

Rules of Domestic Relations Case Procedure

(Rules of the Supreme Court No. 8 of July 17, 2012)

Rules of Domestic Relations Case Procedure are hereby enacted as follows.

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Part I General Provisions

Chapter I General Rules

(Particulars Stated in Document to be Submitted to Court by Party)

Article 1 (1) A document to be submitted to a court by a party, an interested party intervenor or an agent, such as a written petition, is to contain the following particulars, and the party, the interested party intervenor or the agent is to affix their name and seal thereto:

- (i) the names and addresses of the party and the interested party intervenor, as well as the name and address of the agent;
- (ii) indication of the case;
- (iii) indication of any annexed documents;
- (iv) date; and
- (v) indication of the court.

(2) Notwithstanding the provisions of the preceding paragraph, if a party, an interested party intervenor or an agent submits a document referred to in the same paragraph containing their addresses, the party, the interested party intervenor or the agent is not required to state the addresses in any document referred to in the same paragraph to be subsequently submitted to the court.

(Submission of Document to be Submitted to Court by Using Facsimile)

Article 2 (1) A document to be submitted to a court, excluding the following, may be submitted by transmitting it by facsimile:

- (i) a document relating to a petition for which fees are required to be paid pursuant to the provisions of the Act on Costs of Civil Procedure (Act No. 40 of 1971);
- (ii) a document that, when submitted, commences, continues, stays or

- concludes proceedings of a domestic relations case (excluding documents that fall under the preceding item);
- (iii) a document that proves important particulars in proceedings of a domestic relations case, such as a document that proves the authority of statutory representation, the delegation of powers necessary for performing procedural acts in proceedings of a domestic relations case (referred to as "procedural acts" in Article 15), or the authority of a counsel; and
 - (iv) a statement of reasons for a special appeal, or a statement of reasons for the petition referred to in Article 97, paragraph (2) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011; hereinafter referred to as the "Act") (including as applied *mutatis mutandis* pursuant to Articles 102 and 288 of the Act).
- (2) If a document is submitted by facsimile, the document is deemed to have been submitted to the court when the court receives it.
- (3) In the case prescribed in the preceding paragraph, a court may have the submitter submit in kind the document used for the transmission, if the court finds it necessary.

(Provision by Electronic or Magnetic Means of Information Stated in Document Submitted to Court)

- Article 3 (1) If a person that has submitted or intends to submit a document to the court has an electronic or magnetic record (meaning a record used in computerized information processing which is created in electronic form, magnetic form, or any other form that cannot be perceived by the human senses; hereinafter the same applies in this paragraph) in which the contents of information stated in the document are recorded, the court may request the person to provide the information recorded in the electronic or magnetic record by the electronic or magnetic means (meaning a means of using information and communications technology, such as a means of using an electronic data processing system) specified by the court, if the court finds it necessary.
- (2) If the court intends to send a written petition or other documents or finds it necessary for other reasons, the court may request a person that has submitted or intends to submit the document to submit a copy thereof.

(Method of Public Notice)

- Article 4 (1) Except as otherwise provided, public notice is given by posting at the posting area of the court or at another place within the court that is readily visible to the public, and publishing it in an official gazette.
- (2) Affairs related to public notice are handled by a court clerk.

(Application *Mutatis Mutandis* of the Rules of Civil Procedure Concerning

Methods of Making Statements such as Petitions)

Article 5 The provisions of Article 1 of the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) apply mutatis mutandis to methods of making statements such as petitions in proceedings of a domestic relations case, the provisions of Article 4 of the same Rules apply mutatis mutandis to requisitions and notices in proceedings of a domestic relations case, and the provisions of Article 5 of the same Rules apply mutatis mutandis to the method of writing statements in documents in proceedings of a domestic relations case.

Chapter II Jurisdiction

(Designation of Place Specified by the Rules of the Supreme Court as Referred to in Article 7 of the Act)

Article 6 The place specified by the Rules of the Supreme Court as referred to in Article 7 of the Act is to be Chiyoda Ward, Tokyo.

(Method of Filing Petition for Transfer; Article 9 of the Act)

Article 7 (1) A petition for transfer must be filed in writing, except when filing the petition on a date for proceedings of a domestic relations case.

(2) When filing the petition referred to in the preceding paragraph, the petitioner must clarify the reasons for the petition.

(Treatment in Transfer; Article 9 of the Act)

Article 8 (1) If the family court makes a judicial decision under the provisions of the proviso of Article 9, paragraph (1) of the Act (excluding a judicial decision of transfer), it must hear the opinions of the parties and interested party intervenor.

(2) If the family court makes a judicial decision of transfer under the provisions of the proviso of Article 9, paragraph (1) or paragraph (2) of the same Article of the Act, it may hear the opinions of the parties and interested party intervenor.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning Transfer; Article 9 of the Act)

Article 9 The provisions of Article 9 of the Rules of Civil Procedure apply mutatis mutandis to a judicial decision of transfer of a domestic relations case.

Chapter III Disqualification of, Challenge to, and Recusal of Court Officials

(Method of Filing Petition for Disqualification or Challenge; Article 10 of the Act)

Article 10 (1) A petition for disqualification of or challenge to a judge must be filed with the court to which the judge belongs, while clearly indicating the cause therefor.

(2) The petition referred to in the preceding paragraph must be filed in writing, except when filing the petition on a date for proceedings of a domestic relations case.

(3) A prima facie showing must be made with regard to the cause for the disqualification or challenge within three days from the day of filing the petition. The same applies to the facts prescribed in the proviso of Article 11, paragraph (2) of the Act.

(Statement of Opinions by Judge with Regard to Disqualification or Challenge; Article 12 of the Act)

Article 11 Judges may state their opinions with regard to the petition for their disqualification or for challenge to them.

(Recusal of Judge)

Article 12 In the cases prescribed in Article 10, paragraph (1) or Article 11, paragraph (1) of the Act, judges may recuse themselves with the permission of the court that has the power of supervision.

(Disqualification of Court Clerks; Article 13 of the Act)

Article 13 The provisions of the preceding three Articles apply mutatis mutandis to the disqualification of, challenge to, and recusal of a court clerk, counselor and domestic relations conciliator. In this case, the permission for recusal of a court clerk of a summary court is granted by the judge prescribed in Article 37 of the Court Act (Act No. 59 of 1947) of the court to which the court clerk belongs.

(Disqualification of Family Court Investigating Officers and Domestic Relations Conciliation Commissioners; Article 16 of the Act)

Article 14 The provisions of Articles 10 through 12 (excluding the parts concerning challenge) apply mutatis mutandis to the disqualification and recusal of a family court investigating officer and a domestic relations conciliation commissioner.

Chapter IV Capacity to be Party and Capacity to Perform Procedural Acts

(Submission of Materials for Determining Capacity of Unincorporated Association or Foundation to be Party; Article 17 of the Act)

Article 15 The provisions of Article 14 of the Rules of Civil Procedure apply

mutatis mutandis to the submission of materials for determining the capacity of an unincorporated association or foundation to be a party in proceedings of a domestic relations case, and the provisions of the first sentence of Article 15 of the same Rules apply mutatis mutandis to proof of the authority of statutory representation and the delegation of powers necessary for performing procedural acts in proceedings of a domestic relations case.

(Notification of Extinction of Authority of Statutory Representation; Article 20 of the Act)

Article 16 (1) A person that has given the notice under the provisions of Article 20 of the Act must notify the court to that effect in writing.

(2) If the authority of statutory representation becomes extinct in a domestic relations case other than adjudication cases regarding the particulars set forth in Appended Table 2 of the Act and cases for conciliation of domestic relations, the principal or the agent must notify the court to that effect in writing.

(Application Mutatis Mutandis to Representative of Corporation; Article 21 of the Act)

Article 17 The provisions of these Rules concerning statutory representation and a statutory agent apply mutatis mutandis to the representative of a corporation and the representative or administrator of an unincorporated association or foundation which has the capacity to be party.

Chapter V Counsel

(Proof of Counsel's Authority to Represent; Article 22 of the Act)

Article 18 (1) The authority of a counsel must be proved in writing.

(2) If the document referred to in the preceding paragraph is a private document, the court may order the counsel to have the document certified by government employees that have the authority to certify it, such as a notary.

(3) A person that has given notice to the other party pursuant to the provisions of Article 25 of the Act must notify the court to that effect in writing.

(4) The notice to the court under the provisions of Article 25 of the Act must be given in writing.

Chapter VI Procedural Costs

Section 1 Burden of Procedural Costs

(Prepayment of Fees for Registration under the Guardianship Registration Act)

Article 19 (1) A court may have prepayment made by means of revenue stamps in lieu of money only with regard to costs to be allocated to fees for the

registration prescribed in the Act on Guardianship Registration (Act No. 152 of 1999) (referred to as "registration under the Guardianship Registration Act" in Article 77).

- (2) The management of revenue stamps delivered for prepayment pursuant to the provisions of the preceding paragraph is governed by the same rules as those for the management of postage stamps delivered for prepayment pursuant to the provisions of Article 13 of the Act on Costs of Civil Procedure.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning Procedural Costs; Article 31 of the Act)

Article 20 The provisions of Part I, Chapter IV, Section 1 of the Rules of Civil Procedure apply mutatis mutandis to the burden of procedural costs (meaning costs for proceedings for adjudication of domestic relations and for conciliation of domestic relations; the same applies in Article 51). In this case: the phrase "court costs or the costs for settlement" in Article 24, paragraph (2) of the same Rules is deemed to be replaced with "procedural costs (meaning costs for proceedings for adjudication of domestic relations and for conciliation of domestic relations) or court costs referred to in Article 29, paragraph (4) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011)"; the phrase "court costs, etc." in Article 24, paragraph (2), Article 25, Article 26, and Article 28 of the same Rules is deemed to be replaced with "procedural costs, etc."; and the phrase "paragraph (1) of Article 47 (Sending of Documents)" in Article 24, paragraph (2) of the same Rules is deemed to be replaced with "Article 26, paragraph (1) of the Rules of Domestic Relations Case Procedure (Rules of the Supreme Court No. 8 of 2012)."

Section 2 Procedural Aid

(Method of Filing Petition for Procedural Aid; Article 32 of the Act)

Article 21 (1) A petition for procedural aid must be filed in writing.

- (2) A prima facie showing must be made with regard to the grounds for the procedural aid.

Chapter VII Proceedings of Domestic Relations Cases

(Designation of Date by Authorized Judge or Commissioned Judge; Article 34 of the Act)

Article 22 The date for proceedings of a domestic relations case to be conducted by an authorized judge or a commissioned judge is designated by the relevant judge.

(Restriction on Change of Date; Article 34 of the Act)

Article 23 A change of a date for proceedings of a domestic relations case must not be made if it is based on any of the following grounds; provided, however, that this does not apply if there are compelling reasons therefor:

- (i) there are two or more counsels for either party or an interested party intervenor, and an event requiring a change occurs with regard to one or more of these counsels; or
- (ii) after a date has been designated for the domestic relations case, the same date is designated as the date for another case.

(Extension and Shortening of Period Specified by Presiding Judge; Article 34 of the Act)

Article 24 The provisions of Article 38 of the Rules of Civil Procedure apply mutatis mutandis to the extension and shortening of a period specified by the presiding judge, an authorized judge or a commissioned judge.

(Service; Article 36 of the Act)

Article 25 The provisions of Part I, Chapter V, Section 4 of the Rules of Civil Procedure (excluding the provisions of Article 41, paragraph (2) and Article 47 of the same Rules) apply mutatis mutandis to the service. In this case, the phrase "district court" in Article 39 of the same Rules is deemed to be replaced with "family court."

