted child and said child's parents and adoptive parents;
  - (iv) a conciliation case for the designation or change of a person who has parental authority (meaning the conciliation case regarding the particulars set forth in Appended Table 2, row (8)): the child and said child's parents; and
  - (v) a conciliation case regarding a matter against which an action concerning personal status prescribed in Article 2 of the Personal Status Litigation Act (simply referred to an "action concerning personal status" in Article 277, paragraph (1)) may be filed: a person who may perform procedural acts when the provision of Article 13, paragraph (1) of said Act is applied.
- (2) Notwithstanding the provision of Article 18, in the conciliation cases set forth in items (i), (iii), and (iv) of the preceding paragraph (as for the conciliation case set forth in item (i) of said paragraph, excluding a case to seek provision of

a property benefit), a person who exercises parental authority or a guardian may not make an agreement under Article 268, paragraph (1), accept the proposed terms of a conciliation prescribed in Article 270, paragraph (1), or file a joint notification under Article 286, paragraph (8), on behalf of the persons specified respectively in these items. The same shall apply to a guardian of a husband and wife in a conciliation case regarding a divorce, and to a guardian of an adoptive parent, a person who exercises parental authority over an adopted child (limited to a child of 15 years of age or older; hereinafter the same shall apply in this paragraph), and a guardian of an adopted child in a conciliation case regarding the dissolution of an adoptive relationship.

(Preparation of Records)

Article 253 A court clerk must prepare a record regarding a date for proceedings for conciliation of domestic relations; provided, however, that this shall not apply if the presiding judge finds it to be unnecessary to prepare such record.

(Inspection of Records, etc.)

Article 254 (1) A party or a third party who has made a prima facie showing of interest may, with permission from the family court, make a request to a court clerk for the inspection or copying of, or the issuance of an authenticated copy, transcript or extract of, a record of a case for conciliation of domestic relations, or for the issuance of a certificate of particulars concerning a case for conciliation of domestic relations.

(2) The provision of the preceding paragraph shall not apply to a record of a case for conciliation of domestic relations which is prepared in the form of audiotapes or videotapes (including objects on which certain particulars are recorded by any means equivalent thereto). In this case, a party or a third party who has made a prima facie showing of interest may, with the permission of the family court, make a request to a court clerk for the reproduction of these objects.

(3) When a petition for permission under the provision of preceding two paragraphs is filed by a party or a third party who has made a prima facie showing of interest (excluding the case prescribed in paragraph (6)), the family court may grant permission when it finds it to be appropriate.

(4) Notwithstanding the provision of paragraph (1), a party may make a request to a court clerk for the issuance of the following documents, without permission from the family court:

(i) an authenticated copy, transcript or extract of a written ruling or any other written judicial decision;

(ii) an authenticated copy, transcript or extract of a record which states an agreement reached through conciliation, or states to the effect that the court

- has closed the case while deciding not to conduct a conciliation or considering that conciliation has been unsuccessful; and
- (iii) a certificate of particulars relating to a case for conciliation of domestic relations.
- (5) A request for the inspection, copying or reproduction of a record of a case for conciliation of domestic relations may not be made if these acts would interfere with the preservation of the record of the case for conciliation of domestic relations or with the performance of the duties of the court or conciliation committee.
- (6) Where a petition for permission under the provisions of paragraph (1) or (2) is filed by a party in a conciliation case regarding the matter prescribed in Article 277, paragraph (1), the provisions of Article 47, paragraphs (3), (4), and (8) through (10) shall apply mutatis mutandis.

## **Section 2 Petition for Conciliation of Domestic Relations, etc.**

(Petition for Conciliation of Domestic Relations)

- Article 255 (1) A petition for conciliation of domestic relations must be filed by submitting a written petition (referred to as a "written petition for conciliation of domestic relations" in the following paragraph and the following Article) to a family court.
- (2) A written petition for conciliation of domestic relations must state the following particulars:
- (i) the party (parties) and the statutory agent(s); and
  - (ii) the object of and reasons for the petition.
- (3) An immediate appeal may be filed against a ruling to dismiss a petition for conciliation of domestic relations as unlawful.
- (4) The provision of Article 49, paragraphs (3) through (6) and Article 50 (excluding the proviso to paragraph (1)) shall apply mutatis mutandis to a petition for conciliation of domestic relations. In this case, the term "paragraph (2)" in Article 49, paragraph (4) shall be deemed to be replaced with "Article 255, paragraph (2)."

(Sending of Copies of Written Petitions for Conciliation of Domestic Relations, etc.)

- Article 256 (1) Where a petition for conciliation of domestic relations is filed, the family court must send a copy of a written petition for conciliation of domestic relations to the respondent, except when the petition is unlawful or when it closes the case for conciliation of domestic relations pursuant to the provision of Article 271 without holding a date for proceedings for conciliation of domestic relations; provided, however, that if it is found that there is a risk of

interfering with the smooth progress in proceedings for conciliation of domestic relations, the family court may give notice to the respondent of the fact that a petition for conciliation of domestic relations is filed, in lieu of sending a copy of a written petition for conciliation of domestic relations.

- (2) The provisions of Article 49, paragraphs (4) through (6) shall apply mutatis mutandis where it is impossible to send a copy of a written petition for conciliation of domestic relations or to give notice in lieu of sending such copy under the provision of preceding paragraph, and the provisions of Article 67, paragraphs (3) and (4) shall apply mutatis mutandis to sending a copy of a written petition for conciliation of domestic relations or the prepayment of costs for giving notice in lieu of sending such copy under the provision of preceding paragraph.

(Principle of Conciliation First)

Article 257 (1) A person who intends to file an action on a case where a conciliation may be possible pursuant to the provision of Article 244 must first file a petition for conciliation of domestic relations with a family court.

- (2) Where a person files an action on the case set forth in the preceding paragraph without filing a petition for conciliation of domestic relations, the court must, by its own authority, refer the case to a conciliation of domestic relations; provided, however, that this shall not apply when the court finds it to be inappropriate to refer the case to conciliation.

- (3) Where the court refers a case pursuant to the provision of preceding paragraph, it must have the case processed by a family court which has jurisdiction over the case; provided, however, that when it finds it to be particularly necessary in order to process a case for conciliation of domestic relations, it may have the case processed by a family court other than a family court which has jurisdiction over the case.

### **Section 3 Proceedings for Conciliation of Domestic Relations**

(Application Mutatis Mutandis of Provisions Concerning Proceedings for the Adjudication of Domestic Relations, etc.)

Article 258 (1) The provisions of Articles 41 through 43 shall apply mutatis mutandis to the intervention in or exclusion from proceedings for conciliation of domestic relations; the provision of Article 44 shall apply mutatis mutandis to the taking over of proceedings for the conciliation of domestic relations; the provisions of Articles 51 through 55 shall apply mutatis mutandis to a date for proceedings for conciliation of domestic relations; the provisions of Articles 56 through 62 and Article 64 shall apply mutatis mutandis to the examination of facts and examination of evidence in proceedings for conciliation of domestic

relations; the provision of Article 65 shall apply mutatis mutandis to understanding the intention of a child, etc.; the provision of Articles 73, 74, 76 (excluding the proviso to paragraph (1)), 77, and 79 shall apply mutatis mutandis to a ruling regarding conciliation of domestic relations; and the provision of Article 81 shall apply mutatis mutandis to a judicial decision other than a ruling regarding conciliation of domestic relations.

