

少年審判規則

Rules on Juvenile Hearing and Decision

(昭和二十三年十二月二十一日最高裁判所規則第三三号)
(Rules of the Supreme Court No. 33 of December 21, 1948)

少年審判規則を次のように定める。

The Rules on Juvenile Hearing and Decision are established as follows.

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第一章 総則

Chapter I General Provisions

（この規則の解釈と運用、保護事件取扱の態度）

(Construction and Operation of these Rules; Attitude to be taken when
Treating a Juvenile Protection Case)

第一条 この規則は、少年の保護事件を適切に処理するため、少年法（昭和二十三年法律第百六十八号。以下法という。）の目的及び精神に従つて解釈し、運用しなければならない。

Article 1 (1) In order to appropriately treat a juvenile protection case, these rules shall be construed and operated in accordance with the purpose and spirit of the Juvenile Act (Act No. 168 of 1948; hereinafter referred to as the Act).

2 調査及び審判その他保護事件の取扱に際しては、常に懇切にして誠意ある態度をもつて少年の情操の保護に心がけ、おのずから少年及び保護者等の信頼を受けるように努めなければならない。

- (2) When dealing with an investigation, hearing and decision or other treatment of a juvenile protection case, constant effort must be made to protect the juvenile's emotional stability with consideration and good will, while endeavoring to earn the trust from the juvenile and the custodian, etc. through the course of these actions.

(決定書)

(Written Decision)

第二条 決定をするときは、裁判官が、決定書を作つてこれに署名押印しなければならない。合議体で決定をする場合において、決定書に署名押印できない裁判官があるときは、他の裁判官の一人（当該署名押印できない裁判官が裁判長以外の裁判官である場合は、裁判長）が、その事由を付記して署名押印しなければならない。

Article 2 (1) Upon making a decision, the judge must prepare a written decision, and affix the judge's signature and seal to it. If a panel of judges makes a decision and if there is a judge who is unable to affix the judge's signature and seal to the written decision, one of the other judges (if the judge who is unable to affix the judge's signature and seal is a judge other than the presiding judge, the presiding judge) must indicate the grounds for such, in a supplementary note, and affix the judge's signature and seal.

2 前項の規定により署名押印すべき場合には、署名押印に代えて記名押印することができる。

(2) When the judge affixes the judge's signature and seal pursuant to the provisions of the preceding paragraph, the judge may affix the judge's seal next to the judge's name in lieu of affixing the judge's signature and seal.

3 次の各号に掲げる決定を除く決定の決定書には、第一項の規定による署名押印又は前項の規定による記名押印に代えて押印することができる。

(3) The judge may affix the judge's seal to the written decision for a decision other than those listed in any of the following items in lieu of affixing the judge's signature and seal under paragraph (1) or affixing the judge's seal next to the judge's name under the preceding paragraph:

一 事件を終局させる決定

(i) a decision to close a case;

二 法第五条第二項及び第三項、第十七条第一項及び第三項ただし書、第十七条の二第四項前段（第十七条の三第二項において準用する場合を含む。）において準用する第三十三条、第十七条の四第一項本文、第二十二條の二第一項（法において準用し、又はその例による場合を含む。次項第五号において同じ。）、第二十四条の二、第二十五条、第三十二条の四第三項並びに第三十四条ただし書（第三十五条第二項前段において準用する場合を含む。）の決定

(ii) the decision referred to in Article 5, paragraphs (2) and (3) of the Act;

Article 17, paragraph (1) of the Act and the proviso to paragraph (3) of the same Article; Article 33 of the Act as applied mutatis mutandis pursuant to

the first sentence of Article 17-2, paragraph (4) of the Act (including a case as applied mutatis mutandis pursuant to Article 17-3, paragraph (2) of the Act); the main clause of Article 17-4, paragraph (1) of the Act; Article 22-2, paragraph (1) of the Act (including a case as applied mutatis mutandis pursuant to the Act or a case in which the rule of the Act governs; the same applies to item (v) of the following paragraph); Article 24-2 of the Act; Article 25 of the Act; Article 32-4, paragraph (3) of the Act; and the proviso to Article 34 of the Act (including a case as applied mutatis mutandis pursuant to the first sentence of Article 35, paragraph (2) of the Act); and

三 第四十六条の三第七項の決定

(iii) the decision referred to in Article 46-3, paragraph (7).

4 決定書には、次に掲げる事項を記載しなければならない。

(4) The written decision must include the information listed in the following items:

一 主文

(i) main text of the decision;

二 理由

(ii) reasons for the decision;

三 少年の氏名及び年齢

(iii) name and age of the juvenile;

四 少年の職業、住居及び本籍

(iv) occupation, residence, and registered domicile of the juvenile; and

五 当該審級において法第二十二条の二第一項の決定をした事件を終局させる決定の決定書においては、同項の決定をした旨及び当該決定に係る事件を特定するに足りる事項

(v) in a written decision for a decision to close a case in which the court of that instance makes the decision referred to in Article 22-2, paragraph (1) of the Act, the fact that the decision referred to in that paragraph is made and any matter sufficiently identifying the case pertaining to that decision.

5 次の各号に掲げる決定を除く決定の決定書には、前項第二号及び第四号に掲げる事項の記載を省略することができる。

(5) The written decision for a decision other than those listed in any of the following items may omit the matters listed in items (ii) and (iv) of the preceding paragraph:

一 法第十七条第一項第二号及び第三項ただし書の決定

(i) the decision referred to in Article 17, paragraph (1), item (ii) of the Act and the proviso to paragraph (3) of the same Article;

二 法第二十条、第二十四条及び第二十四条の二の決定

(ii) the decision referred to in Article 20 of the Act, Article 24 of the Act, and Article 24-2 of the Act;

三 法第二十七条の二第一項及び第二項本文の決定

(iii) the decision referred to in Article 27-2, paragraph (1) of the Act and the main clause of paragraph (2) of the same Article;

四 法第三十三条（第十七条の二第四項前段（第十七条の三第二項において準用する場合を含む。）及び第三十五条第二項前段において準用する場合を含む。）の決定

(iv) the decision referred to in Article 33 of the Act (including a case as applied *mutatis mutandis* pursuant to the first sentence of Article 17-2, paragraph (4) of the Act (including a case as applied *mutatis mutandis* pursuant to Article 17-3, paragraph (2) of the Act) and the first sentence of Article 35, paragraph (2) of the Act); and

五 法第二十二条の二第一項の決定（以下「検察官関与決定」という。）をした事件についての保護処分につかない決定

(v) a decision not to subject a juvenile under protective measures for a case in which the decision referred to in Article 22-2, paragraph (1) of the Act (hereinafter referred to as the "decision requiring participation of the public prosecutor") is made.

6 決定書には、記録中の書類の記載を引用することができる。

(6) The written decision may quote the contents of the documents in the case record.

7 裁判長は、相当と認めるときは、決定を調書に記載させて決定書に代えることができる。

(7) If the presiding judge finds it to be appropriate, the presiding judge may have a decision included in the record, and substitute the record for the written decision.

（決定の告知）

(Announcement of a Decision)

第三条 次に掲げる決定を告知するには、裁判長が、審判期日において言い渡さなければならない。

Article 3 (1) In order to announce a decision listed in the following items, the presiding judge must render it on a hearing date:

一 法第二十四条第一項の決定

(i) the decision referred to in Article 24, paragraph (1) of the Act; and

二 検察官関与決定をした事件についての法第二十三条の決定

(ii) the decision referred to in Article 23 of the Act for a case in which a decision requiring participation of the public prosecutor is made.

2 次に掲げる決定を告知するには、裁判長が、少年の面前で言い渡さなければならない。

(2) In order to announce a decision listed in the following items, the presiding judge must render it in the presence of the juvenile:

一 法第十七条第一項（次項第一号の場合を除く。）、第十七条の四第一項本文（次項第二号の場合を除く。）、第二十三条（前項第二号の場合を除く。）及び第二十

五条の決定

- (i) the decision referred to in Article 17, paragraph (1) of the Act (excluding the case referred to in item (i) of the following paragraph); the main clause of Article 17-4, paragraph (1) of the Act (excluding the case referred to in item (ii) of the following paragraph); Article 23 of the Act (excluding the case referred to in item (ii) of the preceding paragraph); and Article 25 of the Act; and
 - 二 法第十七条第一項第二号の措置がとられている事件についての法第二十条の決定
 - (ii) the decision referred to in Article 20 of the Act for a case in which the measures referred to in Article 17, paragraph (1), item (ii) of the Act are implemented.
- 3 次に掲げる決定を告知するには、当該決定をする裁判官が、少年の面前で言い渡さなければならない。
- (3) In order to announce a decision listed in the following items, the judge who makes the decision must render it in the presence of the juvenile:
- 一 法第十七条第十項の規定による同条第一項の決定
 - (i) the decision referred to in Article 17, paragraph (1) of the Act under paragraph (10) of the same Article; and
 - 二 法第十七条の四第二項の規定による同条第一項本文の決定
 - (ii) the decision referred to in the main clause of Article 17-4, paragraph (1) of the Act under paragraph (2) of the same Article.
- 4 決定は、前三項の場合を除いては、相当と認める方法によつて告知する。法第二十三条第二項及び第三項（第一項第二号の場合を除く。）並びに第二十五条の決定について、第二項第一号の規定によることができないとき又はこれによることが相当でないと認めるときも、同様である。
- (4) Except in the case referred to in the preceding three paragraphs, the decision is announced by a method that is found to be appropriate. The same applies to a case in which it is not possible or it is found to be inappropriate to make the decision referred to in Article 23, paragraphs (2) and (3) of the Act (excluding the case referred to in paragraph (1), item (ii)) and Article 25 of the Act pursuant to the provisions of paragraph (2), item (i).
- 5 法第十九条の決定は、前項の規定によることができないときは、告知することを要しない。
- (5) It is not required to announce the decision referred to in Article 19 of the Act, if it is not possible to make the announcement of the decision pursuant to the provisions of the preceding paragraph.
- 6 裁判所書記官は、第一項から第四項までの場合には告知の方法、場所及び年月日を、前項の場合には告知しなかつた旨を決定書又は決定を記載した調書に付記して押印しなければならない。
- (6) The court clerk indicates the method, place, and date of the announcement, in the case referred to from paragraphs (1) through (4), and the fact that the

announcement is not made, in the case referred to in the preceding paragraph, in a supplementary note to a written decision or a record including the decision, and affix the court clerk's seal to the written decision or the record.

(決定と同行状の執行指揮)

(Direction to Execute a Decision and Order to Accompany)

第四条 法第十七条第一項第二号、第十七条の四第一項本文、第十八条、第十九条第二項（第二十三条第三項において準用する場合を含む。）、第二十条、第二十三条第一項、第二十四条第一項、第二十六条の二本文及び第二十七条の二第五項本文の決定並びに同行状は、決定をし又は同行状を発した家庭裁判所の裁判官の指揮によつて執行する。

Article 4 (1) The decision and an order to accompany referred to in Article 17, paragraph (1), item (ii) of the Act; the main clause of Article 17-4, paragraph (1) of the Act; Article 18 of the Act; Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3)); Article 20 of the Act; Article 23, paragraph (1) of the Act; Article 24, paragraph (1) of the Act; the main clause of Article 26-2 of the Act; and the main clause of Article 27-2, paragraph (5) of the Act are executed under the direction of the judge of the family court which made the decision or issued the order to accompany.

2 前項の指揮は、決定書の原本、決定書若しくは決定を記載した調書の謄本若しくは抄本又は同行状に押印して行うものとする。但し、急速を要するときは、少年の氏名及び年齢、決定の主文、告知の年月日、裁判所並びに裁判官の氏名を記載した書面に押印して行うことができる。

(2) The judge is to implement the direction referred to in the preceding paragraph by affixing the judge's seal to the original of a written decision, a copy or an extract of the written decision or a record including the decision, or the order to accompany; provided, however, that in case of urgency, the judge may implement the direction by affixing the judge's seal to documents including the name and age of the juvenile, the main text of the decision, the announcement date, the name of the court, and the name of the judge.