(Sending of Documents)

Article 26 (1) Sending of documents such as direct sending (meaning the sending of documents by a party or an interested party intervenor (hereinafter referred to as a "party, etc." in this Article and Article 46, paragraph (3)) directly to another party, etc.; hereinafter the same applies in this Article and Article 46, paragraph (3)) is carried out through the delivery of a copy of the document to be sent or by transmitting that document by facsimile.

- (2) Affairs related to the sending of documents that a court is to send to persons concerned such as a party, etc. are handled by a court clerk.
- (3) If a court needs to send a document that a party, etc. has submitted thereto to another party, etc. (except when service must be made), and the party, etc. carries out the direct sending of that document, the court is not required to send that document.
- (4) If a party, etc. needs to carry out the direct sending of a document, and there are circumstances that make the direct sending difficult or other circumstances that are found to be appropriate, the party, etc. may request the court to have a court clerk send that document to another party, 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

(Method of Filing Application for Intervention; Article 41 of the Act)

Article 27 (1) A document referred to in Article 41, paragraph (3) of the Act must have attached thereto the materials showing that the person who is intervening in the proceedings for adjudication of domestic relations is a person prescribed in paragraph (1) or paragraph (2) of the same Article.

(2) If an application for intervention under the provisions of Article 41, paragraph (1) of the Act is filed, a court clerk must give notice to the parties and interested party intervenor to that effect, except if a judicial decision to dismiss the application is made.

(3) If a judicial decision on intervention under the provisions of Article 41, paragraph (2) of the Act is made, a court clerk must give notice to the parties and interested party intervenor to that effect.

(4) The provisions of paragraph (1) apply mutatis mutandis to a document referred to in Article 41, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 42, paragraph (4) of the Act; the provisions of paragraph (2) apply mutatis mutandis if an application for intervention under the provisions of Article 42, paragraph (1) of the Act is filed; and the provisions of the preceding paragraph apply mutatis mutandis if a judicial decision to permit intervention under the provisions of paragraph (2) of the same Article or a judicial decision on intervention under the provisions of paragraph (3) of the same Article is made. In this case, the phrase "paragraph (1) or paragraph (2) of the same Article" in paragraph (1) is deemed to be replaced with "Article 42, paragraph (1) or paragraph (2) of the Act."

(Notice of Exclusion from Proceedings; Article 43 of the Act)

Article 28 If a judicial decision on exclusion under the provisions of Article 43, paragraph (1) of the Act is made, a court clerk must give notice to the parties and interested party intervenor to that effect.

(Method of Filing Petition for Taking Over Proceedings; Article 44 of the Act)

Article 29 (1) A petition for taking over proceedings under the provisions of Article 44, paragraph (1) or paragraph (3) of the Act must be filed in writing.

(2) A document referred to in the preceding paragraph must have attached thereto by materials showing that the person who is taking over proceedings for domestic relations is a person who is eligible to continue proceedings under laws and regulations.

- (3) If proceedings are taken over pursuant to the provisions of Article 44, paragraph (1) or paragraph (3) of the Act, a court clerk must give notice to the parties and interested party intervenor to that effect.
- (4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to a petition for taking over proceedings under the provisions of Article 45, paragraph (1) of the Act, and the provisions of the preceding paragraph apply mutatis mutandis if proceedings are taken over pursuant to the provisions of Article 45, paragraph (1) or paragraph (2) of the Act. In this case, the phrase "is eligible to continue proceedings under laws and regulations" in paragraph (2) is deemed to be replaced with "is eligible to file a petition for the adjudication of domestic relations."

(Notification of Death of Petitioner for Adjudication of Domestic Relations;
Article 45 of the Act)

Article 30 If a petitioner for adjudication of domestic relations is unable to continue proceedings for adjudication of domestic relations due to an event such as death or loss of eligibility, and there is no one else who is eligible to continue proceedings under laws and regulations, the petitioner or a counsel thereof must notify the family court of that event in writing.

(Formal Particulars Stated in Record of Date of Proceedings; Article 46 of the Act)

Article 31 (1) The following particulars must be stated in the record referred to in Article 46 and Article 114, paragraph (1) of the Act (hereinafter referred to as a "record of the date of proceedings"):

- (i) indication of the case;
 - (ii) the names of the judge and court clerk;
 - (iii) the names of the parties, the interested party intervenor, the agent, the assistant in court, the interpreter and other persons concerned that appeared; and
 - (iv) the date, time, and place of the proceedings.
- (2) Court clerks must affix their name and seal to the record of the date of proceedings, and the presiding judge must affix a seal of approval thereto.
- (3) In the case referred to in the preceding paragraph, if the presiding judge has difficulty affixing a seal of approval, an associate judge must affix the seal of approval and append a supplementary note giving the reasons therefor. If other judges have difficulty in affixing a seal of approval, it is sufficient for the court clerk to make a statement to that effect in the record of the date of proceedings.

(Substantial Particulars Stated in Record of Date of Proceedings; Article 46 of

the Act)

Article 32 (1) The record of the date of proceedings must contain a summary of the proceedings, while clarifying, in particular, the following particulars:

- (i) any amendment to the object of or the reasons for the petition, and withdrawal of the petition;
 - (ii) statements by witnesses, the parties, and experts;
 - (iii) whether the witnesses, parties, and experts swore under oath, and the reasons for not having witnesses and experts swear under oath;
 - (iv) the results of the observation;
 - (v) particulars that the presiding judge directed to be stated and particulars that the presiding judge allowed to be stated upon the request of a party; and
 - (vi) any judicial decision made without preparing a document thereof.
- (2) Notwithstanding the provisions of the preceding paragraph, if the proceedings for adjudication of domestic relations are concluded by a means other than a judicial decision, the statements of the witnesses, parties, and experts, and the results of the observation may be omitted from the record of the date of proceedings, with the permission of the presiding judge; provided, however, that this does not apply if a party requests that these particulars be stated in the record within one week from the day on which the party came to know of the conclusion of the proceedings for adjudication of domestic relations.
- (3) In addition to a summary of the proceedings, the schedule of submission of documents by the parties and interested party intervenors and other particulars concerning the progress of the proceedings may be stated in the record of the date of proceedings.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning Dates and Records of Dates of Proceedings; Article 46 of the Act)

Article 33 The provisions of Articles 68 through 77 of the Rules of Civil Procedure apply mutatis mutandis to a date for proceedings for adjudication of domestic relations and the record of the dates of proceedings. In this case: the phrase "paragraph (1) of the preceding Article (Substantial Matters to be Stated in Record of Oral Argument)" in Article 68, paragraph (1) of the same Rules is deemed to be replaced with "Article 32, paragraph (1) of the Rules of Domestic Relations Case Procedure; the phrase "appeal or a petition for acceptance of final appeal" in Article 74, paragraph (1), item (iii) of the same Rules is deemed to be replaced with "immediate appeal or special appeal against a ruling, or a petition referred to in Article 97, paragraph (2) of the Domestic Relations Case Procedure Act"; and the phrase "in court" in Article 77 of the same Rules is deemed to be replaced with "on the date for proceedings for adjudication of domestic relations."

(Form of Authenticated Copy of Record of Case for Adjudication of Domestic Relations; Article 47 of the Act)

Article 34 An authenticated copy, transcript or extract of a record of a case for adjudication of domestic relations must contain a statement to the effect that it is an authenticated copy, transcript or extract, and court clerks must affix their name and seal to that document.

(Permission for Inspection of Record of Case for Adjudication of Domestic Relations; Article 47 of the Act)

Article 35 A judicial decision to permit inspection, etc. of a record (meaning the inspection, etc. of a record prescribed in Article 47, paragraph (1) of the Act; hereinafter the same applies in this Article) of a case for adjudication of domestic relations must specify the part in the record of the case for which inspection, etc. is permitted.

(Designation of Authorized Judge)

Article 36 When having an authorized judge perform their duties, the presiding judge designates the judge.

Subsection 2 Petition for Adjudication of Domestic Relations

(Particulars Stated in Written Petition for Adjudication of Domestic Relations; Article 49 of the Act)

Article 37 (1) A written petition for adjudication of domestic relations must contain the object of the petition and the reasons for the petition (meaning the facts necessary for identifying the petition; the same applies in the following paragraph), and also the circumstances of the case.

(2) If there is documentary evidence of the reasons for the petition and the circumstances of the case, a copy thereof must be attached to a written petition for adjudication of domestic relations.

(3) The family court may request a person who has filed or intends to file a petition for adjudication of domestic relations to submit materials concerning the family relationships regarding the petition and other materials necessary for ensuring the smooth progress of proceedings for adjudication of domestic relations, in addition to the written petition for adjudication of domestic relations and the copy of documentary evidence referred to in the preceding paragraph.

(Urging Correction of Written Petition for Adjudication of Domestic Relations; Article 49 of the Act)

Article 38 When urging the petitioner to make the necessary corrections to a

statement in a written petition for adjudication of domestic relations, the presiding judge may order a court clerk to urge the petitioner.

(Immediate Appeal against Direction to Dismiss Written Petition for Adjudication of Domestic Relations; Article 49 of the Act)

Article 39 When filing an immediate appeal against a direction to dismiss a written petition for adjudication of domestic relations, the appellant must attach the dismissed written petition for adjudication of domestic relations to the written petition for appeal.

(Hearing of Particulars for Reference; Article 49 of the Act)

Article 40 (1) If a petition for adjudication of domestic relations is filed, the presiding judge may hear the opinions from the parties on the progress of the proceedings for adjudication of domestic relations and other particulars that are to serve as reference with regard to the progress of the proceedings.
(2) When conducting the hearing referred to in the preceding paragraph, the presiding judge may order a court clerk to conduct the hearing.

(Notice of Amendment to Petition; Article 50 of the Act)

Article 41 If a petitioner amends the object of or the reasons for the petition pursuant to the provisions of Article 50, paragraph (1) of the Act, a court clerk must give notice to the parties and interested party intervenors to that effect, except if a judicial decision under the provisions of paragraph (3) or paragraph (4) of the same Article is made.

Subsection 3 Date for Proceedings for Adjudication of Domestic Relations

(Proceedings by Method of Communication through Audio Transmissions; Article 54 of the Act)

Article 42 (1) When conducting proceedings (excluding examination of evidence) on a date for proceedings for adjudication of domestic relations by a method that enables the family court and both parties to communicate simultaneously with one another through audio transmissions, the family court or the authorized judge must confirm the identity of the called party and the location thereof.
(2) If proceedings as referred to in the preceding paragraph are conducted, this fact and the telephone number of the called party must be clarified in the record of the case for adjudication of domestic relations. In this case, the location of the called party may be clarified in addition to the party's telephone number.

(Notice to Prohibit Counsel from Making Statements; Article 55 of the Act)
Article 43 The provisions of Article 65 of the Rules of Civil Procedure apply mutatis mutandis to a notice to prohibit a counsel from making statements, etc.

Subsection 4 Examination of Facts and Examination of Evidence

(Examination of Facts; Article 56 of the Act)
Article 44 (1) Efforts must be made to conduct an examination of facts with regard to the characters, backgrounds, living situations, financial conditions, family environments and other environments of the parties concerned with the case as needed by making use of expert knowledge in the fields as medicine, psychology, sociology and economics.
(2) A court clerk must clarify the outline of the examination of facts in the record of the case for adjudication of domestic relations.

(Commissioning Procedures of Court; Article 61 of the Act)
Article 45 The commissioning procedures to be carried out by the court for the examination of facts and examination of evidence are carried out by a court clerk, except as otherwise provided.