- (2) A court that is commissioned to examine the facts in proceedings for conciliation of domestic relations pursuant to the provision of Article 61, paragraph (1) as applied mutatis mutandis pursuant to the preceding paragraph may, when it finds it to be appropriate, have a court clerk conduct the examination of facts as commissioned; provided, however, that this shall not apply when a commissioned family court finds it to be appropriate to have a family court probation officer conduct the examination of facts as commissioned.

(Control over Proceedings for Conciliation of Domestic Relations Conducted by a Conciliation Committee)

Article 259 Proceedings for conciliation of domestic relations conducted by a conciliation committee shall be subject to the control of a judge who is a member of the conciliation committee.

(Power of Conciliation Committees, etc.)

Article 260 (1) Where a conciliation committee conducts a conciliation of domestic relations, the power of a court in relation to the following particulars shall be exercised by the conciliation committee:

- (i) permission, etc. for a counsel under the provision of Article 22;
- (ii) permission, etc. for an assistant in court under the provision of Article 60, paragraphs (1) and (2) of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 27;
- (iii) permission for attendance under the provision of proviso to Article 33;
- (iv) consolidation of proceedings, etc. under the provision of Article 35;
- (v) amendment to a petition under the provisions of Article 50, paragraphs (3) and (4) as applied mutatis mutandis pursuant to the provision of Article 255, paragraph (4); and
- (vi) intervention in proceedings under the provisions of Article 41, paragraphs (1) and (2) and Article 42, paragraphs (1) through (3) and (5), exclusion from proceedings under the provision of Article 43, paragraph (1), taking over of proceedings under the provisions of Article 44, paragraphs (1) and (3), summoning a party concerned with a case under the provision of Article 51, paragraph (1), conducting proceedings by the method of communication through audio transmissions under the provision of Article 54, paragraph (1),

and the examination of facts and examination of evidence (excluding the particulars concerning a non-criminal fine and subpoena) under the provisions of Article 56, paragraph (1), Article 59, paragraphs (1) and (2) (including the cases where applied mutatis mutandis pursuant to Article 60, paragraph (2)), Article 61, paragraph (1), Article 62, and Article 64, paragraph (5), as well as under the provisions of the Code of Civil Procedure as applied mutatis mutandis pursuant to Article 64, paragraph (1), with the provisions mentioned herein applied mutatis mutandis pursuant to Article 258, paragraph (1).

- (2) Where a conciliation committee conducts proceedings for conciliation of domestic relations, the power of a court in relation to the appointment, etc. of a counsel under the provisions of Article 23, paragraphs (1) and (2), the designation of a date for proceedings under the provision of Article 34, paragraph (1), and the preparation of a record under the provision of proviso to Article 253 shall be exercised by a judge who is a member of the conciliation committee.

(Examination of Facts and Examination of Evidence, etc. by a Judge Who Is Member of Conciliation Committee)

Article 261 (1) A judge who is a member of a conciliation committee may, by a resolution of the conciliation committee, examine facts and evidence.

- (2) In the case referred to in the preceding paragraph, a judge may have a family court probation officer examine facts or a technical official of the court who is a physician diagnose the physical and mental condition of a person concerned with a case.

(3) The provisions of Article 58, paragraphs (3) and (4) shall apply mutatis mutandis to the examination of facts and the diagnosis of the physical and mental condition of the person under the provision of the preceding paragraph.

(4) In the case referred to in paragraph (1), a judge may, when said judge finds it to be appropriate, have a court clerk examine facts; provided, however, that this shall not apply when said judge finds it to be appropriate to have a family court probation officer examine facts.

(5) A judge who is a member of a conciliation committee may, by a resolution of the conciliation committee, have a family court probation officer take the measures under the provision of Article 59, paragraph (3).

(Examination of Facts by Domestic Relations Conciliation Commissioner)

Article 262 A conciliation committee may, when it finds it to be appropriate, have a domestic relations conciliation commissioner who is a member of the conciliation committee examine facts; provided, however, that this shall not apply when it finds it to be appropriate to have a family court probation officer

examine the facts.

(The Commissioning of Hearing Opinions)

Article 263 (1) A conciliation committee may commission another family court or a summary court to hear the opinion of a party concerned with a case with regard to the resolution of a dispute.

(2) A family court that is commissioned to hear opinions under the provision of preceding paragraph may, when it finds it to be appropriate, have a domestic relations conciliation commissioner hear opinions as commissioned.

(Hearing of the Expert Opinion of a Domestic Relations Conciliation Commissioner)

Article 264 (1) A conciliation committee may, when it finds it to be necessary, hear the opinions of a domestic relations conciliation commissioner who is not a member of the conciliation committee, based on said commissioner's expert knowledge and experience.

(2) A domestic relations conciliation commissioner whose opinions are to be heard pursuant to the provision of preceding paragraph shall be designated by a family court.

(3) A domestic relations conciliation commissioner who is designated under the provision of the preceding paragraph shall attend a conciliation committee and state opinions.

(Place of Conciliation)

Article 265 A conciliation committee may conciliate a case at an appropriate place outside a court, in consideration of the circumstances of the case.

(Disposition Prior to Conciliation)

Article 266 (1) While a case for conciliation of domestic relations is pending, a conciliation committee may issue a disposition that it finds to be necessary for conciliation.

(2) If there are pressing circumstances, a judge who is a member of a conciliation committee may order the disposition set forth in the preceding paragraph (hereinafter referred to as a "Disposition Prior to Conciliation").

(3) A Disposition Prior to Conciliation shall not have enforceability.

(4) If a party or Interested Party Intervenor who has been ordered to take a necessary measure as a Disposition Prior to Conciliation does not comply with such order without justifiable grounds, a family court shall punish said party or Interested Party Intervenor by a non-criminal fine of up to 100,000 yen.

(Proceedings for Conciliation of Domestic Relations Conducted by a Sole Judge)

- Article 267 (1) Where proceedings for conciliation of domestic relations are conducted by a sole judge, a family court may, when it finds it to be appropriate, have a court clerk examine the facts; provided, however, that this shall not apply when it finds it to be appropriate to have a family court probation officer examine the facts.
- (2) The provisions of Article 263 through the preceding Article shall apply mutatis mutandis where proceedings for conciliation of domestic relations are conducted by a sole judge.

#### **Section 4 Successful Conciliation**

(Successful Conciliation and Effect Thereof)

- Article 268 (1) When an agreement is reached between the parties at conciliation and included in a written statement, conciliation will become successful, and such entry shall have the same effect as a final and binding judgment (with regard to the particulars set forth in Appended Table 2, a final and binding ruling under the provision of Article 39).
- (2) (1) When an agreement is reached between the parties with regard to part of a case for conciliation of domestic relations, conciliation may be successfully achieved with regard to such part of the case. The same shall apply when an agreement is reached with regard to one of the cases for conciliation of domestic relations for which the consolidation of proceedings has been ordered.
- (3) In a conciliation case regarding divorce or dissolution in an adoptive relationship, conciliation may not be successfully achieved by the method prescribed in Article 54, paragraph (1) as applied mutatis mutandis pursuant to Article 258, paragraph (1).
- (4) The provisions of paragraphs (1) and (2) shall not apply to conciliation cases regarding the particulars prescribed in Article 277, paragraph (1).