(決定の通知)

(Notification of a Decision)

第五条 家庭裁判所は、検察官、司法警察員、警察官、都道府県知事又は児童相談所長から送致を受けた事件について法第十八条から第二十条まで、第二十三条又は第二十四条第一項の決定をしたときは、その旨を送致をした者に通知しなければならない。保護観察所長から更生保護法（平成十九年法律第八十八号）第六十八条第一項の規定による通告を受けた事件について法第二十四条第一項の決定をしたときも、同様とする。

Article 5 (1) If a family court makes the decision referred to from Articles 18

through 20 of the Act, and Article 23 of the Act or Article 24, paragraph (1) of the Act for a case which has been referred to the court by a public prosecutor, a judicial police officer, a police officer, a prefectural governor, or a director of a child consultation center, the court must notify those who referred the case to the court of that fact. The same applies to a case in which a family court makes the decision referred to in Article 24, paragraph (1) of the Act for a case for which the court has received a notification under Article 68, paragraph (1) of the Offenders Rehabilitation Act (Act No. 88 of 2007) from a director of a probation office.

2 法第五十五条の規定によつて移送を受けた事件については、前項の規定を準用する。

(2) The provisions of the preceding paragraph apply mutatis mutandis to a case that has been transferred to the family court pursuant to the provisions of Article 55 of the Act.

3 家庭裁判所は、法第二十七条及び第二十七条の二第一項の規定により保護処分を取り消したときは、その旨を保護処分を執行している保護観察所、児童自立支援施設、児童養護施設又は少年院の長に通知しなければならない。

(3) If the family court rescinds protective measures pursuant to the provisions of Article 27 of the Act and Article 27-2, paragraph (1) of the Act, the court is to notify the director of a probation office, a children's self-reliance support facility, foster home, or a juvenile training school which implements the protective measures of that fact.

(書類の作成者、調書への引用)

(Preparer of Documents; Quotation in Record)

第六条 保護事件に関する書類は、特別の定のある場合を除いては、裁判所書記官が作成する。但し、家庭裁判所調査官の調査その他についての書類は、家庭裁判所調査官が自ら作成することができる。

Article 6 (1) Except as otherwise provided, a document pertaining to a juvenile protection case is prepared by a court clerk; provided, however, that a document pertaining to an investigation by a family court investigating officer or other matters may be prepared by the family court investigating officer.

2 調書には、書面、写真その他適当と認めるものを引用し、記録に添附してその一部とすることができる。

(2) Any document, photograph, or other material which is found to be appropriate may be cited in a record and be deemed to constitute part of a case record and attached thereto.

(事件の関係人等に対する通知)

(Notification to a Concerned Person of the Case)

第六条の二 この規則の規定により裁判所又は裁判長が行う通知は、裁判所書記官にさせることができる。

Article 6-2 (1) The court or the presiding judge may have a court clerk provide notification which is to be provided by the court or the presiding judge pursuant to the provisions of these rules.

2 裁判所書記官は、裁判所若しくは裁判長又は裁判所書記官が法又はこの規則の規定による通知をしたときは、その旨を記録上明らかにしておかなければならない。

(2) When a court or presiding judge, or a court clerk provides notification under the Act or these rules, the court clerk must keep a record of that fact in the case record.

3 家庭裁判所調査官は、この規則の規定による通知をしたときは、その旨を記録上明らかにしておかなければならない。

(3) When the family court investigating officer provides notification under these rules, the family court investigating officer must keep a record of that fact in the case record.

(記録、証拠物の閲覧、謄写)

(Inspection and Copying of the Case Record and Evidence)

第七条 保護事件の記録又は証拠物は、法第五条の二第一項の規定による場合又は当該記録若しくは証拠物を保管する裁判所の許可を受けた場合を除いては、閲覧又は謄写することができない。

Article 7 (1) Except in a case under Article 5-2, paragraph (1) of the Act or in a case in which a permit is granted by a court which retains the case record or evidence of a juvenile protection case, the case record or the evidence must not be inspected or copied.

2 付添人（法第六条の三の規定により選任された者を除く。以下同じ。）は、前項の規定にかかわらず、審判開始の決定があつた後は、保護事件の記録又は証拠物を閲覧することができる。

(2) Notwithstanding the provisions of the preceding paragraph, the attendant (excluding those who are appointed pursuant to the provisions of Article 6-3 of the Act; the same applies hereinafter) may inspect a case record or evidence of a juvenile protection case after a decision for commencement of a hearing and decision procedure is made.

3 裁判所は、保護事件の記録又は証拠物に、閲覧させることにより人の身体若しくは財産に害を加え若しくは人を畏怖させ若しくは困惑させる行為又は人の名誉若しくは社会生活の平穩を著しく害する行為がなされるおそれがある事項が記載され又は記録されている部分があると認めるときは、付添人と少年との関係その他の事情を考慮し、付添人が前項の規定により当該記録又は証拠物を閲覧するに当たり、付添人に対し、当該事項であつて裁判所が指定するものについて、少年若しくは保護者に知らせてはならない旨の条件を付し、又は少年若しくは保護者に知らせる時期若しくは方法を指定することができる。ただし、付添人による審判の準備その他の審判の準備の上での支障を生ずるおそれがあるときは、この限りでない。

(3) If the court finds that, in part of a case record or evidence of a juvenile

protection case, there is any mention or record of any matter likely to cause any act which harms the body or property of a person or threatens or confuses a person, or any act which has serious negative effects on the dignity or the peaceful existence of the person in society, by having the case record or the evidence inspected, the court may attach a condition that the attendant does not inform the juvenile or the custodian of any of the matters designated by the court, or designate a time when, and a method by which, the attendant may inform the juvenile or the custodian of any of the matters designated by the court when the attendant inspects the case record or the evidence pursuant to the provisions of the preceding paragraph, after considering the relationship between the attendant and the juvenile or other circumstances; provided, however, that this does not apply to a case in which there is a risk of interfering with the attendant's preparation for a hearing and decision or other preparation for a hearing and decision.

- 4 裁判所は、前項本文の場合において、同項本文の規定による措置によつては同項本文に規定する行為を防止できないおそれがあると認めるときは、付添人による審判の準備その他の審判の準備の上での支障を生ずるおそれがあるときを除き、付添人が第二項の規定により当該記録又は証拠物を閲覧するについて、これらのうち前項本文に規定する部分であつて裁判所が指定するものの閲覧を禁ずることができる。この場合において、閲覧を禁じた部分にその人の氏名又は住居が記載され又は記録されている場合であつて、付添人の請求があるときは、付添人に対し、氏名にあつてはこれに代わる呼称を、住居にあつてはこれに代わる連絡先を知らせなければならない。

- (4) If the court finds that, in the case referred to in the main clause of the preceding paragraph, it is likely impossible to prevent the acts referred to in the main clause of that paragraph by the method under the main clause of that paragraph, the court may prohibit the attendant from inspecting any part of the case record or the evidence that are provided in the main clause of the preceding paragraph and designated by the court when the attendant inspects the case record or the evidence pursuant to the provisions of paragraph (2), except in a case in which there is a risk of interfering with the attendant's preparation for a hearing and decision or other preparation for the hearing and decision. In this case, if the name or residence of the person is mentioned or recorded in part of the case record or evidence which the court has prohibited the attendant from inspecting, the court must inform the attendant of a nominal designation in lieu of the person's name and a contact address in lieu of the person's residence at the attendant's request.

- 5 裁判所は、前二項の規定による措置をとるには、あらかじめ、付添人の意見を聴かなければならない。

- (5) In order for the court to take measures under the preceding two paragraphs, the court must hear the attendant's opinions in advance.

- 6 裁判所は、第三項又は第四項の規定による措置をとるときは、付添人にその旨を通

知しなければならない。この通知をするには、第三項の規定による措置にあつては裁判所が指定する事項を、第四項の規定による措置にあつては裁判所が指定する部分を特定してこれをしなければならない。

(6) If the court takes measures under paragraphs (3) or (4), the court must notify the attendant of that fact. The court must provide this notification, while identifying the matters designated by the court in the case of measures under paragraph (3) and the part designated by the court in the case of measures under paragraph (4).

7 裁判所は、第三項の規定により付した条件に付添人が違反したとき、又は同項の規定による時期若しくは方法の指定に付添人が従わなかつたときは、弁護士である付添人については当該弁護士の所属する弁護士会又は日本弁護士連合会に通知し、適当な処置をとるべきことを請求することができる。

(7) If the attendant violates any condition attached pursuant to the provisions of paragraph (3) or does not comply with the designation of the time or method under the same paragraph, the court may notify the bar association to which the attendant who is an attorney at law belongs or the Japan Federation of Bar Associations, and request that any appropriate measures be taken.

8 前項の規定による請求を受けた者は、そのとつた処置をその請求をした裁判所に通知しなければならない。

(8) Any entity which has received a request under the preceding paragraph must notify the court that made the request of measures which the entity has taken.

(記録の閲覧又は謄写の申出の際に明らかにすべき事項・法第五条の二)

(Matters to be Clarified When Making a Request for Inspection or Copying of the Case Record; Article 5-2 of the Act)

第七条の二 法第五条の二第一項の申出は、次に掲げる事項を明らかにしてしなければならない。

Article 7-2 The following information must be clarified when making the request referred to in Article 5-2, paragraph (1) of the Act:

一 申出人の氏名、名称又は商号及び住所

(i) name or trade name and address of the requester;

二 閲覧又は謄写を求める記録を特定するに足りる事項

(ii) matters sufficiently identifying a case record whose inspection or copying is required;

三 申出人が法第五条の二第一項の申出をすることができる者であることの基礎となるべき事実

(iii) a fact based on which the requester falls on a person who may make the request referred to in Article 5-2, paragraph (1) of the Act; and

四 閲覧又は謄写を求める理由

(iv) grounds based on which the requester makes a request for inspection or copying.

第二章 通告、警察官の調査等

Chapter II Notification; Investigation by Police Officers

(家庭裁判所への送致の方式)

(Method of Referral to a Family Court)

第八条 検察官、司法警察員、警察官、都道府県知事又は児童相談所長が事件を家庭裁判所に送致するには、次に掲げる事項を記載した送致書によらなければならない。

Article 8 (1) The public prosecutor, the judicial police officer, the police officer, the prefectural governor, or the director of a child consultation center must refer a case to the family court with a document for referral that includes the information listed in the following items:

一 少年及び保護者の氏名、年齢、職業及び住居（保護者が法人である場合においては、その名称又は商号及び主たる事務所又は本店の所在地）並びに少年の本籍

(i) name, age, occupation, and residence of the juvenile and custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person) and the registered domicile of the juvenile;

二 審判に付すべき事由

(ii) grounds for a hearing and decision; and

三 その他参考となる事項

(iii) other matters for reference.

2 前項の場合において書類、証拠物その他参考となる資料があるときは、あわせて送付しなければならない。

(2) In the case referred to the preceding paragraph, documents, evidence, or other material for reference, if any, must also be transferred.

3 送致書には、少年の処遇に関して、意見をつけることができる。

(3) The document for referral may include opinions pertaining to the treatment of the juvenile.

4 検察官は、家庭裁判所から送致を受けた事件を更に家庭裁判所に送致する場合には、送致書にその理由を記載しなければならない。

(4) If the public prosecutor re-refers a case that a family court had referred to the public prosecutor to the family court, the public prosecutor must include the reason for the re-referral in the documents for referral.

5 保護観察所長が更生保護法第六十八条第一項の規定による通告をする場合には、前四項の規定を準用する。

(5) The provisions of the preceding four paragraphs apply mutatis mutandis to a case in which a director of a probation office provides notification under Article 68, paragraph (1) of the Offenders Rehabilitation Act.