(Examination of Evidence; Article 64 of the Act)
Article 46 (1) The provisions of Part II, Chapter III, Sections 1 through 6 of the Rules of Civil Procedure (excluding the provisions of Article 99, paragraph (2), Article 100, Article 101, Article 121, and Article 139 of the same Rules) apply mutatis mutandis to the examination of evidence in proceedings for adjudication of domestic relations. In this case: the phrase "direct sending" in these provisions is deemed to be replaced with "direct sending referred to in Article 26, paragraph (1) of the Rules of Domestic Relations Case Procedure; the phrase "on the date for oral argument or preparatory proceedings or on the date for scheduling conference" in Article 129-2 of the same Rules is deemed to be replaced with "on the date for proceedings for adjudication of domestic relations;" and the phrase "paragraph (2) of Article 99 (Offer of Evidence)" in Article 140, paragraph (3) of the same Rules is deemed to be replaced with "Article 46, paragraph (3) of the Rules of Domestic Relations Case Procedure."
(2) If a party that has been ordered to appear pursuant to the provisions of Article 64, paragraph (5) of the Act does not appear without reasonable grounds, the provisions of Article 111 of the Rules of Civil Procedure apply mutatis mutandis to the physical escort of that party, notwithstanding the provisions of the proviso of Article 127 of the same Rules as applied mutatis mutandis pursuant to the preceding paragraph.

- (3) If a party, etc. submits a document offering evidence referred to in Article 99, paragraph (1) of the Rules of Civil Procedure as applied mutatis mutandis pursuant to paragraph (1) to the court, the party, etc. must carry out the direct sending of that document.
- (4) The presiding judge may allow a counselor, a family court investigating officer or a technical official of the court who is a physician to directly ask questions to a witness, party or expert on the date for the examination of evidence referred to in paragraph (1), if the judge finds it necessary.

Subsection 5 Special Provisions for Proceedings for Adjudication of Domestic Relations Regarding Particulars Eligible for Conciliation of Domestic Relations

(Attaching of Copies of Written Petition for Adjudication of Domestic Relations; Article 67 of the Act)

Article 47 When filing a petition for adjudication of domestic relations regarding the particulars set forth in Appended Table 2 of the Act, the petitioner must attach a number of copies of the written petition for adjudication of domestic relations equal to the number of respondents to the written petition.

(Notice of Hearing Date; Article 69 of the Act)

Article 48 Notice of the hearing date referred to in Article 69 of the Act must be given to the parties and interested party intervenors; provided, however, that this does not apply if it is found that giving the notice is likely to interfere with the examination of facts.

Subsection 6 Rulings

(Certificate of Ruling Having Become Final and Binding; Article 74 of the Act)

Article 49 (1) A court clerk of the family court issues a certificate of a ruling having become final and binding based on the record of a case for adjudication of domestic relations, upon a request under the provisions of Article 47, paragraph (1) or paragraph (6) of the Act.

(2) Notwithstanding the provisions of the preceding paragraph, if the case for adjudication of domestic relations is still pending in the appellate instance, the court clerk of the court where the record of the case for adjudication of domestic relations exists issues the certificate referred to in the same paragraph only for the portion of the ruling that has become final and binding.

(3) The provisions of the preceding two paragraphs apply mutatis mutandis to a judicial decision other than a ruling.

(Method of Rulings; Article 76 of the Act)

Article 50 (1) Judges that have made a ruling must affix their names and seals to the written ruling.

(2) If any of the judges constituting the panel has difficulty in affixing their names and seals to the written ruling, another judge must affix their names and seals to the written ruling and append a supplementary note giving the reasons therefor.

(3) When notice of a ruling is given, a court clerk must clarify this fact and the method of the notice in the record of the case for adjudication of domestic relations.

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to a judicial decision other than a ruling.

(Petition Seeking Judicial Decision on Burden of Procedural Costs in Case of Omission Thereof; Article 79 of the Act)

Article 51 The provisions of Article 161 of the Rules of Civil Procedure apply mutatis mutandis to a petition seeking a judicial decision on the burden of procedural costs if it is omitted in a judicial decision.

Subsection 7 Closing of Cases by Withdrawal

(Treatment in Case of Withdrawal of Petition for Adjudication of Domestic Relations; Article 82 of the Act)

Article 52 (1) If a petition for adjudication of domestic relations is withdrawn, and the consent of the respondent is not required, a court clerk must give notice to the parties and interested party intervenors of the withdrawal of the petition.

(2) If the withdrawal of a petition for adjudication of domestic relations requires the consent of the respondent, and the respondent consents to the withdrawal of the petition (including if the respondent is deemed to have consented to the withdrawal pursuant to the provisions of Article 82, paragraph (4) of the Act), a court clerk must give notice to the parties and interested party intervenor to that effect.

(3) The provisions of paragraph (1) apply mutatis mutandis if a petition for adjudication of domestic relations is deemed to have been withdrawn pursuant to the provisions of Article 83 of the Act.

Subsection 8 Proceedings Conducted by High Court as Court of First Instance

(Application of Provisions of This Section in Case of High Court Conducting

Proceedings for Adjudication of Domestic Relations as Court of First Instance; Article 84 of the Act)

Article 53 (1) For the purpose of the application of the provisions of this Section in cases of a high court conducting proceedings for adjudication of domestic relations as the court of first instance: the phrase "family court" in Article 30, Article 37, paragraph (3), Article 42, paragraph (1), and Article 49, paragraph (1) is deemed to be replaced with "high court"; the phrase "of a ruling" in Article 49, paragraphs (1) and (2), and Article 50, paragraph (3) is deemed to be replaced with "of a judicial decision in lieu of a ruling"; the phrase "written ruling" in Article 50, paragraphs (1) and (2) is deemed to be replaced with "written judicial decision of a judicial decision in lieu of a ruling"; and the phrase "made a ruling" in Article 50, paragraph (1) is deemed to be replaced with "made a judicial decision in lieu of a ruling."

(2) The provisions of Article 39 do not apply if 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

(Attaching of Copies of Written Petition for Appeal; Article 88 of the Act)

Article 54 When filing an immediate appeal against a ruling, the appellant must attach to a number of copies of the written petition for appeal equal to the number of the parties and interested party intervenors in the prior instance (excluding the appellant) to the written petition.

(Document Stating Grounds for Revocation of Ruling in Prior Instance)

Article 55 (1) If an immediate appeal against a ruling is filed , and the grounds for seeking revocation or modification of the ruling in prior instance are not specifically stated in the written petition for appeal, the appellant must, submit a document stating the specific grounds to the court of prior instance within 14 days from the filing of the immediate appeal.

(2) The provisions of the preceding Article apply mutatis mutandis to the document referred to in the preceding paragraph.

(Sending of Case to Court in Charge of Appeal)

Article 56 (1) If an immediate appeal against a ruling is filed, the court of prior instance must send the case to the court in charge of the appeal without delay, except if it makes a ruling to dismiss the appeal.

(2) Regarding the sending of a case under the provisions of the preceding paragraph, a court clerk of the court of prior instance must send the record of

the case for adjudication of domestic relations to a court clerk of the court in charge of the appeal.

(Opinion of Court of Prior Instance)

Article 57 If an immediate appeal is filed against a ruling (excluding rulings regarding the particulars set forth in Appended Table 2 of the Act), and the court of prior instance sends the case to the court in charge of appeals, the court of prior instance must attach its opinion on the appeal case.

(Sending of Copies of Document Stating Grounds for Revocation of Ruling in Prior Instance; Article 88 of the Act)

Article 58 If the court in charge of appeals receives a case that has been sent thereto by the court of prior instance, it must send copies of the document referred to in Article 55, paragraph (1) (limited to the document submitted within 14 days after the filing of an immediate appeal) to the parties and interested party intervenors in the prior instance (excluding the appellant), except when the immediate appeal is unlawful or it is clear that there are no reasons for the immediate appeal; provided, however, that this does not apply if it is found that sending the document is likely to interfere with the smooth progress of proceedings for adjudication of domestic relations in the appellate instance.

(Citation of Written Ruling; Article 91 of the Act)

Article 59 Statement of a digest of the reasons in the written decision of the appellate instance may be made by citing the written ruling.

(Application Mutatis Mutandis of Provisions Concerning Proceedings for Adjudication of Domestic Relations and the Rules of Civil Procedure; Article 93 of the Act)

Article 60 (1) Except as otherwise provided, the provisions of Subsections 1 through 7 of the preceding Section (excluding the provisions of Article 39 and Article 52, paragraphs (1) and (3)), Section 4, and the following Chapter apply mutatis mutandis to an immediate appeal against a ruling and the proceedings of that appeal.

(2) The provisions of Articles 173, 177, and 185 of the Rules of Civil Procedure apply mutatis mutandis to an immediate appeal against a ruling and the proceedings of that appeal. In this case, the term "opponent" in Article 173, paragraph (3) and Article 177, paragraph (2) of the same Rules is deemed to be replaced with "parties and interested party intervenors in the prior instance."

Division 2 Special Appeals

(Prepayment of Costs When Filing Special Appeal; Article 94 of the Act)

Article 61 When filing a special appeal, the appellant must prepay the estimated amount of the costs necessary for serving and sending a written notice of filing of appeal, sending a copy of a statement of reasons for the appeal, giving notice of the judicial decision, and, giving notice that the court in charge of the appeal has received the record sent thereto of the case for adjudication of domestic relations or appeal case, in addition to the costs necessary for sending a copy of the written petition for appeal.

(Serving and Sending of Written Notice of Filing of Special Appeal; Article 94 of the Act)

Article 62 If a special appeal is filed, the court of prior instance must serve a written notice of filing of appeal upon the appellant and send the same to the parties and interested party intervenors in the prior instance (excluding the appellant), except if a direction to dismiss the written petition for appeal or an order to dismiss the appeal under the provisions of Article 87, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 96, paragraph (1) of the Act is issued.

(Period for Submission of Statement of Reasons for Special Appeal; Article 94 of the Act)

Article 63 The period for submission of a statement of reasons for a special appeal is 14 days from the day on which the appellant is served with a written notice of filing of appeal under the provisions of the preceding Article.

(Attaching of Copies of Document Stating Reasons for Special Appeal; Article 94 of the Act)

Article 64 When submitting a document stating the reasons for special appeal, the appellant must attach thereto a number copies of that document equal to the number obtained by adding six to the number of the parties and interested party intervenors in the prior instance (excluding the appellant).

(Sending of Case to Court in Charge of Appeal; Article 94 of the Act)

Article 65 (1) If a special appeal is filed, the court of prior instance must send the case to the court in charge of appeals, except if a direction to dismiss the written petition for appeal or an order to dismiss the appeal is issued. In this case, the court of prior instance may attach its opinion on the existence or nonexistence of the facts related to the proceedings of the case for adjudication of domestic relations that the appellant has indicated in the reasons for special appeal.

- (2) Regarding the sending of a case under the provisions of the preceding paragraph, a court clerk of the court of prior instance must send the record of the case for adjudication of domestic relations to a court clerk of the court in charge of the appeal; provided, however, that if the court of prior instance finds it unnecessary to send the record of the case for adjudication of domestic relations, it is sufficient for the court clerk of the court of prior instance to send only the record of the appeal case to the court clerk of the court in charge of the appeal.
- (3) When a court clerk of the court in charge of the appeal receives the record of the case for adjudication of domestic relations or the appeal case sent thereto under the provisions of the preceding paragraph, the court clerk must give notice to the parties and interested party intervenors in the prior instance to that effect promptly.
- (4) If the record of the appeal case is sent pursuant to the provisions of the proviso of paragraph (2), and the court in charge of the appeal finds the record of the case for adjudication of domestic relations referred to in the same paragraph to be necessary, the court clerk of the court in charge of the appeal must promptly request the court clerk of the court of prior instance to send that record.

(Sending of Copies of Statement of Reasons for Special Appeal; Article 94 of the Act)

Article 66 When the court in charge of the appeal receives a case sent from the court of prior instance, it must send copies of the statement of reasons for a special appeal to the parties and interested party intervenors in the prior instance (excluding the appellant), except if the special appeal is unlawful or it is clear that there are no reasons for the special appeal.

(Method of Filing Petitions for Stays of Execution; Article 95 of the Act)

Article 67 The petition referred to in the proviso of Article 95, paragraph (1) of the Act must be filed in writing.