(Order of the Correction of Records of Conciliation)

- Article 269 (1) If there is a miscalculation, clerical error or any other clear error similar thereto in the record of a conciliation, a family court may, upon petition or by its own authority, make a ruling of correction at any time.
- (2) A ruling of correction must be made by preparing a written judicial decision.
- (3) An immediate appeal may be filed against ruling of correction.
- (4) An immediate appeal may be filed against an order to dismiss the petition set forth in paragraph (1) as unlawful.

(Acceptance of Proposed Terms of Conciliation in Writing)

- Article 270 (1) Where it is found to be difficult for a party to appear due to living in a remote place or on any other grounds, if the party has submitted a

document stating that said party accepts the proposed terms of conciliation presented in advance by a conciliation committee (if the proceedings for conciliation of domestic relations are conducted by a sole judge, such judge; the same shall apply in the following Article and Article 272, paragraph (1)), and the other party has appeared on a date for the proceedings for conciliation of domestic relations and accepted such proposed terms for conciliation, it shall be deemed that both parties have reached an agreement.

- (2) The provision of preceding paragraph shall not apply to a conciliation case regarding divorce or dissolution in an adoptive relationship.

### **Section 5 Closing of Cases Without Successful Conciliation**

(Closing of Cases Without Conducting Conciliation)

Article 271 When a conciliation committee finds that because of the nature of a case it is unsuitable for conciliation, or finds that a party has filed a petition for conciliation for an unjust purpose and without good reason, the conciliation committee may close the case for conciliation of domestic relations, deciding not to conduct a conciliation.

(Closing of Cases due to Unsuccessful Conciliation)

Article 272 (1) Where there is no likelihood of any agreement to be reached between the parties (including the agreement set forth in Article 277, paragraph (1), item (i)) or where a conciliation committee finds that an agreement that has been reached is inappropriate, the conciliation committee may close the case for conciliation of domestic relations, considering that conciliation has been unsuccessful; provided, however, that this shall not apply where a family court has made a ruling in lieu of conciliation under the provision of Article 284, paragraph (1).

- (2) When a case for conciliation of domestic relations has been closed pursuant to the provision of preceding paragraph, a family court must give notice to that effect to the parties.
- (3) If, with regard to a case for which a petition for conciliation of domestic relations has been filed, a party has filed an action within two weeks from the day on which said party has received notice under the provision of preceding paragraph, the action shall be deemed to have been filed at the time of the filing of the petition for conciliation of domestic relations.
- (4) Where a conciliation case regarding any of the particulars set forth in Appended Table 2 has been closed pursuant to the provision of paragraph (1), it shall be deemed that a petition for the adjudication of domestic relations regarding said matter has been filed.

(Withdrawal of Petitions for Conciliation of Domestic Relations)

- Article 273 (1) A petition for conciliation of domestic relations may be withdrawn in whole or in part until a case for conciliation of domestic relations is closed.
- (2) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure shall apply mutatis mutandis to the withdrawal of a petition for conciliation of domestic relations. In this case, the phrase "date for oral argument, preparatory proceedings or settlement (hereinafter referred to as the "Date for Oral Argument, etc." in this Chapter)" in the proviso to Article 261, paragraph (3) of said Code shall be deemed to be replaced with "date for proceedings for conciliation of domestic relations."

**Section 6 Referral to Conciliation, etc.**

(Referral to Conciliation)

- Article 274 (1) Where a litigation case or a case for adjudication of domestic relations is pending with regard to a case for which conciliation may be conducted pursuant to the provision of Article 244, a court may by its own authority refer the case to conciliation of domestic relations at any time, while hearing the opinions of the parties (before a defendant or respondent makes statements on the merits, limited to a plaintiff or petitioner).
- (2) When referring a case to conciliation pursuant to the provision of the preceding paragraph, a court must have the case processed by the family court which has jurisdiction over the case; provided, however, that if a court finds it to be particularly necessary in order to process a case for conciliation of domestic relations, it may have the case processed by a family court other than the family court which has jurisdiction over the case.
- (3) Notwithstanding the provision of preceding paragraph, when a family court and a high court refer a case to conciliation pursuant to the provision of paragraph (1), they may process the case for conciliation of domestic relations by themselves.
- (4) When a family court or a high court conducts conciliation through a conciliation committee pursuant to the provision of preceding paragraph, the conciliation committee shall be composed of a judge appointed by the court from among the judges assigned thereto, and two or more domestic relations conciliation commissioners.
- (5) For the purpose of the application of the provisions of this Section in cases where a high court conducts conciliation by itself pursuant to the provision of paragraph (3): in the provisions of Article 244, Article 247, Article 248, paragraph (2), Article 254, paragraphs (1) through (4), Article 264, paragraph (2), Article 266, paragraph (4), Article 269, paragraph (1), and the proviso to paragraph (1) and paragraph (2) of Article 272, as well as the provisions of

following Chapter and Chapter III, the term "family court" shall be deemed to be replaced with "high court"; in Article 244, Article 258, paragraph (1), Article 276, Article 277, paragraph (1), item (i), Article 279, paragraph (3), and Article 284, paragraph (1), the term "ruling" shall be deemed to be replaced with "judicial decision in lieu of a ruling"; in Article 267, paragraph (1), the term "family court" shall be deemed to be replaced with "high court"; in the provisions of following Chapter, the phrase "Ruling Equivalent to an Agreement" shall be deemed to be replaced with "judicial decision in lieu of a ruling equivalent to an agreement"; in the provisions of proviso to Article 272, paragraph (1), and Chapter III (excluding the provision of Article 286, paragraph (7)), the phrase "ruling in lieu of conciliation" shall be deemed to be replaced with "judicial decision in lieu of a ruling in lieu of conciliation"; and in Article 281 and Article 287, the phrase "ruling to dismiss" shall be deemed to be replaced with "judicial decision in lieu of a ruling to dismiss."

(Suspension of Litigation Proceedings and Proceedings for Adjudication of Domestic Relations)

Article 275 (1) When a suit is pending with regard to a case for which a petition for conciliation of domestic relations is filed, or a court before which a suit is pending refers the case to conciliation pursuant to provisions of Article 257, paragraph (2) or paragraph (1) of the preceding Article, the court before which the suit is pending may suspend litigation proceedings until a case for conciliation of domestic relations is closed.

(2) When a case for adjudication of domestic relations is pending with regard to a case for which a petition for conciliation of domestic relations is filed, or a court before which a case for adjudication of domestic relations is pending refers the case to conciliation pursuant to the provision of paragraph (1) of the preceding Article, the court before which the case for adjudication of domestic relations is pending may suspend proceedings for adjudication of domestic relations until a case for conciliation of domestic relations is closed.

(Constructive Withdrawal of an Action, etc.)

Article 276 (1) Where a court before which a suit is pending has referred the case to conciliation pursuant to the provisions of Article 257, paragraph (2) or Article 274, paragraph (1), and when conciliation is successful or the ruling under the provisions of paragraph (1) of the following Article or Article 284, paragraph (1) becomes final and binding, it shall be deemed that an action relating to the suit has been withdrawn.

(2) Where a court before which a case for adjudication of domestic relations is pending has referred the case to conciliation pursuant to the provision of Article 274, paragraph (1), and when conciliation is successful or the ruling set

forth in Article 284, paragraph (1) becomes final and binding, the case for adjudication of domestic relations shall be closed.