(通告の方式・法第六条)

(Method of Notification; Article 6 of the Act)

第九条 家庭裁判所の審判に付すべき少年を発見した者は、家庭裁判所に通告するには、審判に付すべき事由のほか、なるべく、少年及び保護者の氏名、年齢、職業及び住居（保護者が法人である場合においては、その名称又は商号及び主たる事務所又は本店の所在地）並びに少年の本籍を明らかにしなければならない。

Article 9 (1) In order for a person who discovered a juvenile who is to be subject to a hearing and decision of a family court to notify the court of the discovery, the person, to the greatest extent possible, must clarify the name, age, occupation, and residence of the juvenile and the custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person) and the registered domicile of the juvenile as well as the grounds for the hearing and decision.

2 前項の通告は、書面又は口頭であることができる。口頭の通告があつた場合には、家庭裁判所調査官又は裁判所書記官は、これを調書に記載する。

(2) The notification referred to in the preceding paragraph may be provided in writing or provided orally. If the notification is provided orally, the family court investigating officer or the court clerk must include that fact in the record.

3 第一項の場合には、前条第三項の規定を準用する。

(3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the case referred to in paragraph (1).

(押収、搜索、検証、鑑定囑託・法第六条の五)

(Seizure, Search, Inspection, and Request for an Expert Examination; Article 6-5 of the Act)

第九条の二 刑事訴訟規則（昭和二十三年最高裁判所規則第三十二号）中、司法警察職員の行う押収、搜索、検証及び鑑定の囑託に関する規定（同規則第一百五十八条の二を除く。）は、法第六条の五第一項の規定による押収、搜索、検証及び鑑定の囑託について準用する。

Article 9-2 The provisions pertaining to seizure, search, inspection, and request for an expert examination conducted by judicial police personnel in the Rules of Criminal Procedure (Rules of the Supreme Court No. 32 of 1948) (excluding Article 158-2 of the same Rules) apply mutatis mutandis to seizure, search, inspection, and request for expert examination under Article 6-5, paragraph (1) of the Act.

(報告の方式・法第七条)

(Method of Reporting; Article 7 of the Act)

第九条の三 家庭裁判所調査官が法第七条第一項の規定により報告するには、次に掲げる事項を記載した報告書によらなければならない。

Article 9-3 The family court investigating officer must make a report pursuant

to the provisions of Article 7, paragraph (1) of the Act with a written report including the information listed in the following items:

一 少年及び保護者の氏名、年齢、職業及び住居（保護者が法人である場合においては、その名称又は商号及び主たる事務所又は本店の所在地）

(i) name, age, occupation, and residence of the juvenile and the custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person);

二 審判に付すべき事由の要旨

(ii) summary of grounds for a hearing and decision; and

三 その他参考となる事項

(iii) other matters for reference.

（家庭裁判所調査官の報告前の調査・法第七条）

(Investigation Before the Report by the Family Court Investigating Officer;
Article 7 of the Act)

第十条 家庭裁判所調査官は、法第七条第二項の調査をするについては、報告をするに必要な限度に止め、深入りしないように注意しなければならない。

Article 10 The family court investigating officer must conduct the investigation referred to in Article 7, paragraph (2) of the Act within the limit necessary for reporting, and be careful not to get too deeply involved in the investigation.

第三章 調査及び審判

Chapter III Investigation and Hearing and Decision

（調査の方針・法第九条）

(Investigation Policy; Article 9 of the Act)

第十一条 審判に付すべき少年については、家庭及び保護者の関係、境遇、経歴、教育の程度及び状況、不良化の経過、性行、事件の関係、心身の状況等審判及び処遇上必要な事項の調査を行うものとする。

Article 11 (1) An investigation is to be conducted concerning matters necessary for a hearing and decision and treatment of the juvenile who is to be subject to the hearing and decision, such as matters pertaining to the family and custodian, circumstances, backgrounds, educational level and conditions, process of delinquent behavior, character and conduct, facts and matters pertaining to the case, physical and mental condition, etc.

2 家族及び関係人の経歴、教育の程度、性行及び遺伝関係等についても、できる限り、調査を行うものとする。

(2) Whenever possible, an investigation is also to be conducted concerning the background, educational level, character and conduct, inherited character, etc. of the family and other concerned person of the juvenile.

3 少年を少年鑑別所を送致するときは、少年鑑別所に対し、なるべく、鑑別上及び観

護処遇上の注意その他参考となる事項を示さなければならない。

- (3) If the juvenile is referred to a juvenile classification home, any note for assessment and treatment at the time of observation and protection of the juvenile or other matters for reference must be indicated to the greatest extent possible to the juvenile classification home.

(陳述録取調書の作成)

(Preparation of a Recorded Statement Document)

第十二条 少年、保護者又は参考人の陳述が事件の審判上必要であると認めるときは、これを調書に記載させ、又は記載しなければならない。

Article 12 (1) If the family court finds that a statement given by the juvenile, the custodian, or a relevant person is necessary for a hearing and decision in a case, the court must have it included in the record, or include it in the record.

2 前項の調書には、陳述者をして署名押印させなければならない。

(2) The family court must have the person who has given a statement affix the person's signature and seal to the record referred to in the preceding paragraph.

3 家庭裁判所調査官は、第一項の場合において相当と認めるときは、少年、保護者又は参考人の陳述の要旨を記載した書面を作成し、これを同項の調書に代えることができる。

(3) If the family court investigating officer finds it to be appropriate in the case referred to in paragraph (1), the family court investigating officer may prepare a document including a summary of the statement given by the juvenile, the custodian, or the relevant person, and substitute this for the record referred to in the same paragraph.

(家庭裁判所調査官の調査報告・法第八条)

(Reporting of the Investigation by the Family Court Investigating Officer;
Article 8 of the Act)

第十三条 家庭裁判所調査官は、調査の結果を書面で家庭裁判所に報告するものとする。

Article 13 (1) The family court investigating officer is to report the results of the investigation in writing to the family court.

2 前項の書面には、意見をつけなければならない。

(2) The family court investigating officer must attach the family court investigating officer's opinions to the document referred to in the preceding paragraph.

3 家庭裁判所調査官は、第一項の規定による報告の前後を問わず、少年の処遇に関し、家庭裁判所に対して意見を述べなければならない。

(3) Regardless of whether before or after reporting under paragraph (1), the family court investigating officer must state the family court investigating officer's opinions pertaining to treatment of the juvenile to the family court.

(意見陳述の申出の際に明らかにすべき事項等・法第九条の二)

(Matters to be Clarified when Making a Request for a Statement of Opinions;
Article 9-2 of the Act)

第十三条の二 法第九条の二本文の申出は、次に掲げる事項を明らかにしてしなければならない。

Article 13-2 (1) The following information must be clarified when making the request referred to in the main clause of Article 9-2 of the Act:

一 申出人の氏名、名称又は商号及び住所

(i) name or trade name and address of the requester;

二 当該申出に係る事件を特定するに足りる事項

(ii) matters sufficiently identifying the case pertaining to the request; and

三 申出人が法第九条の二本文の申出をすることができる者であることの基礎となるべき事実

(iii) a fact based on which the requester falls on a person who may make the request referred to in the main clause of Article 9-2 of the Act.

2 法第九条の二本文の申出については、弁護士でなければ代理人となることができない。

(2) With regard to the request referred to in the main clause of Article 9-2 of the Act, it is not permissible for a person other than an attorney at law to become a representative.

(意見聴取の日時等の通知・法第九条の二)

(Notification of Date and Time for Hearing Opinions; Article 9-2 of the Act)

第十三条の三 家庭裁判所又は家庭裁判所調査官は、法第九条の二本文の規定により意見を聴取するときは、申出人に対し、その旨並びに意見を聴取する日時及び場所を通知しなければならない。

Article 13-3 If a family court or a family court investigating officer hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the family court or the family court investigating officer must notify the requester to that effect and of the date, time, and place to hear opinions.

(意見聴取に当たつての配慮・法第九条の二)

(Consideration Given to Hearing Opinions; Article 9-2 of the Act)

第十三条の四 法第九条の二本文の規定により意見を聴取するときは、申出人の心身の状態に配慮するものとする。

Article 13-4 Upon hearing opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the physical and mental condition of the requester is to be considered.

(意見を聴取した旨の通知・法第九条の二)

(Notification of the Fact that Opinions are Heard; Article 9-2 of the Act)

第十三条の五 家庭裁判所は、付添人がある場合において、法第九条の二本文の規定による意見の聴取がされたときは、速やかにその旨を当該付添人に通知しなければならない。

Article 13-5 If the juvenile has an attendant and if the family court hears opinions pursuant to the provisions of the main clause of Article 9-2, the family court must promptly notify the attendant of that fact.

(意見の要旨を記載した書面の作成・法第九条の二)

(Preparation of Documents Including a Summary of Opinions; Article 9-2 of the Act)

第十三条の六 家庭裁判所は、審判期日外において、法第九条の二本文の規定により自ら意見を聴取したときは、裁判所書記官に命じて、当該意見の要旨を記載した書面を作成させなければならない。

Article 13-6 (1) If the family court hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act on a day other than the hearing date, the family court must order a court clerk to prepare documents including a summary of opinions.

2 家庭裁判所調査官は、法第九条の二本文の規定により意見を聴取したときは、当該意見の要旨を記載した書面を作成しなければならない。

(2) If the family court investigating officer hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the family court investigating officer must prepare a document including a summary of the opinions.

3 法第九条の二本文の規定による意見の陳述については、第十二条の規定は、適用しない。

(3) The provisions of Article 12 do not apply to a statement of opinions under the main clause of Article 9-2 of the Act.

(付添人・法第十条)

(Attendant; Article 10 of the Act)

第十四条 弁護士である付添人の数は、三人を超えることができない。

Article 14 (1) The number of attendants who are attorneys at law must not exceed three.

2 付添人を選任するには、付添人と連署した書面を差し出すものとする。この書面には、少年と付添人との関係を記載しなければならない。

(2) In order to appoint an attendant, a document which is signed jointly by the juvenile and the attendant is to be submitted. This document must include the relationship between the juvenile and the attendant.

3 前項の規定により付添人が署名押印すべき場合には、署名押印に代えて記名押印することができる。

(3) If an attendant is to affix the signature and seal pursuant to the provisions of the preceding paragraph, the attendant may affix the seal next to the attendant's name in lieu of affixing the signature and seal.

4 付添人の選任は、審級ごとにしなければならない。

(4) An attendant must be appointed at each instance.

5 保護者が付添人となるには、書面でその旨を家庭裁判所に届け出るものとする。この場合には、第二項後段及び前項の規定を準用する。

(5) In order for a custodian to become an attendant, the custodian is to submit a written request to that effect to the family court. The provisions of the second sentence of paragraph (2) and the preceding paragraph apply mutatis mutandis to this case.

6 付添人の選任の許可及び付添人となることの許可は、いつでも、取り消すことができる。

(6) Permission for appointing an attendant and for becoming an attendant may be rescinded at any time.

(呼出状の記載要件・法第十一条)

(Descriptive Requirements of Writ of Summons; Article 11 of the Act)

第十五条 調査又は審判のための呼出状には、本人の氏名、年齢及び住居、保護事件について呼び出す旨、出頭すべき年月日時及び場所並びに正当な理由がなく出頭しないときは同行状を発することがある旨を記載し、裁判長が、記名押印しなければならない。

Article 15 The writ of summons for an investigation or a hearing and decision is to include the name, age, and residence of the juvenile concerned, a statement to the effect that the juvenile concerned is to be summoned for a juvenile protection case, a date, time, and place to appear, and a statement to the effect that an order to accompany may be issued if the juvenile concerned does not appear without justifiable grounds; and the presiding judge affixes the presiding judge's seal next to the presiding judge's name on the writ of summons.