(Application Mutatis Mutandis of Provisions Concerning Immediate Appeals and the Rules of Civil Procedure; Article 96 of the Act)

Article 68 (1) The provisions of Articles 54, 59, and 60 apply mutatis mutandis to a special appeal and the proceedings of that appeal. In this case, the phrase "written ruling" in Article 59 is deemed to be replaced with "written judicial decision in prior instance."

(2) The provisions of Article 50-2, Article 191, paragraph (1), Article 192, Article 193, Article 196, and Article 202 of the Rules of Civil Procedure apply mutatis mutandis to a special appeal and the proceedings of that appeal. In this case,

the phrase "Article 194 (Period for Submission of Statement of Reasons for Final Appeal)" in Article 196, paragraph (1) of the same Rules is deemed to be replaced with "Article 63 of the Rules of Domestic Relations Case Procedure," and the phrase "Article 190 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (1) and Paragraph (2) of Article 312 of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (3) of Article 312 of the Code)" in the same paragraph is deemed to be replaced with "Article 191, paragraph (1) as applied mutatis mutandis pursuant to Article 68, paragraph (2) of the same Rules."

Division 3 Appeals with Permission

(Application Mutatis Mutandis of Provisions Concerning Immediate Appeals and the Rules of Civil Procedure; Article 98 of the Act)

Article 69 (1) The provisions of Article 54, and Articles 59 through 67 apply mutatis mutandis to an appeal with permission and the proceedings of that appeal. In this case: the phrase "immediate appeal against a ruling" in Article 54, and the phrase "special appeal" in Article 61, Article 62, Article 64, and Article 65, paragraph (1) are deemed to be replaced with "petition referred to in Article 97, paragraph (2) of the Act"; the phrase "written petition for appeal" in Articles 54 and 61 is deemed to be replaced with "written petition for permission under the provisions of Article 97, paragraph (2) of the Act"; the phrase "written ruling" in Article 59 is deemed to be replaced with "written judicial decision in prior instance"; the phrase "written notice of filing of appeal" in Articles 61 through 63 is deemed to be replaced with "written notice of filing of petition for permission for appeal"; the phrase "statement of reasons for an appeal" in Article 61, and the phrase "statement of reasons for a special appeal" in Articles 63 and 66 is deemed to be replaced with "statement of reasons for a petition referred to in Article 97, paragraph (2) of the Act"; the phrase "dismiss the written petition for appeal" in Article 62 and Article 65, paragraph (1) is deemed to be replaced with "dismiss the written petition for permission under the provisions of Article 97, paragraph (2) of the Act"; the phrase "dismiss the appeal under the provisions of Article 87, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 96, paragraph (1) of the Act" in Article 62 and the phrase "dismiss the appeal" in Article 65, paragraph (1) are deemed to be replaced with "dismiss the petition referred to in Article 97, paragraph (2) of the Act or not to grant permission based on that petition"; and the phrase "special appeal is unlawful or it is clear that there are no reasons for the special appeal" in Article 66 is deemed to be replaced with "petition referred to in Article 97, paragraph (2) of the Act is unlawful or it is clear that there are no reasons for the petition referred to in the same

paragraph."

- (2) The provisions of Article 192, Article 193, Article 196, and Article 199, paragraph (1) of the Rules of Civil Procedure apply mutatis mutandis to the petition referred to in Article 97, paragraph (2) of the Act; the provisions of Article 200 of the same Rules apply mutatis mutandis if the permission under the provisions of Article 97, paragraph (2) of the Act is granted; and the provisions of Articles 50-2 and 202 of the same Rules apply mutatis mutandis to the proceedings of an appeal with permission. In this case: the phrase "Article 194 (Period for Submission of Statement of Reasons for Final Appeal)" in Article 196, paragraph (1) of the same Rules is deemed to be replaced with "Article 63 of the Rules of Domestic Relations Case Procedure as applied mutatis mutandis pursuant to Article 69, paragraph (1) of the same Rules following the deemed replacement of terms"; the phrase "Article 190 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (1) and Paragraph (2) of Article 312 of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (3) of Article 312 of the Code)" in the same paragraph is deemed to be replaced with "Article 199, paragraph (1) as applied mutatis mutandis pursuant to Article 69, paragraph (2) of the same Rules"; the phrase "to dismiss a final appeal without prejudice under the provision of item (ii) of paragraph (1) of Article 316 (Dismissal of Final Appeal without Prejudice by Court of Prior Instance) of the Code" in paragraph (2) of the same Article is deemed to be replaced with "not to grant permission based on the petition under the provisions of Article 97, paragraph (2) of the Domestic Relations Case Procedure Act"; and the phrase "paragraph (2) of Article 315 (Statement of Reasons for Final Appeal) of the Code" in the same paragraph is deemed to be replaced with "Article 199, paragraph (1) as applied mutatis mutandis pursuant to Article 69, paragraph (2) of the Rules of Domestic Relations Case Procedure."

Subsection 2 Appeals Against Judicial Decisions Other Than Rulings

(Particulars Stated in Written Petition for Appeal; Article 99 of the Act)

Article 70 When filing an immediate appeal against a judicial decision other than a ruling, the appellant must specifically state the grounds for seeking revocation or modification of the judicial decision in prior instance.

(Sending of Record upon Filing of Immediate Appeal; Article 99 of the Act)

Article 71 (1) Notwithstanding the provisions of Article 56, paragraph (2) as applied mutatis mutandis pursuant to the following Article, if an immediate appeal is filed against a judicial decision other than a ruling (excluding an immediate appeal referred to in paragraph (3)), and the court of prior instance

finds it unnecessary to send the record of the case for adjudication of domestic relations, it is sufficient for the court clerk of the court of prior instance to send only the record of the appeal case to the court clerk of the court in charge of the appeal.

- (2) If the record of the appeal case is sent pursuant to the provisions of the preceding paragraph, and the court in charge of the appeal finds the record of the case for adjudication for domestic relations referred to in the same paragraph to be necessary, the court clerk of the court in charge of the appeal must promptly request the court clerk of the court of prior instance to send that record.
- (3) Notwithstanding the provisions of Article 56, paragraph (2) as applied mutatis mutandis pursuant to the following Article, if an immediate appeal under the provisions of Article 47, paragraph (10) of the Act is filed, the court clerk of the court of prior instance is to send only the record of the appeal case to the court clerk of the court in charge of the appeal.
- (4) In the case referred to in the preceding paragraph, a document stating the opinion of the court of prior instance on the appeal case and materials that serve as a reference for the proceedings of the appeal case must be attached to the record referred to in the same paragraph.

(Application Mutatis Mutandis of Provisions Concerning Appeal against Ruling; Article 102 of the Act)

Article 72 The provisions of the preceding Subsection (excluding the provisions of Article 54 (including as applied mutatis mutandis pursuant to Article 68, paragraph (1) and Article 69, paragraph (1)), Article 55 and Article 58) apply mutatis mutandis to an appeal against a judicial decision other than a ruling made by a court, a judge or a presiding judge.

Section 3 Retrials

(Proceedings for Retrial; Article 103 of the Act)

- Article 73 (1) A written petition for retrial must have attached thereto a copy of the written judicial decision pertaining to the appeal.
- (2) Beyond what is provided for in the preceding paragraph, the provisions concerning proceedings for adjudication of domestic relations in their respective instances apply mutatis mutandis to proceedings for retrial, unless contrary to the nature thereof.

(Petition Referred to in Article 104, Paragraph (1) of the Act)

Article 74 The provisions of Article 67 apply mutatis mutandis to a petition under the provisions of Article 104, paragraph (1) of the Act.

Section 4 Provisional Order Prior to Rulings

(Proceedings for Provisional Order Prior to Ruling; Article 106 of the Act)

Article 75 (1) The provisions of Article 52, paragraph (1) do not apply to the withdrawal of a petition for a provisional order prior to a ruling; provided, however, that this does not apply if the petition is withdrawn after the family court (or a high court in the case referred to in Article 105, paragraph (2) of the Act) has given notice to a person that 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 has given notice to that person of a provisional order prior to a ruling.

(2) The provisions of Article 67 apply mutatis mutandis to a petition under the provisions of Article 111, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 113, paragraph (3) of the Act).

(3) The provisions of Articles 2, 12, and 17 of the Rules of Civil Provisional Remedies (Rules of the Supreme Court No. 3 of 1990) apply mutatis mutandis to the security required in proceedings for a provisional order prior to a ruling; the provisions of Articles 18 through 20 of the same Rules (including when these provisions (excluding Article 19, paragraph (1) of the same Rules) are applied mutatis mutandis pursuant to Article 23 of the same Rules) and the provisions of Article 22 of the same Rules apply mutatis mutandis to a provisional order prior to a ruling; and the provisions of Article 24, paragraph (2) and Article 27, paragraph (1) of the same Rules apply mutatis mutandis to a petition for revocation of a provisional order prior to a ruling. In this case, the phrase "Article 9, paragraph (2), item (ii) or item (vi)" in Article 27, paragraph (1) of the same Rules is deemed to be replaced with "Article 76, paragraph (2), item (ii) or item (iii) of the Domestic Relations Case Procedure Act."

Section 5 Commission of Entry in Family Registers

(Commission of Entry in Family Registers; Article 116 of the Act)

Article 76 (1) A ruling referred to in Article 116, item (i) of the Act or a judicial decision in lieu of that ruling specified by the Rules of the Supreme Court as one for which an entry in a family register is required to be commissioned as referred to in the proviso of the same Article, is any of the following rulings and judicial decisions in lieu of these rulings:

- (i) a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property;
- (ii) ruling of the appointment of a guardian of a minor or a supervisor of a

- guardian of a minor;
 - (iii) a ruling of permission for the resignation of a guardian of a minor or a supervisor of a guardian of a minor;
 - (iv) a ruling of the dismissal of a guardian of a minor or a supervisor of a guardian of a minor;
 - (v) a determination of the exercise of authority by a guardian of a minor or a supervisor of a guardian of a minor, and a ruling to revoke that determination; or
 - (vi) a ruling of change in handling of gender.
- (2) A provisional order prior to a ruling referred to in Article 116, item (ii) of the Act specified by the Rules of the Supreme Court as one for which an entry in a family register is required to be commissioned as referred to in the proviso of the same Article, is any of the following provisional orders prior to rulings:
- (i) a provisional order prior to a ruling issued to suspend the performance of duties by a person who has parental authority or a guardian of a minor or appoint a person acting as the representative thereof pursuant to the provisions of Article 166, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article), and a provisional order prior to a ruling issued to replace a person acting as a representative with another pursuant to the provisions of paragraph (3) of the same Article (including as applied mutatis mutandis pursuant to paragraph (5) of the same Article);
 - (ii) a provisional order prior to a ruling issued to suspend the performance of duties by a person who has parental authority or appoint a person acting as the representative thereof pursuant to the provisions of Article 174, paragraph (1) or Article 175, paragraph (3) of the Act, and a provisional order prior to a ruling issued to replace a person acting as a representative with another pursuant to the provisions of Article 174, paragraph (3) or Article 175, paragraph (5) of the Act; or
 - (iii) a provisional order prior to a ruling issued to suspend the performance of duties by a guardian of a minor or a supervisor of a guardian of a minor or appoint a person acting as the representative thereof pursuant to the provisions of Article 127, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 181 of the Act, and a provisional order prior to a ruling issued to replace a person acting as a representative with another pursuant to the provisions of Article 127, paragraph (3) of the Act.
- (3) When commissioning an entry in a family register pursuant to the provisions of Article 116 of the Act, court clerks must state the following particulars in a commissioning letter and affix their names and seals thereto:
- (i) the names of the person subject to the ruling (including a judicial decision in lieu of a ruling; hereinafter the same applies in this item) and a minor to

- whom the entry in a family register pertains (in the case of a ruling set forth in paragraph (1), item (vi), limited to a person subject to the ruling), and the reference to the family register (if a person subject to the ruling is a corporation, its name and address);
- (ii) the cause of the entry in the family register and the day on which the cause occurred;
 - (iii) the particulars for which the entry in the family register is to be made;
 - (iv) the date of commissioning; and
 - (v) the name of the court clerk and the court to which the court clerk belongs.
- (4) A commissioning letter referred to in the preceding paragraph must have attached thereto a document certifying the cause of the entry in the family register.