## **Chapter II Rulings Equivalent to Agreement**

(Subject and Requirements of Rulings Equivalent to Agreements)

- Article 277 (1) In proceedings for conciliation of domestic relations regarding a matter against which an action concerning personal status may be filed (excluding an action for divorce and an action for the dissolution of an adoptive relationship), if both requirements set forth in the following items are satisfied, and when the family court, having examined the necessary facts, finds the agreement set forth in item (i) to be legitimate, it may make a ruling equivalent to said agreement (hereinafter referred to as a "Ruling Equivalent to an Agreement"); provided, however, that this shall not apply after the death of either of the parties to the family relationship concerned with said matter:
- (i) the parties have reached an agreement whereby they will be subject to a ruling to the same effect as the object of the petition; and
  - (ii) the parties do not dispute any cause of annulment or rescission or cause of the formation or existence of a family relationship which pertains to the petition.
- (2) The agreement set forth in item (i) of the preceding paragraph may not be reached by the method prescribed in Article 54, paragraph (1) as applied mutatis mutandis pursuant to Article 258, paragraph (1), and in Article 270, paragraph (1).
- (3) Where proceedings for conciliation of domestic relations set forth in paragraph (1) are conducted by a conciliation committee, and when the family court makes a Ruling Equivalent to an Agreement, the family court shall hear the opinions of the domestic relations conciliation commissioners who compose the conciliation committee.
- (4) The provisions of Article 272, paragraphs (1) through (3) shall apply mutatis mutandis where the family court does not find an agreement under the provision of paragraph (1), item (i) to be legitimate.

(Restrictions on the Withdrawal of Petitions)

Article 278 The withdrawal of a petition for conciliation of domestic relations shall not become effective without the consent of the respondent after a Ruling Equivalent to an Agreement is made.

(Objections)

Article 279 (1) A party and an interested party may file an objection with a family court with regard to a Ruling Equivalent to an Agreement; provided,

however, that a party may do so only on the grounds that the requirements set forth in the items of Article 277, paragraph (1) are not satisfied.

- (2) The objection under the provision of preceding paragraph must be filed within an unextendable period of two weeks.
- (3) The period set forth in the preceding paragraph shall run from the day on which a person who may file an objection receives notice of a ruling if an objection may be filed by a person who is to receive notice of a ruling, or from the day on which the party receives notice of a ruling if an objection may be filed by a person other than a person who is to receive notice of a ruling (if there are two or more such days, the latest day), respectively.
- (4) A right to file an objection under the provision of paragraph (1) may be waived.

(Rulings on Objections, etc.)

Article 280 (1) A family court must dismiss an objection filed by a party under the provision of paragraph (1) of the preceding Article when the objection is unlawful or when it finds the objection to be groundless. The same shall apply when an objection filed by an interested party under the provision of said paragraph is unlawful.

- (2) An objector may file an immediate appeal against a ruling to dismiss an objection pursuant to the provision of preceding paragraph.
- (3) Where a party files a lawful objection, the family court must revoke a Ruling Equivalent to an Agreement when it finds grounds for the objection.
- (4) Where an interested party files a lawful objection, a Ruling Equivalent to an Agreement shall cease to be effective. In this case, the family court shall give notice to that effect to the parties.
- (5) Where a petition for conciliation of domestic relations is filed within two weeks from the day on which a party has received notice under the provision of preceding paragraph, and the party files an action on the case pertaining to said petition, the action shall be deemed to have been filed at the time of the filing of the petition for conciliation of domestic relations.

(Effect of Rulings Equivalent to an Agreement)

Article 281 If no objection is filed under the provision of Article 279, paragraph (1), or a ruling to dismiss an objection becomes final and binding, a Ruling Equivalent to an Agreement shall have the same effect as a final and binding judgment.

(Special Provisions for Rulings Equivalent to an Agreement on Rescission of Marriage)

Article 282 (1) In proceedings for conciliation of domestic relations regarding the

rescission of marriage, when the family court makes a Ruling Equivalent to an Agreement on the rescission of marriage, it must designate a person who has parental authority over a child based on an agreement between the parties, by such Ruling Equivalent to an Agreement.

- (2) The Ruling Equivalent to an Agreement set forth in the preceding paragraph may not be made when an agreement has not been reached between the parties with regard to the designation of a person who has parental authority over a child or where an agreement which has been reached is found to be inappropriate.

(Special Provisions for the Closure of Cases upon the Death of a Petitioner)

Article 283 Where a husband has died after filing a petition for conciliation to rebut the presumption of a child in wedlock, and a person, whose right of inheritance would be infringed by the child pertaining to the petition or another relative of the husband by blood within the third degree of kinship, files an action to rebut the presumption of a child in wedlock within one year from the date of the husband's death, the action shall be deemed to have been filed at the time of the filing of the petition for conciliation by the husband.

### **Chapter III Rulings in Lieu of Conciliation**

(Subject and Requirements of Rulings in Lieu of Conciliation)

Article 284 (1) Where conciliation is unsuccessful and when the family court finds it to be appropriate, it may make a necessary ruling for the resolution of a case (hereinafter referred to as a "ruling in lieu of conciliation") by its own authority, giving consideration to equity in the interests of both parties and taking into account all relevant circumstances; provided, however, that this shall not apply in proceedings for conciliation of domestic relations regarding the particulars prescribed in Article 277, paragraph (1).

- (2) Where proceedings for conciliation of domestic relations are conducted by a conciliation committee, and when the family court makes a ruling lieu of conciliation, the family court must hear the opinions of the domestic relations conciliation commissioners who compose the conciliation committee.

- (3) In a ruling in lieu of conciliation, the family court may order a party to surrender custody of a child, pay money or provide any other economic benefit or perform any other act.

(Special Provisions for Rulings in Lieu of Conciliation)

Article 285 (1) Notwithstanding the provision of Article 273, paragraph (1), a petition for conciliation of domestic relations may not be withdrawn after a ruling in lieu of conciliation is made.

- (2) Notice of a ruling in lieu of conciliation may not be effected by service through publication.
- (3) When it is impossible to give notice of a ruling in lieu of conciliation, the family court must revoke the ruling.

(Objections, etc.)

Article 286 (1) A party may file an objection with a family court with regard to a ruling in lieu of conciliation.

- (2) The provision of Article 279, paragraphs (2) through (4) shall apply *mutatis mutandis* to an objection filed under the provision of preceding paragraph.
- (3) A family court must dismiss an objection filed under paragraph (1) when it is unlawful.
- (4) An objector may file an immediate appeal against a ruling to dismiss said objector's objection pursuant to the provision of preceding paragraph.
- (5) Where a lawful objection is filed, a ruling in lieu of conciliation shall cease to be effective. In this case, the family court must give notice to that effect to the parties.
- (6) Where a petition for conciliation of domestic relations is filed within two weeks from the day on which a party has received the notice under the provision of preceding paragraph, and the party files an action on the case pertaining to said petition, the action shall be deemed to have been filed at the time of the filing of the petition for conciliation of domestic relations.
- (7) Where a ruling in lieu of conciliation regarding any of the particulars set forth in Appended Table 2 has ceased to be effective pursuant to the provision of paragraph (5), it shall be deemed that a petition for adjudication of domestic relations regarding said matter has been filed at the time of the filing of the petition for conciliation of domestic relations.
- (8) The provision of paragraph (1) shall not apply when the parties file a joint notification that they will be subject to a ruling in lieu of conciliation in proceedings for conciliation of domestic relations pertaining to the petition (excluding conciliation of domestic relations regarding divorce or the dissolution of an adoptive relationship).
- (9) The joint notification set forth in the preceding paragraph must be filed in writing.
- (10) A party may revoke a joint notification set forth in paragraph (8) only before notice of a ruling in lieu of conciliation is given. In this case, said party shall not be required to obtain the consent of the other party.