(呼出状の送達・法第十一条)

(Service of Writ of Summons; Article 11 of the Act)

第十六条 前条の呼出状は、送達する。

Article 16 (1) The writ of summons referred to in the preceding Article is served.

2 送達については、民事訴訟の送達に関する規定並びに刑事訴訟法（昭和二十三年法律第百三十一号）第六十五条第二項及び第三項の規定を準用する。ただし、就業場所における送達、送達場所等の届出及び公示送達に関する規定は、この限りでない。

(2) The provisions pertaining to a service in civil actions and those of Article 65, paragraphs (2) and (3) of the Code of Criminal Procedure (Act No. 131 of 1948) apply mutatis mutandis to the service in a juvenile protection case; provided,

however, that the provisions pertaining to a service in the workplace, notification of a place for service, etc., and a service by publication do not apply.

(簡易の呼出)

(Summary Summons)

第十六条の二 調査又は審判のための呼出は、呼出状の送達以外の相当と認める方法によつてすることができる。

Article 16-2 The summons for an investigation or a hearing and decision may be given by a method that is found to be appropriate other than the service of a writ of summons.

(同行状の記載要件・法第十一条等)

(Descriptive Requirements of an Order to Accompany; Article 11 of the Act)

第十七条 調査又は審判のための同行状には、本人の氏名、年齢及び住居、審判に付すべき事由、同行すべき場所、有効期間及びその期間経過後は執行に着手することができず令状はこれを返還しなければならない旨並びに発付の年月日を記載し、裁判長又は同行状を発する裁判官が、記名押印しなければならない。

Article 17 (1) The order to accompany for an investigation or a hearing and decision must include the name, age, and residence of the juvenile concerned, the grounds for the hearing and decision, a place to be escorted, a valid period, a statement to the effect that after expiry of the period, the order is not to be executed and must be returned, and the date when the order is issued; and the presiding judge or a judge who issues the order to accompany must affix the judge's seal next to the judge's name.

2 緊急の場合に発する同行状には、前項の記載事項の外、特に発付を必要とする理由を具体的に記載しなければならない。

(2) The order to accompany that is issued in case of an emergency must include concrete reasons for the special necessity for issuance in addition to the matters referred to in the preceding paragraph.

3 裁判長は、法第十二条第二項の規定により前項の同行状を発する場合には、その旨を同行状に記載しなければならない。

(3) If the presiding judge issues the order to accompany referred to in the preceding paragraph pursuant to the provisions of Article 12, paragraph (2) of the Act, the presiding judge must include that fact in the order to accompany.

4 同行状の有効期間は、発付の日から七日とする。但し、相当と認めるときは、七日を超える期間を定めることができる。

(4) The valid period of an order to accompany is to be seven days from the date when the order is issued; provided, however, that if it is found to be appropriate, a period exceeding seven days may be specified.

(同行状の執行と執行後の処置・法第十三条)

(Execution of an Order to Accompany and Measures to be Taken After
Execution; Article 13 of the Act)

第十八条 同行状を執行するには、本人に示して、できる限り速やかに指定された場所に同行しなければならない。

Article 18 (1) In order to execute an order to accompany, the order must be shown to the juvenile concerned; and the juvenile must be escorted to the designated place as promptly as possible.

2 同行状を所持しない場合においても、急速を要するときは、前項の規定にかかわらず、少年に対し、審判に付すべき事由及び同行状が発せられている旨を告げて、その執行をすることができる。但し、同行状は、できる限り速やかに示さなければならない。

(2) Notwithstanding the provisions of the preceding paragraph, even if the person in charge of execution of an order to accompany does not possess the order, the person may, in an urgent case, execute the order after informing the juvenile of the grounds for the hearing and decision and the fact that the order has been issued; provided, however, that the order must be shown to the juvenile as promptly as possible.

3 同行状を執行したときは、これに執行の場所及び年月日時を記載し、執行することができなかつたときは、その事由を記載して記名押印しなければならない。

(3) If the person in charge of execution of an order to accompany executes the order, the person must include the place, date, and time of execution in the order; if the person fails to execute the order, the person must include the reason for the failure; and in either of the cases the person must affix the person's seal next to the person's name.

4 同行状は、執行したとき、又は執行することができなかつたときは、執行を指揮した裁判官に差し出さなければならない。

(4) If the person in charge of execution of an order to accompany executes or fails to execute the order, the person must submit the order to a judge who gives direction regarding the execution.

5 裁判官は、同行状を受け取つたときは、執行することができなかつた場合を除いて、裁判所書記官をして同行された年月日時を同行状に記載させなければならない。

(5) Except in the case where the person in charge of execution of an order to accompany fails to execute the order, if a judge receives the order, the judge must have a court clerk include the date and time of the escort in the order.

(証人尋問等・法第十四条等)

(Examination of Witnesses; Article 14 of the Act)

第十九条 刑事訴訟規則中、裁判所の行う証人尋問、鑑定、通訳、翻訳、検証、押収及び捜索に関する規定は、保護事件の性質に反しない限り、法第十四条第一項の規定による証人尋問、鑑定、通訳及び翻訳並びに法第十五条第一項の規定による検証、押収及び捜索について準用する。

Article 19 Unless contrary to the nature of a juvenile protection case, the provisions pertaining to examination of witnesses, expert examination, interpretation, translation, inspection, seizure, and search conducted by a court in the Rules of Criminal Procedure apply mutatis mutandis to examination of witnesses, expert examination, interpretation, and translation under Article 14, paragraph (1) of the Act and inspection, seizure, and search under Article 15, paragraph (1) of the Act.

(調査の囑託)

(Request for Investigation)

第十九条の二 家庭裁判所は、他の家庭裁判所又は簡易裁判所に事実の調査を囑託することができる。

Article 19-2 The family court may request another family court or a summary court to investigate the facts.

(少年鑑別所送致決定手続において少年に告知すべき事項等)

(Matters to be Notified to the Juvenile in Proceedings to make a Decision for Referral to a Juvenile Classification Home)

第十九条の三 法第十七条第一項第二号の措置をとるに際しては、裁判長（同条第十項の規定による場合は、当該措置をとる裁判官）は、少年に対し、あらかじめ、供述を強いられることはないこと及び付添人を選任することができることを分かりやすく説明した上、審判に付すべき事由の要旨を告げ、これについて陳述する機会を与えなければならない。

Article 19-3 On implementing the measures referred to in Article 17, paragraph (1), item (ii) of the Act, the presiding judge (in a case under paragraph (10) of the same Article, a judge who implements the measures) must explain in advance and in a way that is easily understood by the juvenile that the juvenile will not be forced to make a statement and is able to appoint an attendant; and must inform the juvenile of the summary of the grounds for a hearing and decision; and must give the juvenile an opportunity to make a statement thereupon.

(観護の措置等の方式・法第十七条等)

(Method Pertaining to Measures for the Observation and Protection of a Juvenile; Article 17 of the Act)

第二十条 法第十七条第一項第一号又は第二号の決定をするには、家庭裁判所調査官又は少年鑑別所を指定するものとする。

Article 20 (1) In order to make the decision referred to in Article 17, paragraph (1), items (i) or (ii) of the Act, a family court investigating officer or a juvenile classification home is to be designated.

2 法第十七条の四第一項本文の決定をするには、少年院又は刑事施設を指定するもの

とする。

(2) In order to make the decision referred to in the main clause of Article 17-4, paragraph (1) of the Act, a juvenile training school or a penal institution is to be designated.

3 前二項の規定による指定は、いつでも、変更することができる。

(3) The designation under the preceding two paragraphs may be amended at any time.

(観護の措置の取消・法第十七条)

(Rescission of Measures for Observation and Protection of a Juvenile; Article 17 of the Act)

第二十一条 観護の措置は、その必要がなくなつたときは、速やかに取り消さなければならない。

Article 21 If measures for observation and protection of a juvenile are no longer necessary, the measures must be promptly rescinded.

(少年鑑別所等への通知)

(Notification to a Juvenile Classification Home)

第二十一条の二 家庭裁判所は、法第十七条第一項第二号の措置がとられている事件の送致を受けたときは、その旨を少年を収容している少年鑑別所、少年院又は刑事施設に通知しなければならない。法第十七条第一項第二号の措置がとられている事件について、法第十九条第二項（第二十三条第三項において準用する場合を含む。）又は第二十条の決定をしたときも、同様である。

Article 21-2 If a case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented is referred to the family court, the family court must notify the juvenile classification home, the juvenile training school, or the penal institution to which the juvenile is committed of that fact. The same applies to a case in which the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or the decision referred to in Article 20 of the Act is made in the case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented.

(観護の措置に関する通知・法第十七条等)

(Notification Pertaining to Measures for Observation and Protection of a Juvenile; Article 17 of the Act)

第二十二条 観護の措置をとり又はこれを取り消し若しくは変更したときはその旨を、法第十七条第一項第二号の措置がとられている事件について法第十九条第二項（第二十三条第三項において準用する場合を含む。）又は第二十条の決定をしたときは法第四十五条第四号の規定により法第十七条第一項第二号の措置が勾留とみなされる旨を速やかに保護者及び付添人のうちそれぞれ適当と認める者に通知しなければならない。

Article 22 The fact that measures for observation and protection of a juvenile have been implemented or rescinded or amended must be promptly notified to the custodian or attendant, whomever is found to be appropriate; and the fact that the measures referred to in Article 17, paragraph (1), item (ii) of the Act are deemed to be detained pursuant to the provisions of Article 45, item (iv) of the Act, if the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act is made in the case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented, must also promptly be notified to the custodian or attendant, whomever is found to be appropriate.

(異議の申立て・法第十七条の二)

(Filing of Objection; Article 17-2 of the Act)

第二十二條の二 法第十七條の二第一項本文の規定による異議の申立てがあつた場合において、必要があると認めるときは、保護事件の係属する裁判所は、保護事件の記録及び証拠物を同条第三項前段の決定をすべき裁判所（以下「異議裁判所」という。）に送付しなければならない。

Article 22-2 (1) If an objection under the main clause of Article 17-2, paragraph (1) of the Act is filed and if it is found to be necessary, the family court in which a juvenile protection case is pending must deliver the case record and evidence of the juvenile protection case to the court which is to make the decision referred to in the first sentence of paragraph (3) of the same Article (hereinafter referred to as the "court for objection").

2 異議裁判所は、保護事件の記録及び証拠物の送付を求めることができる。

(2) The court for objection may request delivery of the case record and evidence of the juvenile protection case.

3 異議裁判所は、法第十七條の二第三項前段の決定をしたときは、その旨を保護事件の係属する裁判所に通知しなければならない。

(3) If the court for objection makes the decision referred to in the first sentence of Article 17-2, paragraph (3) of the Act, the court for objection must notify the court in which the juvenile protection case is pending of that fact.

4 第四十三條、第四十四條（同条第一項後段の規定及び同条第二項の規定中年月日の通知に係る部分を除く。）、第四十五條第二項及び第四十七條の規定は、法第十七條の二第一項本文の異議の申立てについて準用する。

(4) The provisions of Article 43, Article 44 (excluding the case referred to in the second sentence of paragraph (1) of the same Article and a part pertaining to notification of the date referred to in paragraph (2) of the same Article), Article 45, paragraph (2), and Article 47 apply mutatis mutandis to the filing of objections referred to in the main clause of Article 17-2, paragraph (1) of the Act.