(Commission of Registration under the Guardianship Registration Act; Article 116 of the Act)

Article 77 (1) A ruling referred to in Article 116, item (i) of the Act or a judicial decision in lieu of that ruling specified by the Rules of the Supreme Court as one for which registration under the Guardianship Registration Act is required to be commissioned as referred to in the proviso of the same Article, is any of the following rulings and judicial decisions in lieu of these rulings:

- (i) a ruling for commencement of guardianship, commencement of curatorship or commencement of assistance, and a ruling to revoke that ruling;
- (ii) a ruling of the appointment of a guardian of an adult, a supervisor of a guardian of an adult, a curator, a supervisor of a curator, an assistant or a supervisor of an assistant (hereinafter referred to as a "guardian of an adult, etc.");
- (iii) 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 in the case of appointment of an additional supervisor of a voluntarily appointed guardian;
- (iv) a ruling of permission for the resignation of a guardian of an adult, etc. or a supervisor of a voluntarily appointed guardian;
- (v) a ruling of the dismissal of a guardian of an adult, etc., a supervisor of a voluntarily appointed guardian, or a voluntarily appointed guardian;
- (vi) a determination of the exercise of authority by a guardian of an adult, etc. or a supervisor of a voluntarily appointed guardian, and a ruling to revoke that determination; and
- (vii) a ruling to determine acts which require the consent of a curator or an assistant, and a ruling to revoke that ruling; or

- (viii) a ruling to grant authority to represent to a curator or an assistant, and a ruling to revoke that ruling.
- (2) A provisional order prior to a ruling referred to in Article 116, item (ii) of the Act specified by the Rules of the Supreme Court as one for which registration under the Guardianship Registration Act is required to be commissioned as referred to in the proviso of the same Article, is any of the following provisional orders prior to rulings:
- (i) a provisional order prior to a ruling issued to order that the relevant person become subject to the guardianship, curatorship or assistance by the administrator of property pursuant to the provisions of Article 126, paragraph (2), Article 134, paragraph (2) or Article 143, paragraph (2) of the Act, and a provisional order prior to a ruling issued to replace the administrator of property with another pursuant to the provisions of Article 125, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 126, paragraph (8), Article 134, paragraph (6), and Article 143, paragraph (6) of the Act;
 - (ii) a provisional order prior to a ruling issued to suspend the performance of duties by a guardian of an adult, etc. or a supervisor of a voluntarily appointed guardian, or to appoint a person acting as the representative thereof pursuant to the provisions of Article 127, paragraph (1) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (5) of the same Article, and Article 135, Article 144, and Article 225, paragraph (1) of the Act), and a provisional order prior to a ruling issued to replace a person acting as a representative with another pursuant to the provisions of Article 127, paragraph (3) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (5) of the same Article, and Article 135, Article 144, and Article 225, paragraph (1) of the Act); or
 - (iii) a provisional order prior to a ruling issued to suspend the performance of duties by a voluntarily appointed guardian pursuant to the provisions of Article 127, paragraph (1) of the Act as applied *mutatis mutandis* pursuant to Article 225, paragraph (2) of the Act following the deemed replacement of terms.
- (3) If a ruling for commencement of guardianship, commencement of curatorship or commencement of assistance, or a judicial decision in lieu of that ruling becomes effective, and there is a voluntary guardianship contract that is to terminate pursuant to the provisions 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"), a court clerk must, without delay, commission a registry office to make a registration under the Guardianship Registration Act to the effect that the voluntary guardianship contract has terminated.

- (4) When commissioning a registration under the Guardianship Registration Act pursuant to the provisions of Article 116 of the Act and the preceding paragraph, court clerks must state the following particulars in a commissioning letter and affix their names and seals thereto:
- (i) the name, date of birth, address, and registered domicile (or nationality in the case of a foreign national) of the adult ward, person under curatorship, person under assistance, person ordered to be subject to the guardianship, curatorship or assistance by the administrator of property, or the principal referred to in Article 2, item (ii) of the Voluntary Guardianship Contract Act;
 - (ii) if there is a registration record in which the particulars to be registered are to be recorded, the registration number of the registration record;
 - (iii) the reasons for registration;
 - (iv) the particulars to be registered;
 - (v) the date of commissioning;
 - (vi) the name of the court clerk and the court to which the court clerk belongs;
 - (vii) the indication of the registry office; and
 - (viii) the amount of registration fee.
- (5) The commissioning letter referred to in the preceding paragraph must have attached thereto a document certifying the reasons for registration.

Chapter II Cases for Adjudication of Domestic Relations

Section 1 Adjudication Cases Regarding Guardianship of Adult

(Clear Indication of Reasons for Withdrawal of Petition; Article 121 of the Act)

Article 78 (1) When withdrawing any of the petitions set forth in the items of Article 121 of the Act, the petitioner must clarify the reasons for the withdrawal.

- (2) The provisions of Article 52, paragraph (1) do not apply to the withdrawal referred to in the preceding paragraph.
- (3) If the permission referred to in Article 121 of the Act is granted, a court clerk must give notice to the parties and interested party intervenors to that effect.

(Report by Family Court Investigating Officer Regarding Dismissal of Guardian of Adult)

Article 79 (1) If a family court investigating officer finds a cause prescribed in Article 846 of the Civil Code (Act No. 89 of 1896) with regard to a guardian of an adult, the officer must report it to the family court.

- (2) The report under the provisions of the preceding paragraph must be made by means of a written report stating the following particulars:
- (i) the names and addresses of the guardian of the adult to be dismissed and the adult ward;

- (ii) the cause and date of commencement of guardianship of the adult;
 - (iii) the date on which the guardian of the adult referred to in item (i) assumed the position;
 - (iv) the reasons for dismissal; and
 - (v) other reference information.
- (3) The provisions of the preceding two paragraphs apply mutatis mutandis to the dismissal of a supervisor of a guardian of an adult.

(Report by Family Court Investigating Officer Regarding Supervision of Affairs of Guardianship of Adult; Article 124 of the Act)

Article 80 (1) If a family court investigating officer finds that a disposition is necessary in relation to the affairs of guardianship of an adult under the provisions of Article 863 of the Civil Code, the officer must report to that effect to the family court.

- (2) The provisions of paragraph (2) of the preceding Article apply mutatis mutandis to the report under the provisions of the preceding paragraph.

(Instructions to Guardian of Adult)

Article 81 (1) A family court may, at any time, give instructions to a guardian of an adult with regard to matters that it considers to be appropriate for the affairs of guardianship of an adult, such as medical treatment and nursing care and administration of the property of the adult ward.

- (2) A family court may, at any time, give instructions to a supervisor of a guardian of an adult with regard to matters that it considers to be appropriate for the affairs of supervision of guardianship of an adult.

(Submission of Inventory of Property by Administrator; Article 125 of the Act)

Article 82 (1) If an administrator appointed in an adjudication case for a disposition regarding the administration of property offered to an adult ward by a third party and an administrator appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act prepares an inventory of property that they are to administer pursuant to the provisions of laws and regulations, they must prepare two copies of the inventory and submit one of them to the family court.

- (2) If the family court finds the inventory of property referred to in the preceding paragraph to be insufficient, it may order the administrator referred to in the same paragraph to have a notary prepare an inventory of property.

(Document to be Attached to Commissioning Letter of Registration of Creation of Mortgage; Article 125 of the Act)

Article 83 (1) When commissioning registration of creation of a mortgage

pursuant to the provisions of Article 125, paragraph (5) of the Act, a court clerk must attach, to a commissioning letter, a transcript of a written ruling to order a mortgage to be created.

- (2) The provisions of the preceding paragraph apply mutatis mutandis when commissioning registration of change or extinction of a mortgage created pursuant to the provisions of Article 125, paragraph (5) of the Act.

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 126 of the Act)

Article 84 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 126, paragraph (1) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 126, paragraph (8) of the Act, and the provisions of the preceding Article apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 126, paragraph (8) of the Act.

Section 2 Adjudication Cases Regarding Curatorship

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases Regarding Guardianship of Adult; Article 133 of the Act)

Article 85 The provisions of Article 78 apply mutatis mutandis to the withdrawal of a petition to commence curatorship and the withdrawal of a petition to appoint a curator; the provisions of Article 79, paragraphs (1) and (2) apply mutatis mutandis to the dismissal of a curator or a supervisor of a curator; the provisions of Article 80 and Article 81, paragraph (1) apply mutatis mutandis to the affairs of curatorship; the provisions of Article 81, paragraph (2) apply mutatis mutandis to the affairs of supervision of curatorship; the provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 126, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 134, paragraph (1) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) as applied mutatis mutandis pursuant to Article 134, paragraph (6) of the Act; and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 134, paragraph (6) of the Act.

Section 3 Adjudication Cases Regarding Assistance

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases Regarding Guardianship of Adult; Article 142 of the Act)

Article 86 The provisions of Article 78 apply mutatis mutandis to the withdrawal of a petition to commence assistance and the withdrawal of a petition to appoint an assistant; the provisions of Article 79, paragraphs (1) and (2) apply mutatis mutandis to the dismissal of an assistant or a supervisor of an assistant; the provisions of Article 80 and Article 81, paragraph (1) apply mutatis mutandis to the affairs of assistance; the provisions of Article 81, paragraph (2) apply mutatis mutandis to the affairs of supervision of assistance; the provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 126, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 143, paragraph (1) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) as applied mutatis mutandis pursuant to Article 143, paragraph (6) of the Act; and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 143, paragraph (6) of the Act.

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

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 146 of the Act)

Article 87 The provisions of Article 82 apply mutatis mutandis to an administrator appointed pursuant to the provisions of Article 25, paragraph (1) of the Civil Code and an administrator appointed as a replacement pursuant to the provisions of Article 26 of the same Code or Article 146, paragraph (1) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 146, paragraph (5) of the Act.

Section 5 Adjudication Cases Regarding Adjudication of Disappearance

(Particulars for Public Notice; Article 148 of the Act)

Article 88 Beyond the particulars set forth in Article 148, paragraph (3) of the Act, the following particulars must be contained in the public notice under the provisions of the same paragraph:

- (i) the name and address of the petitioner; and
- (ii) the name, address, and date of birth of the absentee.

(Public Notice and Notice Given upon Ruling of Adjudication of Disappearance
Becoming Final and Binding; Article 148 of the Act)

Article 89 (1) When a ruling of adjudication of disappearance becomes final and binding, a court clerk must, without delay, give public notice to that effect and give notice to that effect to the person that administers affairs relating to family registers in the locality of the registered domicile of the absentee.

(2) The provisions of the preceding paragraph apply mutatis mutandis if a ruling to revoke adjudication of disappearance becomes final and binding.

Section 6 Adjudication Cases Regarding Marriage

(Instructions Given in Ruling of Disposition Regarding Cooperation and
Mutual Assistance Between Husband and Wife; Article 154 of the Act)

Article 90 A family court may give instructions regarding necessary matters if it specifies the extent or method of mutual assistance or modifies them in a ruling of a disposition regarding cooperation and mutual assistance between a husband and wife.

(Particulars Stated in Written Petition for Ruling of Disposition Regarding
Division of Property in Co-ownership; Article 155 of the Act)

Article 91 A written petition for a ruling of a disposition regarding the division of property in co-ownership must state the co-owners, and an inventory of property in co-ownership must be attached thereto.