(Effect of Ruling in Lieu of Conciliation)

Article 287 If no objection is filed under the provision of paragraph (1) of the preceding Article, or a ruling to dismiss an objection becomes final and binding,

a ruling in lieu of conciliation regarding any of the particulars set forth in Appended Table 2 shall have the same effect as a final and binding ruling made under the provision of Article 39, and a ruling in lieu of conciliation regarding other particulars shall have the same effect as a final and binding judgment.

#### **Chapter IV Appeals, etc.**

Article 288 Except as otherwise provided, with regard to an appeal and an action for retrial against a judicial decision made during proceedings for conciliation of domestic relations, the provisions of Chapter I, Sections 2 and 3 of the preceding Part shall apply mutatis mutandis, respectively.

#### **Part IV Assurance of Performance**

(Examination of the Status of Performance of Obligations, and Performance Recommendations)

Article 289 (1) A family court that has made a ruling under the provision of Article 39 to impose an obligation on a person (if the court in charge of an appeal has made a judicial decision to impose an obligation on a person under the provision of Article 91, paragraph (1) (including the cases where applied mutatis mutandis pursuant to Article 96, paragraph (1) and Article 98, paragraph (1)), the family court that is the court of first instance; and if a high court has made a judicial decision to impose an obligation on a person pursuant to the provision of Article 105, paragraph (2), the family court that is the court of first instance of the case for adjudication of domestic relations on the merits; the same shall apply hereinafter) may, upon the request of an obligee, examine the status of the performance of the obligation determined by such ruling (if the court in charge of an appeal or a high court has made a judicial decision to determine an obligation, by such judicial decision; the same shall apply in paragraph (1) of the following Article), and recommend an obligor to perform the obligation.

(2) A family court that has made a ruling under the provision of Article 39 to impose an obligation on a person may commission another family court to conduct an examination and make a recommendation under the provision of the preceding paragraph.

(3) A family court that has made a ruling under the provision of Article 39 to impose an obligation on a person as well as a family court that has been commissioned to conduct an examination and make a recommendation under the provision of preceding paragraph (these family courts shall be referred to as a "family court responsible for examination and recommendation" in the

following paragraph through paragraph (6)) may have a family court probation officer conduct the examination and make the recommendation under the provision of paragraph (1).

- (4) When a family court responsible for examination and recommendation, in connection with the examination and recommendation under the provision of paragraph (1), finds it to be necessary in order to coordinate the home, and other environments of a person concerned with the case, it may have a family court probation officer communicate with a social welfare organization or take other measures.
- (5) A family court responsible for examination and recommendation may commission a government agency, public officer or any other entity as it finds appropriate to conduct the examination and recommendation under the provision of paragraph (1), or may request a bank, a trust company or the employer of a person concerned or any other person to make the necessary report concerning the deposits, trust property, income or other particulars regarding the person concerned.
- (6) Where a person concerned with a case subject to examination and recommendation under the provision of paragraph (1) makes a request for the Inspection of a Record, etc. or reproduction of a record of the case, the family court responsible for examination and recommendation may permit such inspection, etc. or reproduction when it finds it to be appropriate.
- (7) The provisions of preceding paragraphs shall apply mutatis mutandis to the performance of an obligation imposed on a person by conciliation or by a ruling in lieu of conciliation (including an obligation imposed on a person by a high court; the same shall apply in paragraph (3) of the following Article) and the performance of particulars ordered as a Disposition Prior to Conciliation.

(Order of the Performance of Obligations)

- Article 290 (1) Where a family court has made a ruling under the provision of Article 39 to impose an obligation on a person, and such person has neglected to perform the obligation to pay money or provide any other property benefit as imposed by said ruling, the family court may, when it finds it to be appropriate and upon the petition of the obligee, make a ruling to specify a reasonable period and order the obligor to perform the obligation within that period. In this case, such order shall be issued in relation to the whole or part of the obligation the obligor has neglected to perform by the time the order has been issued.
- (2) When a family court that has made a ruling under the provision of Article 39 to impose an obligation on a person orders the performance of the obligation pursuant to the provision of preceding paragraph, it must hear statements from the obligor.

- (3) The provisions of preceding two paragraphs shall apply mutatis mutandis to the performance of an obligation imposed on a person by conciliation or by a ruling in lieu of conciliation.
- (4) In addition to what is provided for in the preceding three paragraphs, the procedure to make a ruling to order the performance of an obligation under the provision of paragraph (1) (including the cases where applied mutatis mutandis pursuant to the preceding paragraph) shall be as prescribed in Part II, Chapter I.
- (5) If a person who has been ordered to perform an obligation pursuant to the provision of paragraph (1) (including cases where applied mutatis mutandis pursuant to paragraph (3)) does not comply with such order without justifiable grounds, the family court shall punish said person by a non-criminal fine of up to 100,000 yen.

### **Part V Penal Provisions**

(Execution, etc. of Judicial Decisions of Non-Criminal Fines)

- Article 291 (1) A judicial decision of a non-criminal fine under the provisions of this Act shall be executed based on a direction issued by a judge. Such direction shall have the same effect as an enforceable title of obligation.
- (2) In addition to what is provided for in this Act, Part V of the Non-Contentious Case Procedure Act (Act No. 51 of 2011) (excluding the provisions of Article 119 and Article 121, paragraph (1) of said Act and the parts of the provisions of Article 120 and Article 122 of said Act concerning a public prosecutor) shall apply mutatis mutandis to a judicial decision of a non-criminal fine.

(Crime of Divulging Personal Confidential Information)

- Article 292 If a counselor or a domestic relations conciliation commissioner or a person who has held either post, divulges any personal confidential information coming to said counselor's knowledge in relation to the particulars handled thereby in the course of said counselor's duties without justifiable grounds, said counselor shall be punished by imprisonment with work for up to one year or a fine of up to 500,000 yen.

(Crime of Divulging Confidential Information on Proceedings of Deliberations)

- Article 293 If a domestic relations conciliation commissioner or a person who has been a domestic relations conciliation commissioner, without justifiable grounds, divulges any particulars with respect to the proceedings of the deliberations of the committee, or the opinions of a judge, domestic relations conciliator or domestic relations conciliation commissioner or the number of opinions constituting the majority and the minority, said person shall be

punished by a fine of up to 300,000 yen. The same shall apply when a counselor or a person who has been a counselor, without justifiable grounds, divulges the opinions of a judge or counselor.