(特別抗告・法第十七条の三)

(Special Appeals; Article 17-3 of the Act)

第二十二條の三 前條及び第四十五條第一項の規定は、法第十七条の三第一項前段において準用する第三十五條第一項本文の抗告について準用する。この場合において、前條第四項中「第四十四條（同條第一項後段の規定及び同條第二項の規定中年月日の通知に係る部分を除く。）」とあるのは「第四十四條」と、第四十五條第一項中「速やかに記録とともに」とあるのは「速やかに」と読み替えるものとする。

Article 22-3 The provisions of the preceding Article and Article 45, paragraph (1) apply mutatis mutandis to the appeal referred to in the main clause of Article 35, paragraph (1) of the Act as applied mutatis mutandis pursuant to the first sentence of Article 17-3, paragraph (1) of the Act. In this case, the phrase "Article 44 (excluding the case referred to in the second sentence of paragraph (1) of the same Article and a part pertaining to notification of the date referred to in paragraph (2) of the same Article)" in paragraph (4) of the preceding Article is deemed to be replaced by "Article 44," and the phrase "as well as the case record promptly" in Article 45, paragraph (1) is replaced by "promptly."

(都道府県知事等への送致の方式・法第十八条)

(Method of Referral to the Prefectural Governor; Article 18 of the Act)

第二十三條 事件を都道府県知事又は児童相談所長に送致する決定をするには、送致すべき都道府県知事又は児童相談所長を指定するものとする。

Article 23 In order to make a decision for referring a case to a prefectural governor or a director of a child consultation center, the prefectural governor or the director of the child consultation center to whom the case is to be referred is to be designated.

(検察官への送致の方式・法第二十条)

(Method of Referral to the Public Prosecutor; Article 20 of the Act)

第二十四條 事件を検察官に送致する決定をするには、罪となるべき事実及びその事実に応用すべき罰条を示さなければならない。

Article 24 In order to make a decision for referring a case to a public prosecutor, a fact constituting a crime and a penal statute applicable to the fact must be specified.

(観護の措置が勾留とみなされる場合の告知等・法第四十五條第四号等)

(Notification when Measures for Observation and Protection of a Juvenile are Deemed to be Detention; Article 45, item (iv) of the Act)

第二十四條の二 法第十七条第一項第二号の措置がとられている事件について、法第十九條第二項（第二十三條第三項において準用する場合を含む。）又は第二十条の決定をするときは、裁判長が、あらかじめ、本人に対し、罪となるべき事実並びに刑事訴

訟法第六十条第一項各号の事由がある旨及び弁護人を選任することができる旨を告げなければならない。ただし、少年又は保護者が選任した弁護士である付添人があるときは、弁護人を選任することができる旨は告げることを要しない。

Article 24-2 (1) Upon making the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied *mutatis mutandis* pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act for a case in which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented, the presiding judge must notify the juvenile concerned in advance of the facts constituting a crime, and that there are the grounds referred to in any of the items of Article 60, paragraph (1) of the Code of Criminal Procedure and that the juvenile concerned has the right to appoint a defense counsel; provided, however, that, if the juvenile has an attendant who is an attorney at law appointed by the juvenile or a custodian, it is not required to notify the juvenile of the fact that the juvenile has the right to appoint a defense counsel.

2 前項の規定により弁護人を選任することができる旨を告げるに当たっては、本人は弁護士、弁護士法人又は弁護士会を指定して弁護人の選任を申し出ることができる旨及びその申出先を教示しなければならない。

(2) Upon notifying the juvenile concerned that the juvenile concerned has the right to appoint a defense counsel pursuant to the provisions of the preceding paragraph, the juvenile concerned must be instructed that the juvenile concerned may make a request for appointment of a defense counsel by specifying an attorney at law, a legal professional corporation, or a bar association, and a person with which the request must be made.

3 第一項の裁判長は、本人に弁護人を選任することができる旨を告げる際に、本人に対し、貧困その他の事由により自ら弁護人を選任することができないときは弁護人の選任を請求することができる旨を告げなければならない。この場合においては、刑事訴訟法第二百七条第四項の規定を準用する。

(3) Upon notifying the juvenile concerned that has the right to appoint a defense counsel, the presiding judge referred to in paragraph (1) must notify that the juvenile concerned may make a request for appointment of a defense counsel if the juvenile is unable to personally appoint a defense counsel because of indigence or other reasons. The provisions of Article 207, paragraph (4) of the Code of Criminal Procedure apply *mutatis mutandis* to this case.

4 前三項の規定により告知及び教示をする場合には、裁判所書記官が立ち会い、調書を作成する。

(4) Upon providing notification and instruction pursuant to the provisions of the preceding three paragraphs, the court clerk is to attend to the notification and the instruction and prepare a record.

(観護の措置が勾留とみなされる場合の勾留場所・法第四十五条第四号等)

(The Place to be Detained when measures for observation and protection of a juvenile are deemed to be detention; Article 45, item (iv) of the Act)

第二十四条の三 検察官は、あらかじめ、裁判長に対し、法第十七条第一項第二号の措置により少年鑑別所に収容されている者について法第十九条第二項（第二十三条第三項において準用する場合を含む。）又は第二十条の決定をするときは本人を他の少年鑑別所若しくは刑事施設に収容すること又は刑事収容施設及び被収容者等の処遇に関する法律（平成十七年法律第五十号）第十五条第一項の規定により留置施設に留置することに同意するよう請求することができる。

Article 24-3 (1) The public prosecutor may make a request to the presiding judge in advance that, if the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act is made for a juvenile who has been committed to a juvenile classification home as a result of the measures referred to in Article 17, paragraph (1), item (ii) of the Act, the presiding judge gives consent to commit the juvenile concerned to another juvenile classification home or a penal institute or to detain the juvenile concerned in a detention facility pursuant to the provisions of Article 15, paragraph (1) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees (Act No. 50 of 2005).

2 検察官は、前項の同意があつた場合には、その同意に係る少年鑑別所若しくは刑事施設又は留置施設に本人を収容し、又は留置する。

(2) If the presiding judge gives the consent referred to in the preceding paragraph, the public prosecutor is to commit or detain the juvenile concerned in the juvenile classification home or the penal institute or the detention facility pertaining to the consent.

3 検察官は、第一項の請求をしない場合又は同項の同意がない場合には、本人が法第十七条第一項第二号の措置により収容されていた少年鑑別所に本人を収容する。

(3) If the public prosecutor does not make the request referred to in paragraph (1) or if the presiding judge does not give the consent referred to in the same paragraph, the public prosecutor is to commit the juvenile concerned to the juvenile classification home to which the juvenile concerned has been committed as the results of the measures referred to in Article 17, paragraph (1), item (ii) of the Act.

(審判開始決定の取消し)

(Rescission of Decision for Commencement of a hearing and decision)

第二十四条の四 法第二十一条の決定は、いつでも、取り消すことができる。

Article 24-4 The decision referred to in Article 21 of the Act may be rescinded at any time.

(審判期日の指定と呼出)

(Designation of the Hearing Date and Summons)

第二十五条 審判をするには、裁判長が、審判期日を定める。

Article 25 (1) In order to hear a case, the presiding judge designates a hearing date.

2 審判期日には、少年及び保護者を呼び出さなければならない。

(2) The juvenile and the custodian must be summoned on the hearing date.

(事件の併合審判)

(Joint Hearing and Decision of the Case)

第二十五条の二 同一の少年に対する二以上の事件は、なるべく併合して審判しなければならない。

Article 25-2 Two or more cases for a single juvenile must be jointly heard as much as possible.

(保護観察所等への通知)

(Notification to the Probation Office)

第二十六条 少年の処遇に関し、保護観察官若しくは保護司又は少年鑑別所に勤務する法務技官若しくは法務教官の意見を聴くことを相当と認めるときは、保護観察所又は少年鑑別所にその旨及び意見を聴くべき日時等を通知しなければならない。

Article 26 When it is found to be appropriate to hear the opinions of a probation officer or volunteer probation officer, or a technical official in the Ministry of Justice or law instructor who works at a juvenile classification home with regard to treatment of the juvenile, the probation office or the juvenile classification home must be notified of that fact and of a date and time, etc. to hear the opinions.

(審判の場所)

(Place of the Hearing)

第二十七条 審判は、裁判所外においても行うことができる。

Article 27 The hearing may be conducted outside the court as well.

(審判期日の列席者等)

(Persons Assembled on the Hearing Date)

第二十八条 審判の席には、裁判官及び裁判所書記官が、列席する。

Article 28 (1) A hearing is conducted in the assembled presence of judges and court clerks.

2 家庭裁判所調査官は、裁判長の許可を得た場合を除き、審判の席に出席しなければならない。

(2) Except in a case in which the permission of the presiding judge is obtained, the family court investigating officer must be present at the hearing.

3 少年が審判期日に出頭しないときは、審判を行うことができない。

(3) If the juvenile does not appear on the hearing date, the hearing must not be conducted.

4 付添人は、審判の席に出席することができる。

(4) The attendant may be present at the hearing.

5 家庭裁判所は、審判期日を付添人に通知しなければならない。

(5) The family court must notify the attendant of the hearing date.

(在席の許可)

(Permission of Presence)

第二十九条 裁判長は、審判の席に、少年の親族、教員その他相当と認める者の在席を許すことができる。

Article 29 The presiding judge may permit a relative or a teacher of the juvenile or other person whom the presiding judge finds to be appropriate to be present at the hearing.

(審判期日における告知等)

(Notification on Hearing Date)

第二十九条の二 裁判長は、第一回の審判期日の冒頭において、少年に対し、供述を強いられることはないことを分かりやすく説明した上、審判に付すべき事由の要旨を告げ、これについて陳述する機会を与えなければならない。この場合において、少年に付添人があるときは、当該付添人に対し、審判に付すべき事由について陳述する機会を与えなければならない。

Article 29-2 At the beginning of the first hearing date, the presiding judge must explain to the juvenile in an understandable way that the juvenile will not be forced to make a statement, inform the juvenile of the summary of the grounds for the hearing and decision, and give the juvenile an opportunity to make a statement concerning the aforementioned. In this case, if the juvenile has an attendant, the presiding judge must give the attendant an opportunity to make a statement concerning the grounds for the hearing and decision.

(証拠調べの申出)

(Request for Examination of Evidence)

第二十九条の三 少年、保護者及び付添人は、家庭裁判所に対し、証人尋問、鑑定、検証その他の証拠調べの申出をすることができる。

Article 29-3 The juvenile, the custodian, and the attendant may request a family court for the examination of witnesses, expert examination, inspection, or other examination of evidence.

(少年本人質問)

(Questioning of the Juvenile Concerned)

第二十九条の四 付添人は、審判の席において、裁判長に告げて、少年に発問すること

ができる。

Article 29-4 In the course of the hearing, the attendant may question the juvenile with notification to the presiding judge.

(追送書類等に関する通知)

(Notification Pertaining to the Document to be Subsequently Delivered)

第二十九条の五 家庭裁判所は、法第二十一条の決定をした後、当該決定をした事件について、検察官、保護観察所長、司法警察員、警察官、都道府県知事又は児童相談所長から書類、証拠物その他参考となる資料の送付を受けたときは、速やかにその旨を付添人に通知しなければならない。

Article 29-5 If a family court makes the decision referred to in Article 21 of the Act and then receives documents, evidence, or other material for reference from a public prosecutor, a director of a probation office, a judicial police officer, a police officer, a prefectural governor, or a director of a child consultation center concerning the case for which the decision is made, the family court must promptly notify the attendant of that fact.

(意見の陳述)

(Statement of Opinions)

第三十条 少年、保護者、付添人、家庭裁判所調査官、保護観察官、保護司、法務技官及び法務教官は、審判の席において、裁判長の許可を得て、意見を述べることができる。

Article 30 The juvenile, the custodian, the attendant, the family court investigating officer, the probation officer, the volunteer probation officer, the technical official in the Ministry of Justice, and the law instructor may state opinions in the course of the hearing after obtaining permission of the presiding judge.

(検察官関与決定の方式・法第二十二條の二)

(Method of Decision Requiring Participation of the Public Prosecutor; Article 22-2 of the Act)

第三十条の二 検察官関与決定の主文においては、審判に検察官を出席させる事件を明らかにしなければならない。

Article 30-2 The family court must clarify the case for which the public prosecutor is required to participate in the hearing in the main text of a decision requiring participation of the public prosecutor.