(Application Mutatis Mutandis of Provisions Concerning Submission of
Inventory of Property by Administrator; Article 158 of the Act)

Article 92 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 158, paragraph (1) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 158, paragraph (3) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 158, paragraph (3) of the Act.

Section 7 Adjudication Cases Regarding Parents and Children

(Particulars Stated in Written Petition for Ruling of Establishment of Special
Adoption; Article 164 of the Act)

Article 93 (1) The following particulars must be stated in a written petition for a

ruling of the establishment of a special adoption:

- (i) whether consent has been obtained from the parents of the person to be adopted, and if the consent has not been obtained, the circumstances suggesting that the case falls within the proviso of Article 817-6 of the Civil Code;
 - (ii) the date on which the person adopting commenced to have custody of the person to be adopted, the background that led to the commencement of custody, and the circumstances after the commencement of custody; and
 - (iii) whether a child guidance center or any person engaging in the business of facilitating adoptions (hereinafter referred to as a "child guidance center, etc." in this item and paragraph (3)) has facilitated the special adoption, and, if the facilitation has been made, the name and address of the child guidance center, etc.
- (2) If a ruling of the establishment of a special adoption becomes final and binding, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the adoptive parents.
- (3) If a ruling on a petition for the establishment of a special adoption becomes final and binding, a court clerk must give notice to that effect without delay to the child guidance center, etc. that has facilitated the special adoption and the child guidance center that has conducted examination with regard to the special adoption upon commission from the family court.

(Notice Given upon Ruling of Dissolution of Special Adoption Becoming Final and Binding; Article 165 of the Act)

Article 94 If a ruling of the dissolution of a special adoption becomes final and binding, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the adopted child.

Section 8 Adjudication Cases Regarding Parental Authority

(Notice Given upon Ruling of Designation or Change of Person with Parental Authority Becoming Final and Binding; Article 167 of the Act)

Article 95 When a ruling of the designation or change of a person who has parental authority becomes final and binding, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the child. The same applies if a ruling of the loss of parental authority, suspension of parental authority or loss of right of administration of property becomes final and binding.

(Application Mutatis Mutandis of Provisions Concerning Submission of
Inventory of Property by Administrator; Article 173 of the Act)

Article 96 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed in an adjudication case for a disposition regarding the administration of property offered to a child by a third party and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 173 of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 173 of the Act.

Section 9 Adjudication Cases Regarding Guardianship of Minors

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases
Regarding Guardianship of Adult; Article 180 of the Act)

Article 97 The provisions of Article 78 apply mutatis mutandis to the withdrawal of a petition to appoint a guardian of a minor; the provisions of Article 79, paragraphs (1) and (2) apply mutatis mutandis to the dismissal of a guardian of a minor or a supervisor of a guardian of a minor; the provisions of Article 80 and Article 81, paragraph (1) apply mutatis mutandis to the affairs of guardianship of a minor; the provisions of Article 81, paragraph (2) apply mutatis mutandis to the affairs of supervision of guardianship of a minor; the provisions of Article 82 apply mutatis mutandis to an administrator of property appointed in an adjudication case for a disposition regarding the administration of property offered to a child ward by a third party and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) as applied mutatis mutandis pursuant to Article 180 of the Act; and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 180 of the Act.

Section 10 Adjudication Cases Regarding Support

(Instructions Given in Ruling of Determination of Extent or Method of Support;
Article 185 of the Act)

Article 98 A family court may give instructions regarding necessary matters in a ruling of a determination of the extent or method of support, and to change or revoke that determination

Section 11 Adjudication Cases Regarding Disinheritance of Presumptive Heirs

(Proceedings in Adjudication Case for Disinheritance of Presumptive Heir;
Article 188 of the Act)

Article 99 With regard to proceedings in an adjudication case for the disinheritance of a presumptive heir, the provisions of Articles 47 and 48 apply mutatis mutandis, deeming the petitioner and the presumptive heir for whom disinheritance is sought to be the parties to the case.

(Notice Given upon Ruling of Disinheritance of Presumptive Heir Becoming Final and Binding; Article 188 of the Act)

Article 100 If a ruling of the disinheritance of a presumptive heir or a ruling to revoke that ruling becomes final and binding, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the disinherited person.

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 189 of the Act)

Article 101 The provisions of Article 82 apply mutatis mutandis to an administrator of property 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 that ruling becomes final and binding, and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 189, paragraph (2) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 189, paragraph (2) of the Act. In this case, the term "family court" in Article 82 is deemed to be replaced with "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 that ruling becomes final and binding."

Section 12 Adjudication Cases Regarding Division of Estates

(Particulars Stated in Written Petition for Ruling of Division of Estate; Article 191 of the Act)

Article 102 (1) A written petition for a ruling of the division of an estate must

state the following particulars, and an inventory of property must be attached thereto:

- (i) the coheirs; and
 - (ii) whether there is a legacy or gift prescribed in Article 903, paragraph (1) of the Civil Code, and if there is any, the details thereof.
- (2) The following particulars must be stated in a written petition for a ruling of a disposition to determine an heir's amount of contribution:
- (i) circumstances concerning contribution such as the period, means and extent of contribution;
 - (ii) if a petition for adjudication or conciliation regarding the division of an estate is filed, the indication of the case; and
 - (iii) in the case prescribed in Article 910 of the Civil Code, the indication of the coheirs and the estate, the date of acknowledgment of parentage, and the details of the division or other disposition of the estate already made.

(Proceedings for Judicial Decision to Order Conversion of Estate into Cash;
Article 194 of the Act)

- Article 103 (1) If a judicial decision under the provisions of Article 194, paragraph (1) or paragraph (2) of the Act (referred to as a "judicial decision to order conversion into cash" in paragraph (6)) becomes final and binding, a court clerk must give notice to that effect to the administrator of property appointed pursuant to the provisions of paragraph (6) of the same Article or Article 200, paragraph (1) of the Act.
- (2) If an heir who has been ordered to convert the estate into cash by a judicial decision issued under the provisions of Article 194, paragraph (1) of the Act files a petition for an auction with an execution court or court execution officer, the heir must notify the family court to that effect and the indication of the case.
- (3) If notification is made pursuant to the provisions of the preceding paragraph, a court clerk must give notice of the name and address of the administrator of property referred to in paragraph (1) to the execution court or court execution officer. The same applies if administrators of property referred to in the same paragraph lose their positions.
- (4) If the family court orders an heir to sell the whole or part of the estate by a private contract and thereby convert it into cash pursuant to the provisions of Article 194, paragraph (2) of the Act, it may attach conditions such as the method and time limit of sale to that order.
- (5) If the family court orders an heir to sell real property that is part of the estate by a private contract and thereby convert it into cash pursuant to the provisions of Article 194, paragraph (2) of the Act, it must determine the minimum selling price.

- (6) An heir that has been ordered to convert the estate into cash by a judicial decision to order conversion into cash must report to the family court without delay on the result of the procedure for conversion into cash if the procedure is completed, or on the reasons for and result of the failure to convert the estate into cash if the conversion fails.
- (7) An heir that has been ordered to convert the estate into cash by a judicial decision issued under the provisions of Article 194, paragraph (2) of the Act must deliver the sale proceeds to the administrator of property referred to in paragraph (1) immediately upon the completion of the procedure for conversion into cash.
- (8) The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 194, paragraph (6) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 194, paragraph (8) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 194, paragraph (8) of the Act.
- (9) The provisions of Articles 123 and 124 of the Rules of Civil Execution (Rules of the Supreme Court No. 5 of 1979) apply mutatis mutandis to the sale of the movables based on a judicial decision under the provisions of Article 194, paragraph (2) of the Act.

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 200 of the Act)

Article 104 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed pursuant to the provisions of Article 200, paragraph (1) of the Act and to an administrator of property appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 200, paragraph (3) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 200, paragraph (3) of the Act.

Section 13 Adjudication Cases Regarding Acceptance and Renunciation of Inheritance

(Particulars Stated in Written Statement of Qualified Acceptance and Renunciation of Inheritance; Article 201 of the Act)

Article 105 (1) Beyond the particulars set forth in the items of Article 201, paragraph (5) of the Act, the following particulars must be stated in a written

statement of qualified acceptance and renunciation of inheritance:

(i) the name and last domicile of the decedent;

(ii) the heir's relationship with the decedent; and

(iii) the date on which the heir came to know of the commencement of inheritance.

(2) Beyond the particulars set forth in the items of Article 201, paragraph (5) of the Act and item (i) of the preceding paragraph, the following particulars must be stated in a written statement of rescission of qualified acceptance and rescission of renunciation of inheritance:

(i) the court that has accepted the statement of qualified acceptance or renunciation of inheritance, and the date of acceptance of the statement;

(ii) the cause of rescission of qualified acceptance or renunciation of inheritance; and

(iii) the date on which ratification has become possible.

(3) The provisions of Articles 37 through 41 apply mutatis mutandis to a statement of qualified acceptance and rescission thereof, and, a statement of renunciation of inheritance and rescission thereof.

(Acceptance of Statement of Qualified Acceptance; Article 201 of the Act)

Article 106 (1) If the family court, pursuant to the provisions of Article 201, paragraph (7) of the Act, includes in a written statement the fact that it makes the ruling of acceptance of a statement referred to in paragraph (5) of the same Article, the judges that have made that ruling must affix their names and seals to that written statement. In this case, the provisions of Article 50, paragraph (2) apply mutatis mutandis.

(2) If a ruling referred to in the preceding paragraph is made, a court clerk must give notice to the parties and interested party intervenors to that effect.

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 201 of the Act)

Article 107 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed in an adjudication case for a disposition regarding the preservation or administration of an estate and to an administrator of an estate appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (10) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 201, paragraph (10) of the Act.

Section 14 Adjudication Cases Regarding Division of Property

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 202 of the Act)

Article 108 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed in an adjudication case for a disposition regarding the administration of an estate after the request for the division of property and to an administrator of an estate appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 202, paragraph (3) of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 202, paragraph (3) of the Act.

Section 15 Adjudication Cases Regarding Nonexistence of Heir

(Public Notice of Appointment of Administrator of Estate; Article 203 of the Act)

Article 109 (1) The following particulars must be contained in the public notice under the provisions of Article 952, paragraph (2) of the Civil Code:

- (i) the name and address of the petitioner;
- (ii) the name, occupation and last domicile of the decedent;
- (iii) the places and dates of the birth and death of the decedent; and
- (iv) the name and address of the administrator of the estate.

(2) The following particulars must be contained in the public notice under the provisions of Article 958 of the Civil Code:

- (i) the particulars set forth in items (i) through (iii) of the preceding paragraph; and
- (ii) a statement that heirs must assert their rights within a fixed period.

(Particulars Stated in Written Petition for Ruling of Distribution of Estate to Persons with Special Connections; Article 204 of the Act)

Article 110 (1) A written petition for a ruling of the distribution of an estate to a person with a special connection must state the special connection with the decedent.

(2) If a petition for the distribution of an estate to a person with a special connection is filed, a court clerk must give notice without delay to the administrator of the estate appointed pursuant to the provisions of Article 952, paragraph (1) of the Civil Code or appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 208 of the Act. The same applies if a ruling on that petition becomes final and binding.

(Application Mutatis Mutandis of Provisions Concerning Proceedings for Judicial Decision to Order Conversion of Estate into Cash; Article 207 of the Code)

Article 111 The provisions of Article 103, paragraphs (4) through (6) and paragraph (9) apply mutatis mutandis to an adjudication case for the distribution of an estate to a person with a special connection. In this case, the term "heir" in paragraph (6) of the same Article is deemed to be replaced with "administrator of the estate."