Appended Table 1 (Related to Article 39, Articles 116 to 118, Article 128, Article 129, Article 136, Article 137, Article 145, Articles 148 to 150, Articles 159 to 162, Article 164, Article 165, Article 167, Article 168, Article 176, Article 177, Article 182, Article 188, Article 189, Articles 201 to 203, Article 209, Article 216, Article 217, Articles 225 to 227, Article 232, Article 234, and Articles 240 to 244)

Row	Matter	Legal basis
Guardianship of Adult		
1	Commencement of guardianship	Article 7 of the Civil Code
2	Revocation of a ruling of commencement of guardianship	Article 10 of the Civil Code, and paragraph (1) of said Article as applied mutatis mutandis pursuant to Article 19, paragraph (2) of said Code
3	Appointment of a guardian of an adult	Article 843, paragraphs (1) to (3) of the Civil Code
4	Permission for the resignation of a guardian of an adult	Article 844 of the Civil Code
5	Dismissal of a guardian of an adult	Article 846 of the Civil Code
6	Appointment of a supervisor of a guardian of an adult	Article 849 of the Civil Code
7	Permission for the resignation of a supervisor of a guardian of an adult	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 852 of said Code
8	Dismissal of a supervisor of a guardian of an adult	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 852 of said Code
9	Extension of the period for preparing an inventory of property concerning guardianship of an adult	Proviso to Article 853, paragraph (1) of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 856 of said Code)

10	Determination of the exercise of authority by a guardian of an adult or a supervisor of a guardian of an adult, and revocation of such determination	Article 859-2, paragraphs (1) and (2) of the Civil Code (including the cases where these provisions are applied mutatis mutandis pursuant to Article 852 of said Code)
11	Permission for disposition of real property used for residence of an adult ward	Article 859-3 of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 852 of said Code)
12	Appointment of a special agent for an adult ward	Article 826 of the Civil Code as applied mutatis mutandis pursuant to Article 860 of said Code
13	Grant of remuneration to a guardian of an adult or a supervisor of a guardian of an adult	Article 862 of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 852 of said Code)
14	Supervision of affairs of guardianship of an adult	Article 863 of the Civil Code
15	Disposition regarding the administration of property offered to an adult ward by a third party	Article 830, paragraphs (2) to (4) of the Civil Code as applied mutatis mutandis pursuant to Article 869 of said Code
16	Extension of the period of settlement of account concerning guardianship of an adult	Proviso to Article 870 of the Civil Code
<b>Curatorship</b>		
17	Commencement of curatorship	Article 11 of the Civil Code
18	Determination of acts which require the consent of a curator	Article 13, paragraph (2) of the Civil Code
19	Permission in lieu of the consent of a curator	Article 13, paragraph (3) of the Civil Code
20	Revocation of a ruling of commencement of curatorship	Article 14, paragraph (1) of the Civil Code, and Article 19, paragraph (1) of said Code (including the cases where applied mutatis mutandis pursuant to paragraph (2) of said Article)

21	Revocation of a ruling to determine acts which require the consent of a curator	Article 14, paragraph (2) of the Civil Code
22	Appointment of a curator	Article 876-2, paragraph (1) of the Civil Code, and Article 843, paragraphs (2) and (3) of said Code as applied mutatis mutandis pursuant to Article 876-2, paragraph (2) of said Code
23	Permission for the resignation of a curator	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 876-2, paragraph (2) of said Code
24	Dismissal of a curator	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 876-2, paragraph (2) of said Code
25	Appointment of a temporary curator	Article 876-2, paragraph (3) of the Civil Code
26	Appointment of a supervisor of a curator	Article 876-3, paragraph (1) of the Civil Code
27	Permission for the resignation of a supervisor of a curator	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 876-3, paragraph (2) of said Code
28	Dismissal of a supervisor of a curator	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 876-3, paragraph (2) of said Code
29	Determination of the exercise of authority by a curator or a supervisor of a curator, and revocation of such determination	Article 859-2, paragraphs (1) and (2) of the Civil Code as applied mutatis mutandis pursuant to Article 876-2, paragraph (2) and Article 876-5, paragraph (2) of said Code
30	Permission for disposition of real property used for residence of a person under curatorship	Article 859-3 of the Civil Code as applied mutatis mutandis pursuant to Article 876-3, paragraph (2) and Article 876-5, paragraph (2) of said Code
31	Grant of remuneration to a curator or a supervisor of a curator	Article 862 of the Civil Code as applied mutatis mutandis pursuant to Article 876-3, paragraph (2) and Article 876-5, paragraph (2) of said Code
32	Grant of authority of representation to a curator	Article 876-4, paragraph (1) of the Civil Code

33	Revocation of a ruling to grant authority of representation to a curator	Article 876-4, paragraph (3) of the Civil Code
34	Supervision of affairs of curatorship	Article 863 of the Civil Code as applied mutatis mutandis pursuant to Article 876-5, paragraph (2) of said Code
35	Extension of the period of settlement of account concerning curatorship	Proviso to Article 870 of the Civil Code as applied mutatis mutandis pursuant to Article 876-5, paragraph (3) of said Code
Assistance		
36	Commencement of assistance	Article 15, paragraph (1) of the Civil Code
37	Determination of acts which required the consent of an assistant	Article 17, paragraph (1) of the Civil Code
38	Permission in lieu of the consent of an assistant	Article 17, paragraph (3) of the Civil Code
39	Revocation of a ruling of commencement of assistance	Article 18, paragraphs (1) and (3) of the Civil Code, and Article 19, paragraph (1) of said Code (including the cases where applied mutatis mutandis pursuant to paragraph (2) of said Article)
40	Revocation of a ruling to determine acts which require the consent of an assistant	Article 18, paragraph (2) of the Civil Code
41	Appointment of an assistant	Article 876-7, paragraph (1) of the Civil Code, and Article 843, paragraphs (2) and (3) of said Code as applied mutatis mutandis pursuant to Article 876-7, paragraph (2) of said Code
42	Permission for the resignation of an assistant	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 876-7, paragraph (2) of said Code
43	Dismissal of an assistant	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 876-7, paragraph (2) of said Code
44	Appointment of a temporary assistant	Article 876-7, paragraph (3) of the Civil Code
45	Appointment of a supervisor of an assistant	Article 876-8, paragraph (1) of the Civil Code

46	Permission for the resignation of a supervisor of an assistant	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 876-8, paragraph (2) of said Code
47	Dismissal of a supervisor of an assistant	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 876-8, paragraph (2) of said Code
48	Determination of the exercise of authority by an assistant or a supervisor of an assistant, and the revocation of such determination	Article 859-2, paragraphs (1) and (2) of the Civil Code as applied mutatis mutandis pursuant to Article 876-2, paragraph (2) and Article 876-10, paragraph (1) of said Code
49	Permission for disposition of real property used for residence of a person under assistance	Article 859-3 of the Civil Code as applied mutatis mutandis pursuant to Article 876-8, paragraph (2) and Article 876-10, paragraph (1) of said Code
50	Grant of remuneration to an assistant or a supervisor of an assistant	Article 862 of the Civil Code as applied mutatis mutandis pursuant to Article 876-8, paragraph (2) and Article 876-10, paragraph (1) of said Code
51	Grant of authority of representation to an assistant	Article 876-8, paragraph (1) of the Civil Code
52	Revocation of a ruling to grant authority of representation to an assistant	Article 876-4, paragraph (3) of the Civil Code as applied mutatis mutandis pursuant to Article 876-9, paragraph (2) of said Code
53	Supervision of affairs of assistance	Article 863 of the Civil Code as applied mutatis mutandis pursuant to Article 876-10, paragraph (1) of said Code
54	Extension of the period of settlement of account concerning assistance	Proviso to Article 870 of the Civil Code as applied mutatis mutandis pursuant to Article 876-10, paragraph (2) of said Code
Administration of Property of Absentee		
55	Disposition regarding the administration of property of an absentee	Disposition regarding the administration of property of an absentee
Adjudication of Disappearance		