(国選付添人の選任等・法第二十二條の三等)

(Appointment of a Court-Appointed Attendant; Article 22-3 of the Act)

第三十条の三 家庭裁判所は、検察官関与決定をした場合において、少年に弁護士である付添人がないときは、遅滞なく、当該少年に対し、一定の期間を定めて、弁護士で

ある付添人を選任するかどうかについて回答を求めなければならない。

Article 30-3 (1) If a juvenile does not have an attendant who is an attorney at law in the case for which the family court makes a decision requiring participation of a public prosecutor, the family court must require the juvenile without delay to respond to the family court as to whether the juvenile intends to appoint an attendant who is an attorney at law within a certain period designated by the family court.

2 前項の期間内に回答がなく又は弁護士である付添人の選任がないときは、裁判長は、直ちに付添人を選任しなければならない。

(2) If the juvenile does not respond or appoint an attendant who is an attorney at law within the period referred to in the preceding paragraph, the presiding judge must immediately appoint an attendant.

3 法第二十二條の三第一項若しくは第二項又は第二十二條の五第二項の規定により家庭裁判所が付すべき付添人は、当該家庭裁判所の管轄区域内に在る弁護士会に所属する弁護士の中から裁判長がこれを選任しなければならない。ただし、その管轄区域内に選任すべき事件について付添人としての活動をするのできる弁護士がないときその他やむを得ない事情があるときは、これに隣接する他の家庭裁判所の管轄区域内に在る弁護士会に所属する弁護士その他適当な弁護士の中からこれを選任することができる。

(3) The attendant to be appointed by the family court pursuant to the provisions of Article 22-3, paragraphs (1) or (2) of the Act or Article 22-5, paragraph (2) of the Act must be appointed by the presiding judge from among attorneys at law who belong to a bar association within a jurisdictional district of the family court; provided, however, that, if there is no attorney at law who is able to act as an attendant for a case for which an attendant is appointed within the jurisdictional district or if there are any other unavoidable circumstances, an attendant may be appointed from among attorneys at law who belong to a bar association within a jurisdictional district of other family court adjacent to the family court or from among other appropriate attorneys at law.

4 裁判長は、前項の規定により付添人を選任したときは、直ちにその旨を少年及び保護者並びに検察官（検察官関与決定があつた事件に限る。）に通知しなければならない。この場合には、日本司法支援センターにも直ちにその旨を通知しなければならない。

(4) If the presiding judge appoints an attendant pursuant to the provisions of the preceding paragraph, the presiding judge must immediately notify the juvenile and the custodian and the public prosecutor (limited to the case for which a decision requiring participation of the public prosecutor is made) of that fact. In this case, the presiding judge must also immediately notify the Japan Legal Support Center of that fact.

5 法第二十二條の五第三項に規定する意思の明示は、書面を家庭裁判所に差し出してしなければならない。

- (5) The intention referred to in Article 22-5, paragraph (3) of the Act in writing, must be submitted to the family court.

(審判の準備)

(Preparation for the Hearing and Decision)

第三十条の四 家庭裁判所は、検察官関与決定をした場合において、適当と認めるときは、検察官及び弁護士である付添人を出頭させた上、当該決定をした事件の非行事実（法第十七条第四項ただし書に規定する非行事実をいう。以下同じ。）を認定するための審判の進行に関し必要な事項について打合せを行うことができる。

Article 30-4 (1) If a family court makes a decision requiring participation of the public prosecutor and finds it to be appropriate, the family court may have the public prosecutor and an attendant who is an attorney at law appear at the family court and discuss matters necessary for proceedings of the hearing and decision in order to find the facts of delinquency of the case for which the decision is made (referring to the facts of delinquency referred to in the proviso to Article 17, paragraph (4) of the Act; the same applies hereinafter).

2 前項の打合せは、合議体の構成員に行わせることができる。

(2) The family court may have a member of the panel of judges have the discussion referred to in the preceding paragraph.

3 家庭裁判所は、裁判所書記官に命じて、審判の進行に関し必要な事項について検察官又は弁護士である付添人に問合せをさせることができる。

(3) The family court may order the court clerk to make an inquiry to the public prosecutor or an attendant who is an attorney at law concerning matters necessary for proceedings of the hearing and decision.

(検察官による記録又は証拠物の閲覧)

(Inspection of Records or Evidence by the Public Prosecutor)

第三十条の五 検察官は、検察官関与決定があつた事件において、第七条第一項の規定にかかわらず、その非行事実の認定に資するため必要な限度で、保護事件の記録又は証拠物を閲覧することができる。

Article 30-5 Notwithstanding the provisions of Article 7, paragraph (1), in the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may inspect the case record or evidence of the juvenile protection case to the extent needed to contribute to finding the facts of delinquency of the case.

(検察官の審判への出席等)

(Presence of the Public Prosecutor at the Hearing)

第三十条の六 検察官は、検察官関与決定があつた事件において、その非行事実の認定に資するため必要な限度で、審判（事件を終局させる決定の告知を行う審判を含む。）の席に出席し、並びに審判期日外における証人尋問、鑑定、通訳、翻訳、検証、

押収及び搜索の手續に立ち会うことができる。

Article 30-6 (1) In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may be present at the hearing (including the hearing in which a decision to close a case is announced) and attend proceedings of the examination of witnesses, expert examination, interpretation, translation, inspection, seizure, and search conducted on a day other than the hearing date to the extent needed to contribute to finding the facts of delinquency of the case.

2 家庭裁判所は、検察官関与決定をしたときは、当該決定をした事件の非行事実を認定するための手続を行う審判期日及び当該事件を終局させる決定の告知を行う審判期日を検察官に通知しなければならない。

(2) If the family court makes a decision requiring participation of the public prosecutor, the family court must notify the public prosecutor of the hearing date when the family court conducts proceedings in order to find the facts of delinquency of the case for which the decision is made, and the hearing date when the family court announces a decision to close the case.

(検察官による証拠調べの申出)

(Request for Examination of Evidence by the Public Prosecutor)

第三十条の七 検察官は、検察官関与決定があつた事件において、その非行事実の認定に資するため必要な限度で、家庭裁判所に対し、証人尋問、鑑定、検証その他の証拠調べの申出をすることができる。

Article 30-7 In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may make a request to the family court for examination of witnesses, expert examination, inspection, or other examination of evidence to the extent needed to contribute to finding the facts of delinquency of the case.

(検察官の尋問権等)

(The Public Prosecutors' Right to Examine)

第三十条の八 検察官は、検察官関与決定があつた事件において、その非行事実の認定に資するため必要な限度で、裁判長に告げて、証人、鑑定人、通訳人及び翻訳人を尋問することができる。

Article 30-8 (1) In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may examine a witness, an expert witness, an interpreter, and a translator with notification to the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

2 検察官は、検察官関与決定があつた事件において、その非行事実の認定に資するため必要な限度で、審判の席において、裁判長に告げて、少年に発問することができる。

(2) In the case for which a decision requiring participation of the public

prosecutor is made, the public prosecutor may question the juvenile in the course of the hearing with notification to the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

(検察官に対する提出書類等に関する通知等)

(Notification Pertaining to Documents to be Submitted to the Public Prosecutor)

第三十条の九 家庭裁判所は、検察官関与決定をした後、当該決定をした事件について、少年、保護者又は付添人から書類、証拠物その他参考となる資料の提出を受けたときは、速やかにその旨を検察官に通知しなければならない。

Article 30-9 (1) If the family court makes a decision requiring participation of the public prosecutor and then receives documents, evidence, or other material for reference from the juvenile, the custodian, or the attendant concerning the case for which the decision is made, the family court must promptly notify the public prosecutor of that fact.

2 家庭裁判所は、検察官関与決定をした場合において、当該決定をした事件について、法第九条の二本文の規定による意見の聴取がされたときは、速やかにその旨を検察官に通知しなければならない。

(2) If a family court makes a decision requiring participation of the public prosecutor and if a hearing of opinions under the main clause of Article 9-2 of the Act is conducted, the family court must promptly notify the public prosecutor of that fact.

(検察官による意見の陳述)

(Statement of Opinions by the Public Prosecutor)

第三十条の十 検察官は、検察官関与決定があつた事件において、その非行事実の認定に資するため必要な限度で、審判の席において、裁判長の許可を得て、意見を述べることができる。

Article 30-10 In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may state opinions in the course of the hearing after obtaining permission of the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

(傍聴の申出の際に明らかにすべき事項等・法第二十二條の四)

(Matters to be Clarified when Making a Request for Observation; Article 22-4 of the Act)

第三十条の十一 法第二十二條の四第一項の申出は、次に掲げる事項を明らかにしてしなければならない。

Article 30-11 (1) The following information must be clarified when making the request referred to in Article 22-4, paragraph (1) of the Act:

一 申出人の氏名、名称又は商号及び住所

(i) name or trade name and address of the requester;

二 当該申出に係る事件を特定するに足りる事項

(ii) matters sufficiently identifying the case pertaining to the request; and

三 申出人が法第二十二條の四第一項の申出をすることができる者であることの基礎となるべき事実

(iii) a fact based on which the requester falls on a person who may make the request referred to in Article 22-4, paragraph (1) of the Act.

2 法第二十二條の四第一項の申出については、弁護士でなければ代理人となることができない。

(2) With regard to the request referred to in Article 22-4, paragraph (1) of the Act, it is not permissible for a person other than an attorney at law to become a representative.

(傍聴の許否等の通知・法第二十二條の四)

(Notification of Permission or Rejection of Observation; Article 22-4 of the Act)

第三十條の十二 家庭裁判所は、法第二十二條の四第一項の規定により審判の傍聴を許したときはその旨及びその審判期日を、審判の傍聴を許さないこととしたときはその旨を、速やかに、申出人並びに検察官関与決定をした場合における検察官及び少年に弁護士である付添人がある場合における当該付添人に通知しなければならない。

Article 30-12 If a family court permits observation of a hearing pursuant to the provisions of Article 22-4, paragraph (1) of the Act, the family court must promptly notify the requester, the public prosecutor in the case for which a decision requiring participation of the public prosecutor is made, and the attendant who is an attorney at law in the case for which a juvenile has the attendant of that fact and the hearing date; and, if the family court rejects the observation, the family court must notify them of that fact.

(説明の申出の際に明らかにすべき事項等・法第二十二條の六)

(Particulars to be Clarified when Making a Request for Explanation; Article 22-6 of the Act)

第三十條の十三 法第二十二條の六第一項の申出は、次に掲げる事項を明らかにしてしなければならない。

Article 30-13 (1) The following information must be clarified when making the request referred to in Article 22-6, paragraph (1) of the Act:

一 申出人の氏名、名称又は商号及び住所

(i) name or trade name and address of the requester;

二 当該申出に係る事件を特定するに足りる事項

(ii) matters sufficiently identifying the case pertaining to the request; and

三 申出人が法第二十二條の六第一項の申出をすることができる者であることの基礎となるべき事実

(iii) a fact based on which the requester falls on a person who may make the

request referred to in Article 22-6, paragraph (1) of the Act.

- 2 法第二十二條の六第一項の申出及び同項の規定による説明を受けることについては、弁護士でなければ代理人となることができない。

(2) With regard to the request referred to in Article 22-6, paragraph (1) of the Act and receipt of an explanation under the same paragraph, it is not permissible for a person other than an attorney at law to become a representative.

(説明をさせることができる者・法第二十二條の六)

(Person who may Provide an Explanation; Article 22-6 of the Act)

第三十條の十四 法第二十二條の六第一項の規定による説明は、裁判所書記官又は家庭裁判所調査官にさせることができる。

Article 30-14 The family court may have a court clerk or a family court investigating officer provide an explanation under Article 22-6, paragraph (1) of the Act.