(Application Mutatis Mutandis of Provisions Concerning Submission of Inventory of Property by Administrator; Article 208 of the Act)

Article 112 The provisions of Article 82 apply mutatis mutandis to an administrator of property appointed in an adjudication case for a disposition regarding the administration of an estate in the event of the nonexistence of an heir and to an administrator of the estate appointed as a replacement pursuant to the provisions of Article 125, paragraph (1) of the Act as applied mutatis mutandis pursuant to Article 208 of the Act, and the provisions of Article 83 apply mutatis mutandis to the commission of registration under the provisions of Article 125, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 208 of the Act.

Section 16 Adjudication Cases Regarding Wills

(Method of Probate of Will; Article 211 of the Act)

Article 113 When probating a will, the family court must examine all facts relating to the formalities of the will.

(Particulars Stated in Record of Probate of Will; Article 211 of the Act)

Article 114 (1) The following particulars must be stated in the record referred to in Article 211 of the Act:

- (i) indication of the case;
- (ii) the names of the judge and court clerk;
- (iii) the name and address of the petitioner;
- (iv) the names and addresses of heirs and other interested persons who attended the probate;
- (v) the date of the probate;
- (vi) summaries of statements of witnesses, parties, and experts;
- (vii) whether the witnesses, parties, and experts swore under oath, and, the reasons for not having witnesses or experts swear under oath; and
- (viii) the result of the examination of facts.

- (2) The provisions of Article 31, paragraph (1) and Article 32, paragraphs (1) and (2) do not apply to the record referred to in the preceding paragraph.

(Notice of Date for Probate of Will: Article 211 of the Act)

Article 115 (1) A court clerk must give notice of the date for probate of a will to the petitioner and the heirs.

- (2) When a will is probated, a court clerk must give notice to that effect to the heirs, legatees and other interested persons who did not attend the probate of the will (excluding those who received the notice under the provisions of the preceding paragraph).

(Withdrawal of Petition for Confirmation of Will and Withdrawal of Petition for Probate of Will; Article 212 of the Act)

Article 116 The provisions of Article 78 apply mutatis mutandis to the withdrawal of a petition for the confirmation of a will and the withdrawal of a petition for probate of a will. In this case, the phrase "Article 121 of the Act" in paragraph (3) of the same Article is deemed to be replaced with "Article 212 of the Act" and the phrase "and interested party intervenor" is deemed to be replaced with ", interested party intervenor, and person who received the notice under the provisions of Article 115, paragraph (1)."

Section 17 Adjudication Cases Under the Voluntary Guardianship Contract Act

(Instructions to Supervisor of Voluntarily Appointed Guardian; Article 217 of the Act)

Article 117 (1) The family court must give instructions to a supervisor of a voluntarily appointed guardian with regard to the time of making the report prescribed in Article 7, paragraph (1), item (ii) of the Voluntary Guardianship Contract Act and the content of the report.

- (2) The family court may, at any time, give instructions to a supervisor of a voluntarily appointed guardian with regard to matters that it considers to be appropriate for the affairs of a supervisor of a voluntarily appointed guardian.

(Application Mutatis Mutandis of Provisions Concerning Adjudication Cases Regarding Guardianship of Adult; Article 221 of the Act)

Article 118 The provisions of Article 78 apply mutatis mutandis to the withdrawal of a petition for the appointment of a supervisor of a voluntarily appointed guardian for making a voluntary guardianship contract effective and to the withdrawal of a petition for the appointment of a supervisor of a voluntarily appointed guardian in the event of a vacancy of a supervisor of a

voluntarily appointed guardian; the provisions of Article 79, paragraphs (1) and (2) apply mutatis mutandis to the dismissal of a supervisor of a voluntarily appointed guardian; and the provisions of Article 80 apply mutatis mutandis to the duties of a supervisor of a voluntarily appointed guardian. In this case: the phrase "Article 121 of the Act" in Article 78, paragraph (3) is deemed to be replaced with "Article 221 of the Act"; the phrase "guardian to be dismissed and the adult ward" in Article 79, paragraph (2), item (i) is deemed to be replaced with "supervisor of the voluntarily appointed guardian to be dismissed, the principal referred to in Article 2, item (ii) of the Voluntary Guardianship Contract Act, and the voluntarily appointed guardian"; the phrase "cause and date of commencement of guardianship of the adult" in Article 79, paragraph (2), item (ii) is deemed to be replaced with "date of appointment on which the supervisor of the voluntarily appointed guardian was appointed pursuant to the provisions of Article 4, paragraph (1) of the Voluntary Guardianship Contract Act; the phrase "guardian of the adult referred to in item (i) assumed the position" in Article 79, paragraph (2), item (iii) is deemed to be replaced with "the supervisor of the voluntarily appointed guardian was appointed"; and the phrase "Article 863 of the Civil Code" in Article 80, paragraph (1) is deemed to be replaced with "Article 7, paragraph (3) of the Voluntary Guardianship Contract Act."

Section 18 Adjudication Cases Under the Family Register Act

(Notice of Ruling of Permission for Registration of Unregistered Person
Becoming Effective; Article 226 of the Act)

Article 119 In any of the following cases, a court clerk must give notice without delay of the relevant fact to the person that administers affairs relating to family registers in the locality specified in the respective items:

- (i) if a ruling of permission for registration of an unregistered person becomes effective: the locality where the unregistered person is to be registered; or
- (ii) if a ruling of permission for a correction of a family register becomes final and binding: the locality of the family register.

Section 19 Adjudication Cases Under the Employees' Pension Insurance Act

(Document to be Attached to Written Petition for Ruling of Disposition
Regarding Pro Rata Share to be Requested; Article 233 of the Act)

Article 120 A written petition for a ruling of a disposition regarding a pro rata share to be requested must have attached thereto a document stating the information referred to in Article 78-4, paragraph (1) of the Employees'

Pension Insurance Act (Act No. 115 of 1954), which has been delivered pursuant to the provisions of the same paragraph.

Section 20 Adjudication Cases Under the Bankruptcy Act

(Particulars Stated in Written Statement of Acknowledgment of Renunciation of Inheritance; Article 242 of the Act)

- Article 121 (1) Beyond the particulars set forth in the items of Article 201, paragraph (5) of the Act as applied mutatis mutandis pursuant to Article 242, paragraph (3) of the Act, the following particulars must be stated in a written statement of acknowledgement of renunciation of inheritance in bankruptcy proceedings:
- (i) the name and last domicile of the decedent;
 - (ii) the name and address of the person who has renounced inheritance;
 - (iii) the relationship between the decedent and the person who has renounced inheritance;
 - (iv) the court that has accepted the statement of renunciation and the date of acceptance of the statement; and
 - (v) the date on which the person who makes the statement came to know of the renunciation of inheritance.
- (2) The provisions of Articles 37 through 41 apply mutatis mutandis to a statement regarding acknowledgment of renunciation of inheritance in bankruptcy proceedings.

(Application Mutatis Mutandis of Provisions Concerning Particulars Stated in Written Petition for Ruling of Disposition Regarding Division of Property in Co-ownership; Article 242 of the Act)

- Article 122 The provisions of Article 91 apply mutatis mutandis to a written petition for a ruling of the change of an administrator of property, etc. under a prenuptial agreement; the provisions of Article 92 apply mutatis mutandis to a provisional order sought by designating an adjudication case for change of administrator of property, etc. under a prenuptial agreement as a case on the merits in the event of commencement of bankruptcy proceedings; and the provisions of Article 106 apply mutatis mutandis to a ruling of acceptance of a statement of acknowledgement of renunciation of inheritance in bankruptcy proceedings.

Section 21 Adjudication Cases Under the Act on Facilitation of Succession of Management of Small and Medium-Sized Enterprises

(Document to be Attached to Written Petition for Ruling of Permission for

Agreement on Calculation of Heir's Statutory Reserved Share; Article 243 of the Act)

Article 123 A written petition for a ruling of permission for an agreement on the calculation of an heir's statutory reserved share must have attached thereto a document prepared by the Minister of Economy, Trade and Industry to certify that the Minister has made the confirmation referred to in Article 7, paragraph (1) of the Act on Facilitation of Succession of Management of Small and Medium-Sized Enterprises (Act No. 33 of 2008) (limited to a document in which the details of the agreement regarding the confirmation are clarified).

Part III Proceedings for Conciliation of Domestic Relations

Chapter I General Provisions

Section 1 General Rules

(Application Mutatis Mutandis of Provisions Concerning Treatment in Transfer; Article 246 of the Act)

Article 124 The provisions of Article 8, paragraph (2) apply mutatis mutandis to a judicial decision of transfer under the provisions of Article 246, paragraphs (2) and (3) of the Act, and the provisions of Article 9 apply mutatis mutandis to a judicial decision of transfer under the provisions of Article 246, paragraphs (1) through (3) of the Act.

(Powers of Domestic Relations Conciliators; Article 251 of the Act)

Article 125 A domestic relations conciliator may, in the course of processing a case for conciliation of domestic relations handled by the conciliator, exercise the powers to be exercised by the family court, a judge or the presiding judge in connection with the processing of a case for conciliation of domestic relations as provided in these Rules.

(Application Mutatis Mutandis of Provisions Concerning Record of Date of Proceedings and of the Rules of Civil Procedure; Article 253 of the Act)

Article 126 (1) The provisions of Articles 31 and 32 apply mutatis mutandis to the record referred to in Article 253 of the Act; the provisions Article 34 apply mutatis mutandis to an authenticated copy, etc. of a record of a case for conciliation of domestic relations; and the provisions of Article 35 apply mutatis mutandis to the inspection, etc. of a record of a case for conciliation of domestic relations. In this case: the term "judge" in Article 31, paragraph (1), item (ii) is deemed to be replaced with "judge or domestic relations conciliator, domestic relations conciliation commissioner"; the phrase "and withdrawal of the petition" in Article 32, paragraph (1), item (i) is deemed to be replaced with "withdrawal of the petition, an agreement referred to Article 268 of the Act,

and closing of a case under the provisions of Article 271 or Article 272, paragraph (1)"; and the phrase "inspection, etc. of a record prescribed in Article 47, paragraph (1) of the Act" in Article 35 is deemed to be replaced with "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 provisions of Articles 68 through 77 of the Rules of Civil Procedure apply *mutatis mutandis* to the date of proceedings for conciliation of domestic relations and the record referred to in the preceding paragraph. In this case: the phrase "paragraph (1) of the preceding Article (Substantial Matters to be Stated in Record of Oral Argument)" in Article 68, paragraph (1) of the same Rules is deemed to be replaced with "Article 32, paragraph (1) of the Rules of Domestic Relations Case Procedure as applied *mutatis mutandis* pursuant to Article 126, paragraph (1) of the same Rules following the deemed replacement of terms; the phrase "appeal or a petition for acceptance of final appeal" in Article 74, paragraph (1), item (iii) of the same Rules is deemed to be replaced with "immediate appeal or special appeal against a ruling regarding conciliation of domestic relations, or petition referred to in Article 97, paragraph (2) of the Domestic Relations Case Procedure Act as applied *mutatis mutandis* pursuant to Article 288 of the same Act"; and the phrase "in court" in Article 77 of the same Rules is deemed to be replaced with "on the date for proceedings for conciliation of domestic relations."

Section 2 Petition for Conciliation of Domestic Relations

(Petition for Conciliation of Domestic Relations; Article 255 of the Act)

Article 127 The provisions of Articles 37 through 41 and Article 47 apply *mutatis mutandis* to a petition for conciliation of domestic relations; the provisions of Article 102, paragraph (1) apply *mutatis mutandis* to a written petition for conciliation for division of an estate; the provisions of Article 102, paragraph (2) apply *mutatis mutandis* to a written petition for conciliation for a disposition to determine an heir's amount of contribution; and the provisions of Article 120 apply *mutatis mutandis* to a written petition for conciliation for a disposition regarding a pro rata share to be requested.