56	Adjudication of disappearance	Article 30 of the Civil Code
57	Revocation of adjudication of disappearance	Article 32, paragraph (1) of the Civil Code
Marriage, etc.		
58	Change of an administrator of property under a matrimonial property contract, etc.	Article 758, paragraphs (2) and (3) of the Civil Code
Parent and Child		
59	Appointment of a special agent in an action to rebut presumption of a child in wedlock	Article 775 of the Civil Code
60	Permission for the change of the surname of a child	Article 791, paragraphs (1) and (3) of the Civil Code
61	Permission to adopt	Articles 794 and 798 of the Civil Code
62	Permission for the dissolution of an adoptive relationship after the death of a party to adoption	Article 811, paragraph (6) of the Civil Code
63	Establishment of special adoption	Article 817-2 of the Civil Code
64	Dissolution of special adoption	Article 817-10, paragraph (1) of the Civil Code
Parental Authority		
65	Appointment of a special agent for a child	Article 826 of the Civil Code
66	Disposition regarding the administration of property offered to a child by a third party	Article 830, paragraphs (2) to (4) of the Civil Code
67	Deprivation of parental authority, suspension of parental authority or deprivation of authority of administration of property	Articles 834 to 385 of the Civil Code

68	Revocation of a ruling of the deprivation of parental authority, suspension of parental authority or deprivation of authority of administration of property	Article 836 of the Civil Code
69	Permission for the surrender or resumption of parental authority or authority of administration of property	Article 837 of the Civil Code
Guardianship of Minor		
70	Appointment of a person who is to be a guardian of an adopted minor after the dissolution of an adoptive relation	Article 811, paragraph (5) of the Civil Code
71	Appointment of a guardian of a minor	Article 840, paragraphs (1) and (2) of the Civil Code
72	Permission for the resignation of a guardian of a minor	Article 844 of the Civil Code
73	Dismissal of a guardian of a minor	Article 846 of the Civil Code
74	Appointment of a supervisor of a guardian of a minor	Article 849 of the Civil Code
75	Permission for the resignation of a supervisor of a guardian of a minor	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 852 of said Code
76	Dismissal of a supervisor of a guardian of a minor	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 852 of said Code
77	Extension of the period for preparing an inventory of property concerning guardianship of a minor	Proviso to Article 853, paragraph (1) of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 856 and Article 867, paragraph (2) of said Code)

78	Determination of the exercise of authority by a guardian of a minor or a supervisor of a guardian of a minor, and the revocation of such determination	Article 857-2, paragraphs (2) to (4) of the Civil Code (including the cases where these provisions are applied mutatis mutandis pursuant to Article 852 of said Code)
79	Appointment of a special agent for a minor ward	Article 826 of the Civil Code as applied mutatis mutandis pursuant to Article 860 of said Code
80	Grant of remuneration to a guardian of a minor or a supervisor of a guardian of a minor	Article 862 of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 852 and Article 867, paragraph (2) of said Code)
81	Supervision of affairs of guardianship of a minor	Article 863 of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 867, paragraph (2) of said Code)
82	Disposition regarding the administration of property offered to a minor ward by a third party	Article 830, paragraphs (2) to (4) of the Civil Code as applied mutatis mutandis pursuant to Article 869 of said Code
83	Extension of the period for settlement of account concerning guardianship of a minor+B36	Proviso to Article 870 of the Civil Code
Support		
84	Establishment of an obligation of support	Article 877, paragraph (2) of the Civil Code
85	Revocation of the establishment of an obligation of support	Article 877, paragraph (3) of the Civil Code
Disinheritance of Presumptive Heir		
86	Disinheritance of a presumptive heir	Articles 892 and 893 of the Civil Code
87	Revocation of a ruling of the disinheritance of a presumptive heir	Article 894 of the Civil Code

88	Disposition regarding the administration of an estate for a period before a ruling of the disinheritance of a presumptive heir or a ruling to revoke such ruling becomes final and binding	Article 895 of the Civil Code
Acceptance and Renunciation of Inheritance		
89	Extension of the period for making acceptance or renunciation of inheritance	Proviso to Article 915, paragraph (1) of the Civil Code
90	Disposition regarding the preservation or administration of inherited property	Article 918, paragraphs (2) and (3) of the Civil Code (including the cases where these provisions are applied mutatis mutandis pursuant to Article 926, paragraph (2) of said Code (including the cases where applied mutatis mutandis pursuant to Article 936, paragraph (3) of said Code) and Article 940, paragraph (2) of said Code)
91	Acceptance of a statement of rescission of the qualified acceptance or renunciation of inheritance	Article 919, paragraph (4) of the Civil Code
92	Acceptance of a statement of the qualified acceptance of inheritance	Article 924 of the Civil Code
93	Appointment of an appraiser upon the qualified acceptance of inheritance	Article 930, paragraph (2), and the proviso to Article 932 of the Civil Code
94	Appointment of an administrator of inherited property upon acceptance of the qualified acceptance of inheritance	Article 936, paragraph (1) of the Civil Code

95	Acceptance of a statement of the renunciation of inheritance	Article 938 of the Civil Code
Separation of Property		
96	Separation of property	Article 941, paragraph (1) and Article 950, paragraph (1) of the Civil Code
97	Disposition regarding the administration of inherited property after the request for the separation of property	Article 943 of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 950, paragraph (2) of said Code)
98	Appointment of an appraiser upon the separation of property	Article 930, paragraph (2) and the proviso to Article 932 of the Civil Code as applied mutatis mutandis pursuant to Article 947, paragraph (3) and Article 950, paragraph (2) of said Code
Nonexistence of Heir		
99	Disposition regarding the administration of inherited property in the event of nonexistence of an heir	Articles 952, 953, and 958 of the Civil Code
100	Appointment of an appraiser in the event of nonexistence of an heir	Article 930, paragraph (2) of the Civil Code as applied mutatis mutandis pursuant to Article 957, paragraph (2) of said Code
101	Distribution of inherited property to a person with a special connection	Article 958-3, paragraph (1) of the Civil Code
Will		
102	Confirmation of a will	Article 976, paragraph (4) and Article 979, paragraph (3) of the Civil Code
103	Probate of a will	Article 1004, paragraph (1) of the Civil Code
104	Appointment of an executor	Article 1010 of the Civil Code
105	Grant of remuneration to an executor	Article 1018, paragraph (1) of the Civil Code
106	Dismissal of an executor	Article 1019, paragraph (1) of the Civil Code
107	Permission for the resignation of an executor	Article 1019, paragraph (2) of the Civil Code

108	Rescission of a will concerning a testamentary gift with burden	Article 1027 of the Civil Code
Heir's Legally Reserved Portion		
109	Appointment of an appraiser upon the calculation of an heir's legally reserved portion	Article 1029, paragraph (2) of the Civil Code
110	Permission for an heir's renunciation of his/her legally reserved portion	Article 1043, paragraph (1) of the Civil Code
Voluntary Guardianship Contract Act		
111	Appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective	Article 4, paragraph (1) of the Voluntary Guardianship Contract Act
112	Appointment of a supervisor of a voluntarily appointed guardian in the event of vacancy of a supervisor of a voluntarily appointed guardian	Article 4, paragraph (4) of the Voluntary Guardianship Contract Act
113	Appointment of a supervisor of a voluntarily appointed guardian in the event of appointment an additional supervisor of a voluntarily appointed guardian	Article 4, paragraph (5) of the Voluntary Guardianship Contract Act
114	Revocation of a ruling of commencement of guardianship, etc.	Article 4, paragraph (2) of the Voluntary Guardianship Contract Act