(適正な審判のため等の措置)

(Measures to Ensure a Fair Hearing)

第三十一條 裁判長は、適正な審判をするため必要があると認めるときは、発言を制止し、又は少年以外の者を退席させる等相当の措置をとることができる。

Article 31 (1) If the presiding judge finds it to be necessary for a fair hearing, the presiding judge may take appropriate measures, such as restraining from speaking up or ordering those other than the juvenile to leave the hearing room.

- 2 裁判長は、少年の情操を害するものと認める状況が生じたときは、その状況の継続中、少年を退席させることができる。

(2) If any situation which is found to harm the juvenile's emotional stability occurs, the presiding judge may order the juvenile to leave the hearing room while the situation persists.

(裁判官の回避)

(Recusal of the Judge)

第三十二條 裁判官は、審判の公平について疑を生ずべき事由があると思料するときは、職務の執行を避けなければならない。

Article 32 If the judge considers that there are grounds for which any doubt may arise with regard to fairness of the hearing and decision, the judge must recuse oneself from execution of the judge's duty.

(審判調書)

(Hearing Record)

第三十三條 審判期日における手続については、審判調書を作成する。

Article 33 (1) Proceedings on the hearing date is recorded in the hearing record.

- 2 審判調書には、次に掲げる事項その他審判に関する重要な事項を記載する。
- (2) The following information or other important matters pertaining to the hearing and decision are recorded in the hearing record:
- 一 審判をした裁判所、年月日及び場所
 - (i) name of the court, date, and place in which the hearing takes place;
 - 二 裁判官及び裁判所書記官並びに出席した家庭裁判所調査官、検察官、保護観察官、保護司、法務技官及び法務教官の氏名
 - (ii) names of the judge and court clerk, and the family court investigating officer, the public prosecutor, probation officer, volunteer probation officer, technical official in the Ministry of Justice, and law instructor who are present at the hearing and decision;
 - 三 少年並びに出席した保護者及び付添人の氏名（保護者が法人である場合においては、出席した代表者の氏名）
 - (iii) names of the juvenile, and the custodian and attendant who are present at the hearing (in the case in which the custodian is a juridical person, the name of its representative who is present at the hearing);
 - 四 家庭裁判所調査官、検察官、保護観察官、保護司、法務技官、法務教官、保護者及び付添人の陳述の要旨
 - (iv) a summary statement from the family court investigating officer, public prosecutor, probation officer, volunteer probation officer, technical official in the Ministry of Justice, law instructor, custodian, and attendant;
 - 四の二 法第九条の二本文の規定により聴取した意見の要旨
 - (iv)-2 a summary of opinions which is heard pursuant to the provisions of the main clause of Article 9-2 of the Act;
 - 五 少年の陳述の要旨
 - (v) a summary of the statement from the juvenile;
 - 六 証人、鑑定人、通訳人及び翻訳人並びに参考人の供述の要旨
 - (vi) a summary of the statement from the witness, expert witness, interpreter, and translator, and the relevant person;
 - 七 決定その他の処分をしたこと
 - (vii) the fact that a decision is made or other measures are implemented; and
 - 八 裁判長が記載を命じた事項
 - (viii) any matters that the presiding judge orders to be recorded.
- 3 裁判所書記官は、裁判長の許可があるときは、審判調書の作成又は前項第一号から第七号までに掲げる記載事項の一部を省略することができる。ただし、抗告又は法第三十二条の四第一項の規定による申立て（以下「抗告受理の申立て」という。）があった場合は、この限りでない。
- (3) If the court clerk obtains permission from the presiding judge, the court clerk is dispensed from preparing the hearing record or may omit part of the matters listed from items (i) through (vii) of the preceding paragraph; provided, however, that this does not apply to a case in which an appeal or a motion

under Article 32-4, paragraph (1) of the Act (hereinafter referred to as the "motion for acceptance of an appeal") is filed.

(審判調書の署名押印及び認印)

(Affixing of a Signature and Seal and Seal of Approval to the Hearing Record)

第三十四条 審判調書には、裁判所書記官が署名押印し、裁判長が認印しなければならない。

Article 34 (1) The court clerk must affix the court clerk's signature and seal to the hearing record, and the presiding judge must affix the presiding judge's seal of approval to it as well.

2 裁判長に差し支えがあるときは、他の裁判官の一人がその事由を付記して認印しなければならない。ただし、いずれの裁判官にも差し支えがあるときは、裁判所書記官がその事由を付記して署名押印すれば足りる。

(2) If the presiding judge is unable to affix the presiding judge's seal of approval, one of the other judges must affix the judge's seal of approval and indicate the grounds for such in a supplementary note; provided, however, that if no judge is able to affix the judge's seal of approval, it is sufficient for a court clerk to indicate the grounds for such in a supplementary note and affix the court clerk's signature and seal.

3 第一項及び前項ただし書の規定により裁判所書記官が署名押印すべき場合には、署名押印に代えて記名押印することができる。

(3) If the court clerk is to affix the court clerk's signature and seal pursuant to the provisions of paragraph (1) and the proviso to the preceding paragraph, the court clerk may affix the court clerk's seal next to the court clerk's name in lieu of affixing the court clerk's signature and seal.

4 裁判所書記官に差し支えがあるときは、裁判長がその事由を付記して認印すれば足りる。

(4) If the court clerk is unable to affix the court clerk's signature and seal, it is sufficient for the presiding judge to indicate the grounds for such in a supplementary note and affix the presiding judge's seal of approval.

(保護処分 of 決定 of 言渡・法第二十四条)

(Rendering of the Decision for Protective Measures; Article 24 of the Act)

第三十五条 保護処分 of 決定を言い渡す場合には、少年及び保護者に対し、保護処分 of 趣旨を懇切に説明し、これを十分に理解させるようにしなければならない。

Article 35 (1) In order to render a decision for protective measures, the purpose of the protective measures must be explained to the juvenile and the custodian in a manner that can be fully understood.

2 前項の場合には、二週間以内に抗告の申立書を裁判所に差し出して抗告をすることができる旨を告げなければならない。

(2) In the case referred to in the preceding paragraph, it must be notified that an

appeal may be filed by submitting a written motion for the appeal to the court within two weeks.

(保護処分の決定の方式・法第二十四条)

(Method of Decision for Protective Measures; Article 24 of the Act)

第三十六条 罪を犯した少年の事件について保護処分の決定をするには、罪となるべき事実及びその事実に適用すべき法令を示さなければならない。

Article 36 In order to make a decision for protective measures in the case of a juvenile who has committed a crime, the fact constituting the crime and the penal statute applicable to that fact must be specified.

(各種の保護処分の形式と通知等・法第二十四条)

(Formality and Notification of Each Type of Protective Measure; Article 24 of the Act)

第三十七条 法第二十四条第一項第一号の決定をするには、保護観察をすべき保護観察所を、同項第三号の決定をするには、送致すべき少年院の種類（少年院法（平成二十六年法律第五十八号）第四条第一項第一号から第三号までに掲げるものに限る。）を指定するものとする。

Article 37 (1) In order to make the decision referred to in Article 24, paragraph (1), item (i) of the Act, the probation office in which the juvenile is to be under probation is to be designated; and in order to make the decision referred to in item (iii) of the same paragraph, the type of juvenile training school to which the juvenile is to be referred (limited to those listed from Article 4, paragraph (1), items (i) through (iii) of the Juvenile Training School Act (Act No.58 of 2014)) must be designated.

2 法第二十四条第一項第一号の決定をしたときは保護観察所長に、同項第二号の決定をしたときは児童相談所長に、同項第三号の決定をしたときは少年鑑別所長に、速やかにその旨を通知しなければならない。

(2) If the decision referred to in Article 24, paragraph (1), item (i) of the Act is made, that fact must promptly be notified to the director of the probation office; if the decision referred to in item (ii) of the same paragraph is made, notification must be made to the director of a child consultation center; and if the decision referred to in item (iii) of the same paragraph is made, notification must be made to the director of a juvenile classification home.

3 保護観察所長に前項の通知をするときは、保護観察を受けるべき者が保護観察の期間中遵守すべき特別の事項に関する意見も通知しなければならない。

(3) Upon providing the director of the probation office with the notification referred to in the preceding paragraph, opinions pertaining to special matters with which the person who is to be under probation must comply during the period of the probation must also be notified.

(参考書類の送付等)

(Delivery of Documents for Reference)

第三十七条の二 前条第二項の通知をするときは、少年の処遇に関する意見書及び少年調査票その他少年の処遇上参考となる書類（以下参考書類という。）を送付することができる。

Article 37-2 (1) Upon providing the notification referred to in paragraph (2) of the preceding Article, a written opinion pertaining to treatment of the juvenile and the juvenile investigation report or other reference documents pertaining to the treatment of the juvenile (hereinafter referred to as reference documents) may be delivered.

2 参考書類の取扱については、家庭裁判所の指示するところに従わなければならない。

(2) The reference documents must be handled in compliance with the order of the family court.

3 家庭裁判所は、執務上必要があると認めるときは、いつでも、参考書類の返還を求めることができる。

(3) If the family court finds it to be necessary for execution of its duty, the family court may demand the return of the reference documents at any time.

4 保護処分が終了し又は取り消されたときは、速やかに参考書類を家庭裁判所に返還しなければならない。

(4) If protective measures are terminated or rescinded, the reference documents must promptly be returned to the family court.

(没取の決定の執行等・法第二十四条の二)

(Execution of a Decision for Confiscation; Article 24-2 of the Act)

第三十七条の三 没取の決定の執行及び没取物の処分は、家庭裁判所が刑事訴訟法中没収の裁判の執行及び没収物の処分に関する規定に準じて行う。

Article 37-3 Execution of a decision for confiscation and treatment of a confiscated object is conducted in accordance with the provisions pertaining to execution of a judgment of confiscation and treatment of a confiscated object in the Code of Criminal Procedure.

(保護処分の決定後の処置)

(Measures to be Taken After a Decision for Protective Measures)

第三十八条 保護処分の決定をした家庭裁判所は、当該少年の動向に関心を持ち、随時、その成績を視察し、又は家庭裁判所調査官をして視察させるように努めなければならない。

Article 38 (1) The family court that made the decision for protective measures must have interest in the juvenile's behavior and endeavor to observe or have a family court investigating officer observe the juvenile's performance at any time.

2 保護処分の決定をした家庭裁判所は、必要があると認めるときは、少年の処遇に関

し、保護観察所、児童自立支援施設、児童養護施設又は少年院に勧告をすることができる。

- (2) If the family court that made a decision for protective measures finds it to be necessary, the family court may make a recommendation to a probation office, a children's self-reliance support facility, a foster home, or a juvenile training school with regard to treatment of the juvenile.

(環境調整の措置・法第二十四条)

(Measures of Modification of the Environment; Article 24 of the Act)

第三十九条 保護観察所長をして家庭その他の環境調整に関する措置を行わせる場合には、環境についての調査の結果を通知し、且つ必要な事項を指示しなければならない。

Article 39 If the family court has a director of a probation office implement measures for modification of a family environment and other environments, the family court must notify the results of an investigation on the environment and order necessary matters.

(家庭裁判所調査官の観察に付する決定の方式等・法第二十五条)

(Measures of Decision for Placing a Juvenile Under Observation by a Family Court Investigating Officer; Article 25 of the Act)

第四十条 家庭裁判所調査官の観察に付する決定をするには、家庭裁判所調査官を指定するものとする。この場合には、観察の期間を定めることができる。

Article 40 (1) In order to make a decision for placing a juvenile under observation by a family court investigating officer, a family court investigating officer is to be designated. In this case, the observation period may be specified.

- 2 遵守事項を定めてその履行を命ずる場合には、その事項を具体的且つ明瞭に指示し、少年をして自発的にこれを遵守しようとする心構を持たせるように努めなければならない。

- (2) If the family court establishes a compliance rule and gives an order to implement it, the family court must instruct the rule in a concrete and clear manner and endeavor to ensure that the juvenile is prepared to comply with it voluntarily.