Section 3 Proceedings for Conciliation of Domestic Relations

(Intervention in or Exclusion from Proceedings for Conciliation of Domestic Relations; Article 258 of the Act)

Article 128 (1) The provisions of Articles 27 and 28 apply *mutatis mutandis* to

the intervention in or exclusion from proceedings for conciliation of domestic relations; the provisions of Article 29 (excluding paragraph (4)) apply mutatis mutandis to the taking over of proceedings for conciliation of domestic relations; the provisions of Article 36 apply mutatis mutandis to the designation of an authorized judge in proceedings for conciliation of domestic relations; the provisions of Articles 42 and 43 apply mutatis mutandis to the date for proceedings for conciliation of domestic relations; the provisions of Article 44, paragraph (1), Article 45, and Article 46 apply mutatis mutandis to the examination of facts and examination of evidence in proceedings for conciliation of domestic relations; the provisions of Articles 49 through 51 (excluding Article 49, paragraph (3) and Article 50, paragraph (4)) apply mutatis mutandis to a ruling regarding conciliation of domestic relations; and the provision of Article 49, paragraph (3), Article 50, paragraph (4), and Article 51 apply mutatis mutandis to a judicial decision other than a ruling regarding conciliation of domestic relations. In this case, the phrase "Article 47, paragraph (1) or paragraph (6)" in Article 49, paragraph (1) is deemed to be replaced with "Article 254, paragraph (1) or paragraph (4)."

- (2) In the examination of evidence conducted in proceedings for conciliation of domestic relations, domestic relations conciliation commissioners that compose a conciliation committee may examine a witness, party or expert, notifying the judge who is the member of the conciliation committee.

(Notice of Legal Sanction against Violation of Disposition Prior to Conciliation; Article 266 of the Act)

Article 129 (1) If a conciliation committee (if proceedings for conciliation of domestic relations are conducted by a sole judge, the judge; the same applies in Article 131) orders a disposition referred to in Article 266, paragraph (1) of the Act, it must concurrently give notice of a legal sanction against the violation of the order.

- (2) If a judge who is a member of a conciliation committee orders a disposition referred to in Article 266, paragraph (1) of the Act pursuant to the provisions of paragraph (2) of the same Article, the judge must concurrently give notice of a legal sanction against the violation of the order.

Section 4 Successful Conciliation

(Notice of Successful Conciliation; Article 268 of the Act)

Article 130 (1) If conciliation is successful, a court clerk must give notice to that effect without delay to the parties (limited to those that have submitted a document stating the acceptance of the proposed terms of conciliation pursuant to the provisions of Article 270, paragraph (1) of the Act) and interested party

intervenors.

- (2) If conciliation is successful with regard to any of the matters set forth in the following items, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the person specified in the respective items:
- (i) divorce, dissolution of an adoptive relation, and other matters that require a notification or correction relating to a family register (excluding the designation or change of a person that has parental authority): the parties to the family relationship concerned with the conciliation; or
 - (ii) designation or change of a person that has parental authority: the child.

(Procedure of Acceptance of Proposed Terms of Conciliation in Writing; Article 270 of the Act)

- Article 131 (1) When a conciliation committee presents proposed terms of conciliation pursuant to the provisions of Article 270, paragraph (1) of the Act, it must do so by stating these terms in a written document. The effect prescribed in the same paragraph is to be appended as a supplementary note to that document.
- (2) If a written document stating the acceptance of the proposed term of conciliation prescribed in Article 270, paragraph (1) of the Act is submitted, the conciliation committee must confirm the true intention of the party that has submitted that document.

Section 5 Closing of Cases Without Successful Conciliation

(Treatment in Case of Not Conducting Conciliation; Article 271 of the Act)

- Article 132 (1) If a case for conciliation of domestic relations is closed pursuant to the provisions of Article 271 of the Act, a court clerk must give notice to that effect without delay to the parties and interested party intervenors.
- (2) If a case for conciliation of domestic relations is closed pursuant to the provisions of Article 272, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 277, paragraph (4) of the Act), a court clerk must give notice to that effect without delay to the parties and interested party intervenors.
- (3) The provisions of paragraph (1) apply mutatis mutandis if a petition for conciliation of domestic relations is withdrawn.

Section 6 Referral to Conciliation

(Notice of Constructive Withdrawal of Action; Article 276 of the Act)

- Article 133 (1) If it is deemed pursuant to the provisions of Article 276,

paragraph (1) of the Act that an action has been withdrawn, a court clerk must give notice to that effect without delay to the court before which the suit relating to that action was pending.

- (2) If a case for conciliation of domestic relations is closed pursuant to the provisions of Article 276, paragraph (2) of the Act, a court clerk must give notice to that effect without delay to the court before which the case for conciliation of domestic relations was pending.

Chapter II Rulings Equivalent to Agreement

(Notice Given upon Ruling Becoming Final and Binding; Article 277 of the Act)
Article 134 If no objection is filed under the provisions of Article 279, paragraph (1) of the Act with regard to a ruling referred to in Article 277, paragraph (1) of the Act (or a judicial decision in lieu of a ruling if a high court conducts conciliation pursuant to the provisions of Article 274, paragraph (3) of the Act; the same applies in this Article and Article 136), a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered domicile of the party to the family relationship to which that ruling pertains. The same applies if, with regard to that ruling, a ruling to dismiss an objection filed under the provisions of the same paragraph becomes final and binding.

- (Method of Filing Objection; Article 279 of the Act)
Article 135 (1) An objection under the provisions of Article 279, paragraph (1) of the Act must be filed in writing.
(2) If a party files an objection referred to in the preceding paragraph, the party must state the reasons for the objection in the document referred to in the same paragraph and attach materials clarifying the reasons for objection to that document.
(3) If interested persons file an objection referred to in paragraph (1), the persons must state their interests in the document referred to in the same paragraph and attach thereto materials clarifying the interests of the persons.

Chapter III Rulings in Lieu of Conciliation

(Notice Given upon Ruling Becoming Final and Binding; Article 284 of the Act)
Article 136 If no objection is filed under the provisions of Article 286, paragraph (1) of the Act with regard to a ruling referred to in Article 284, paragraph (1) of the Act regarding any of the matters set forth in the following items, a court clerk must give notice to that effect without delay to the person that administers affairs relating to family registers of the locality of the registered

domicile of the person specified in the respective items; the same applies if, with regard to that ruling, a ruling to dismiss an objection filed under the provisions of the same paragraph becomes final and binding:

- (i) divorce, dissolution of an adoptive relation, and other particulars that require a notification or correction relating to a family register (excluding the designation or change of a person who has parental authority): the parties to the family relationship to which the ruling pertains; or
- (ii) designation or change of a person who has parental authority: the child.

(Method of Filing Objection; Article 286 of the Act)

Article 137 (1) An objection under the provisions of Article 286, paragraph (1) of the Act must be filed in writing.

- (2) The provisions of Article 132, paragraph (2) apply *mutatis mutandis* if a ruling referred to in Article 284, paragraph (1) of the Act ceases to be effective pursuant to the provisions of Article 286, paragraph (5) of the Act.

Chapter IV Appeals

(Appeal and Retrial against Judicial Decision Made during Proceedings for Conciliation of Domestic Relations; Article 288 of the Act)

Article 138 Except as otherwise provided, with regard to an appeal and a 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 apply *mutatis mutandis*, respectively.

Part IV Assurance of Performance

(Commission in Procedure for Examination of Status of Performance of Obligations and Recommendation of Performance; Article 289 of the Act)

Article 139 (1) A commissioning procedure under the provisions of Article 289, paragraph (2) or paragraph (5) of the Act (including when these provisions are applied *mutatis mutandis* pursuant to paragraph (7) of the same Article) is carried out by a court clerk.

- (2) If permission under the provisions of Article 289, paragraph (6) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (7) of the same Article; hereinafter the same applies in this Article) is granted, affairs related to a request for the inspection of a record, etc. or reproduction of a record referred to in paragraph (6) of the same Article are handled by a court clerk.
- (3) The provisions of Article 35 apply *mutatis mutandis* to the inspection of a record, etc. regarding a case subject to examination and recommendation under the provisions of Article 289, paragraph (1) of the Act.

(Notice of Legal Sanction against Violation of Order of Performance of Obligations; Article 290 of the Act)

Article 140 (1) If the family court makes a ruling to order the performance of an obligation under the provisions of Article 290, paragraph (1) of the Act (including as applied *mutatis mutandis* pursuant to paragraph (3) of the same Article), it must concurrently give notice of a legal sanction against the violation of the order.

(2) Beyond what is provided for in the preceding paragraph, the procedure for making a ruling referred to in the same paragraph is as prescribed in Part II, Chapter I.

Supplementary Provisions

(Effective Date)

Article 1 These Rules (hereinafter referred to as the "New Rules") come into effect as of the date on which the Act comes into effect.

(Principle of Transitional Measures)

Article 2 The New Rules apply to proceedings for domestic relations cases other than cases prescribed in Article 4 of the Act on Arrangement of Relevant Laws Incidental to Enforcement of the Non-Contentious Case Procedures Act and the Domestic Relations Case Procedure Act (Act No. 53 of 2011; referred to as the "Legislative Arrangement Act" in the following Article).

(Transitional Measures Concerning Provisions on Assurance of Performance)

Article 3 If a judicial decision such as a ruling to determine an obligation, conciliation or ruling in lieu of conciliation under the provisions of the Act on Adjudication of Domestic Relations, or a measure prior to conciliation prescribed in Article 28, paragraph (2) of the Act on Adjudication of Domestic Relations (Act No. 152 of 1947) prior to the repeal under the provisions of Article 3 of the Legislative Arrangement Act, which are all made under the provisions of the Act on Adjudication of Domestic Relations prior to the repeal (including a measure made if prior laws continue to govern as provided in Article 4 of the Legislative Arrangement Act; hereinafter referred to as a "ruling, etc. to determine an obligation" in this Article) is made, the provisions of Articles 139 and 140 apply, deeming a ruling, etc. to determine an obligation to be a judicial decision such as a ruling to determine an obligation, conciliation or a ruling in lieu of conciliation, or a disposition prior to conciliation, which are all made under the provisions of the Act.

(Transitional Measures Concerning Litigation)

Article 4 The provisions of Article 133, paragraph (1) do not apply to litigation in which an action has been filed before the New Rules come into effect.

(Transitional Measures Concerning Supplementary Provisions of the Civil Code)

Article 5 (1) With regard to the application of the provisions of the New Rules, the following particulars are deemed to be the particulars set forth in Appended Table 2 of the Act:

- (i) modification or revocation of a judgment made with regard to support under the provisions of Article 24 of the Supplementary Provisions of the Act Partially Amending the Civil Code (Act No. 222 of 1947) (referred to as the "Supplementary Provisions of the Civil Code" in the following item); and
 - (ii) a disposition regarding the division of an estate under the provisions of Article 32 of the Supplementary Provisions of the Civil Code.
- (2) The provisions of Article 98 apply mutatis mutandis to adjudication cases regarding the particulars set forth in item (i) of the preceding paragraph.
- (3) The provisions of Articles 102 through 104 (excluding Article 102, paragraph (2)) apply mutatis mutandis to adjudication cases regarding the particulars set forth in paragraph (1), item (ii) and provisional orders sought by designating these adjudication cases as the cases on the merit.

(Transitional Measures Concerning Prepayment of Fees for Registration Prescribed in the Guardianship Registration Act)

- Article 6 (1) A court may have the costs prescribed in Article 19, paragraph (1) prepaid by means of registration revenue stamps in lieu of money until otherwise provided for by law.
- (2) The provisions of Article 19, paragraph (2) apply mutatis mutandis to the management of registration revenue stamps delivered for prepayment pursuant to the provisions of the preceding paragraph.

Supplementary Provisions [Rules of the Supreme Court No. 7 of August 3, 2015]

These Rules come into effect as of October 1, 2015.