115	Disposition regarding the duties of a supervisor of a voluntarily appointed guardian	Article 7, paragraph (3) of the Voluntary Guardianship Contract Act
116	Permission for the resignation of a supervisor of a voluntarily appointed guardian	Article 844 of the Civil Code as applied mutatis mutandis pursuant to Article 7, paragraph (4) of the Voluntary Guardianship Contract Act
117	Dismissal of a supervisor of a voluntarily appointed guardian	Article 846 of the Civil Code as applied mutatis mutandis pursuant to Article 7, paragraph (4) of the Voluntary Guardianship Contract Act
118	Determination of the exercise of authority by a supervisor of a voluntarily appointed guardian, and revocation of such determination	Article 859-2, paragraphs (1) and (2) as applied mutatis mutandis pursuant to Article 7, paragraph (4) of the Voluntary Guardianship Contract Act
119	Grant of remuneration to a supervisor of a voluntarily appointed guardian	Article 862 of the Civil Code as applied mutatis mutandis pursuant to Article 7, paragraph (4) of the Voluntary Guardianship Contract Act
120	Dismissal of a voluntarily appointed guardian	Article 8 of the Voluntary Guardianship Contract Act
121	Permission for the cancellation of a voluntary guardianship contract	Article 9, paragraph (2) of the Voluntary Guardianship Contract Act
Family Register Act		
122	Permission for the change of a surname or name	Article 107, paragraph (1) of the Family Register Act (including the cases where applied mutatis mutandis pursuant to paragraph (4) of said Article) and Article 107-2 of said Act
123	Permission for the registration of an unregistered person	Article 110, paragraph (1) of the Family Register Act
124	Permission for a correction of a family register	Articles 113 and 114 of the Family Register Act

125	Appeal against a disposition made by a mayor of municipality on a family register-related case	Article 121 of the Family Register Act (including the cases where applied mutatis mutandis pursuant to Article 4 of said Act)
Act on Special Cases in Handling Gender for People with Gender Identity Disorder		
126	Change in handling of gender	Article 3, paragraph (1) of the Act on Special Cases in Handling Gender for People with Gender Identity Disorder (Act No. 111 of 2003)
Child Welfare Act		
127	Approval of a measure taken by a prefecture	Article 28, paragraph (1), item (i) of the Child Welfare Act and the proviso to item (ii) of said paragraph
128	Approval of an extension of the period for a measure taken by a prefecture	Proviso to Article 28, paragraph (2) of the Child Welfare Act
Public Assistance Act, etc.		
129	Permission for the admission to a facility, etc.	Article 30, paragraph (3) of the Public Assistance Act (Act No. 144 of 1950)
Act on Mental Health and Welfare for the Mentally Disabled		
130	Change in the order among persons to serve as custodians and for the appointment of a custodian	Proviso to Article 20, paragraph (2) of the Act on Mental Health and Welfare for the Mentally Disabled and item (iv) of said paragraph
Bankruptcy Act		

131	Change of an administrator of property under a matrimonial property contract, etc. upon the commencement of bankruptcy proceedings, etc.	Article 758, paragraphs (2) and (3) of the Civil Code as applied mutatis mutandis pursuant to Article 61, paragraph (1) of the Bankruptcy Act (Act No. 75 of 2004)
132	Deprivation of authority of administration of property upon the commencement of bankruptcy proceedings against a person who exercises parental authority	Article 835 of the Civil Code as applied mutatis mutandis pursuant to Article 61, paragraph (1) of the Bankruptcy Act
133	Acceptance of a statement of the renunciation of inheritance in bankruptcy proceedings	Article 238, paragraph (2) of the Bankruptcy Act (including the cases where applied mutatis mutandis pursuant to Article 243 of said Act)
Act on Facilitation of Succession of Management of Small and Medium Sized Enterprises		
134	Permission for an agreement on the calculation of an heir's legally reserved portion	Article 8, paragraph (1) of the Act on Facilitation of Succession of Management of Small and Medium Sized Enterprises

Appended Table 2 (Related to Article 20, Article 25, Article 39, Article 40, Articles 66 to 71, Article 82, Article 89, Article 90, Article 92, Article 150, Article 163, Article 167, Article 168, Article 182, Article 190, Article 191, Article 197, Article 233, Article 240, Article 245, Article 252, Article 268, Article 272, Article 286, and Article 287; and Article 5 of the Supplementary Provisions)

Row	Matter	Legal basis
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Marriage, etc.		
1	Disposition regarding cooperation and mutual assistance between a husband and wife	Article 752 of the Civil Code
2	Disposition regarding the sharing of living expenses	Article 760 of the Civil Code
3	Disposition regarding the custody of a child	Article 766, paragraphs (2) and (3) of the Civil Code (including the cases where applied mutatis mutandis pursuant to Articles 749, 771, and 788 of said Code)
4	Disposition regarding the distribution of property	Article 768, paragraph (2) of the Civil Code (including the cases where applied mutatis mutandis pursuant to Articles 749 and 771 of said Code)
5	Designation of a successor to the ownership of ritual equipment, etc. upon divorce, etc.	Article 769, paragraph (2) of the Civil Code (including the cases where applied mutatis mutandis pursuant to Article 749, Article 751, paragraph (2) and Article 771 of said Code)
Parent and Child		
6	Designation of a successor to the ownership of ritual equipment, etc. upon the dissolution of an adoptive relationship, etc.	Article 769, paragraph (2) of the Civil Code as applied mutatis mutandis pursuant to Article 808, paragraph (2) and Article 817 of said Code
Parental Authority		
7	Designation of a person who is to have parental authority over an adopted child after the dissolution of an adoptive relationship	Article 811, paragraph (4) of the Civil Code
8	Designation or change of a person having parental authority	Article 819, paragraphs (5) and (6) of the Civil Code (including the cases where these provisions are applied mutatis mutandis pursuant to Article 749 of said Code)
Support		

9	Determination of the order among persons under an obligation of support, and change or revocation of such determination	Articles 878 and 880 of the Civil Code
10	Determination of the extent or method of support, and change or revocation of such determination	Articles 879 and 880 of the Civil Code
Inheritance		
11	Designation of a successor to the ownership of ritual equipment, etc. upon inheritance	Article 897, paragraph (2) of the Civil Code
Division of Estate		
12	Division of an estate	Article 907, paragraph (2) of the Civil Code
13	Prohibition of the division of an estate	Article 907, paragraph (3) of the Civil Code
14	Disposition to determine an heir's amount of contribution	Article 904-2, paragraph (2) of the Civil Code
Employees' Pension Insurance Act		
15	Disposition regarding a pro rata share to be requested	Article 78-2, paragraph (2) of the Employees' Pension Insurance Act (Act No. 115 of 1954)
Public Assistance Act, etc.		
16	Determination of the amount of expenses to be borne by a person under duty to provide support	Article 77, paragraph (2) of the Public Assistance Act (including the cases where applied mutatis mutandis pursuant to Article 21, paragraph (2) of the Act on Promotion of Resolution of Issues Related to Hansen's Disease (Act No. 82 of 2008))