- 3 条件をつけて保護者に引き渡す場合には、保護者に対し、少年の保護監督について必要な条件を具体的に指示しなければならない。

- (3) If the family court determines the conditions and delivers the juvenile to the custodian under the conditions, the family court must instruct the conditions necessary for the custody of the juvenile to the custodian in a concrete manner.

- 4 適当な施設、団体又は個人に補導を委託する場合には、委託を受ける者に対し、少年の補導上参考となる事項を指示しなければならない。

- (4) If the family court entrusts correctional guidance of the juvenile to an appropriate institution, organization, or individual, the family court must instruct matters that serve as a useful reference for the correctional guidance

of the juvenile to the entity or person to be entrusted with the correctional guidance of the juvenile.

5 家庭裁判所調査官の観察については、第十三条の規定を準用する。

(5) The provisions of Article 13 apply mutatis mutandis to observations by the family court investigating officer.

6 家庭裁判所調査官の観察に付する決定は、いつでも、取り消し又は変更することができる。

(6) The decision for placing a juvenile under observation by a family court investigating officer may be rescinded or amended at any time.

(執行のための呼出状の記載要件・法第二十六条)

(Descriptive Requirements of Writ of Summons for Execution; Article 26 of the Act)

第四十一条 決定の執行をするための呼出状には、本人の氏名、年齢及び住居、執行すべき決定の種類、出頭すべき年月日時及び場所並びに正当な理由がなく出頭しないときは同行状を発することがある旨を記載し、裁判長が、記名押印しなければならない。

Article 41 The writ of summons for execution of a decision must include the name, age, and residence of the juvenile concerned, the type of the decision to be executed, a date, time, and place to appear, and a statement to the effect that an order to accompany may be issued if the juvenile concerned does not appear without justifiable grounds; and the presiding judge must affix the presiding judge's seal next to the presiding judge's name on the writ of summons.

(執行のための同行状の記載要件と執行・法第二十六条)

(Descriptive Requirements of the Order to Accompany for Execution, and Execution; Article 26 of the Act)

第四十二条 決定の執行をするための同行状には、本人の氏名、年齢及び住居、執行すべき決定の種類、同行すべき場所並びに発付の年月日を記載し、裁判長又は同行状を発する裁判官が、記名押印しなければならない。

Article 42 (1) The order to accompany for execution of a decision must include the name, age, and residence of the juvenile concerned, the type of the decision to be executed, the place to be escorted, and the date when the order is issued; and the presiding judge or the judge who issues the order to accompany, must affix the judge's seal next to the judge's name.

2 裁判長は、法第二十六条第六項の規定により同条第四項の同行状を発する場合には、その旨を同行状に記載しなければならない。

(2) If the presiding judge issues the order to accompany referred to in Article 26, paragraph (4) of the Act pursuant to the provisions of paragraph (6) of the same Article, the presiding judge must include that fact in the order to accompany.

3 第一項の同行状の執行については、第十八条の規定を準用する。

(3) The provisions of Article 18 apply mutatis mutandis to execution of the order to accompany referred to in paragraph (1).

(通知の申出の際に明らかにすべき事項等・法第三十一条の二)

(Matters to be Clarified When Making a Request for Notification; Article 31-2 of the Act)

第四十二条の二 法第三十一条の二第一項本文の申出は、次に掲げる事項を明らかにしてしなければならない。

Article 42-2 (1) The following matters must be clarified when making the request referred to in the main clause of Article 31-2, paragraph (1) of the Act:

一 申出人の氏名、名称又は商号及び住所

(i) name or trade name and address of the requester;

二 当該申出に係る事件を特定するに足りる事項

(ii) matters sufficiently identifying the case relating to the request; and

三 申出人が法第三十一条の二第一項本文の申出をすることができる者であることの基礎となるべき事実

(iii) a fact based on which the requester falls on a person who may make the request referred to in the main clause of Article 31-2, paragraph (1) of the Act.

2 法第三十一条の二第一項本文の申出及び同項本文の通知の受領については、弁護士でなければ代理人となることができない。

(2) With regard to the request referred to in the main clause of Article 31-2, paragraph (1) of the Act and receipt of the notification referred to in the main clause of the same paragraph, it is not permissible for a person other than an attorney at law to become a representative.

(検察官による記録又は証拠物の閲覧・法第四十五条の三)

(Inspection of the Case Record or Evidence by the Public Prosecutor; Article 45-3 of the Act)

第四十二条の三 検察官は、家庭裁判所が少年に訴訟費用の負担を命ずる決定をした事件については、第七条第一項の規定にかかわらず、その決定を執行するため必要な限度で、保護事件の記録又は証拠物を閲覧することができる。

Article 42-3 Notwithstanding the provisions of Article 7, paragraph (1), in the case for which the family court makes a decision ordering a juvenile to bear court costs, the public prosecutor may inspect the case record or evidence of the juvenile protection case to the extent needed to execute the decision.

第四章 抗告

Chapter IV Appeals

(抗告申立の方式・法第三十二条)

(Method of Motion for an Appeal; Article 32 of the Act)

第四十三条 抗告をするには、申立書を原裁判所に差し出すものとする。

Article 43 (1) In order to file an appeal, a written motion is to be submitted to the court of prior instance.

2 前項の申立書には、抗告の趣意を簡潔に明示しなければならない。

(2) The written motion referred to in the preceding paragraph must clearly and succinctly specify the reasons for the appeal.

(収容中の少年の抗告申立て等・法第三十二条)

(Motion for Appeal Filed by a Juvenile who is Committed to a Juvenile Classification Home or any Other Facility; Article 32 of the Act)

第四十四条 少年鑑別所、児童自立支援施設、児童養護施設又は少年院にいる少年が抗告をするには、施設の長又はその代理者を經由して申立書を差し出すことができる。

この場合において、抗告の提起期間内に申立書を施設の長又はその代理者に差し出したときは、抗告の提起期間内に抗告をしたものとみなす。

Article 44 (1) In order for a juvenile who is in a juvenile classification home, a children's self-reliance support facility, a foster home, or a juvenile training school to file an appeal, the juvenile may submit a written motion via the director of the facilities or the director's deputy. In this case, if the juvenile submits the written motion to the director of the facilities or the director's deputy within the period for filing the appeal, the appeal is deemed to have been filed within the period for filing the appeal.

2 前項の場合には、施設の長又はその代理者は、原裁判所に申立書を送付し、且つこれを受け取った年月日を通知しなければならない。

(2) In the case referred to in the preceding paragraph, the director of the facilities or the director's deputy must deliver the written motion to the court of prior instance and notify the court of the date when the director or the director's deputy received it.

3 原裁判所は、第一項前段の少年の保護事件についてした保護処分の決定に対する抗告申立書を受け取ったときは、同項前段の場合を除き、速やかにその旨を当該少年のいる施設の長又はその代理者に通知しなければならない。

(3) Except in the case referred to in the first sentence of paragraph (1), if the court of prior instance receives a written motion for an appeal against a decision for protective measures that has been made for a juvenile protection case referred to in the first sentence of the same paragraph, the court of prior instance must promptly notify the director of the facility in which the juvenile is or the director's deputy of that fact.

(抗告申立書の送付)

(Delivery of a Written Motion)

第四十五条 原裁判所は、抗告申立書を受け取つたときは、速やかに記録とともに抗告裁判所に送付しなければならない。

Article 45 (1) If the court of prior instance receives a written motion for an appeal, the court of prior instance must promptly deliver it with the case record to the court in charge of appeals.

2 前項の場合には、原裁判所は、抗告申立書に意見書をつけることができる。

(2) In the case referred to in the preceding paragraph, the court of prior instance may attach a written opinion to the written motion for an appeal.

(証拠物の送付)

(Delivery of Evidence)

第四十五条の二 原裁判所は、必要があると認めるときは、証拠物を抗告裁判所に送付しなければならない。

Article 45-2 (1) If the court of prior instance finds it to be necessary, the court must deliver evidence to the court in charge of appeals.

2 抗告裁判所は、証拠物の送付を求めることができる。

(2) The court in charge of appeals may demand delivery of evidence.

(抗告の通知)

(Notification of an Appeal)

第四十六条 児童自立支援施設、児童養護施設又は少年院に送致する決定に対して抗告がなされたときは、原裁判所は、遅滞なく少年のいるこれらの施設を抗告裁判所に通知しなければならない。

Article 46 If an appeal is filed against a decision for referral to a children's self-reliance support facility, a foster home, or a juvenile training school, the court of prior instance must notify the court in charge of appeals without delay of the name of the facility to which the juvenile is committed.

(検察官に対する抗告の通知)

(Notification of an Appeal to the Public Prosecutor)

第四十六条の二 原裁判所は、検察官関与決定をした事件についてした保護処分 of 決定に対する抗告申立書を受け取つたときは、検察官に対し、抗告があつた旨及び抗告の趣意を通知しなければならない。

Article 46-2 If the court of prior instance receives a written motion for an appeal against a decision for protective measures made for a case in which a decision requiring participation of the public prosecutor has been made, the court of prior instance must notify the public prosecutor of the fact that the appeal has been made and the reasons for the appeal.

(抗告受理の申立て・法第三十二条の四)

(Motion for Acceptance of an Appeal; Article 32-4 of the Act)

第四十六条の三 法第三十二条の四第二項前段の申立書には、抗告受理の申立ての理由を具体的に記載しなければならない。

Article 46-3 (1) The written motion referred to in the first sentence of Article 32-4, paragraph (2) of the Act must include concrete reasons for the motion for acceptance of the appeal.

2 原裁判所は、速やかに前項の申立書とともに記録を高等裁判所に送付しなければならない。

(2) The court of prior instance must deliver the case record with the written motion referred to in the preceding paragraph promptly to the high court.

3 原裁判所は、第一項の申立書を受け取ったときは、少年及び保護者に対し、抗告受理の申立てがあつた旨及び抗告受理の申立ての理由を通知しなければならない。

(3) If the court of prior instance receives the written motion referred to in paragraph (1), the court of prior instance must notify the juvenile and the custodian of the fact that a motion for acceptance of an appeal has been filed and the reasons for the motion for acceptance of the appeal.

4 高等裁判所は、法第三十二条の四第三項の決定（以下「抗告受理決定」という。）をするときは、当該決定において、抗告受理の申立ての理由中同条第四項の規定により排除するものを明らかにしなければならない。

(4) If the high court makes the decision referred to in Article 32-4, paragraph (3) of the Act (hereinafter referred to as the "decision for acceptance of an appeal"), the high court, in that decision, must identify those that it eliminates from among the reasons for the motion for acceptance of an appeal pursuant to the provisions of paragraph (4) of the same Article.

5 抗告受理決定があつたときは、抗告裁判所は、少年及び保護者に対し、その決定の内容を通知しなければならない。

(5) If the decision for the acceptance of an appeal is made, the court in charge of appeals must notify the juvenile and the custodian of the contents of the decision.

6 第四十四条第一項前段の少年の保護事件についてされた決定に対する抗告受理の申立てに対し抗告受理決定があつたときは、抗告裁判所は、速やかにその旨を当該少年のいる施設の長又はその代理者に通知しなければならない。

(6) If a decision for acceptance of an appeal is made for a motion for acceptance of an appeal against a decision that has been made for the juvenile protection case referred to in the first sentence of Article 44, paragraph (1), the court in charge of appeals must promptly notify the director of the facility to which the juvenile is committed or the director's deputy of that fact.

7 高等裁判所は、抗告受理の申立てがあつた場合において、抗告審として事件を受理しないときは、法第三十二条の四第五項の期間内にその旨の決定をしなければならない。

(7) If the high court receives a motion for acceptance of an appeal and does not accept the case as the court of the appeal, the high court must make a decision

to that effect within the period referred to in Article 32-4, paragraph (5) of the Act.

8 高等裁判所は、前項の決定をしたときは、少年及び保護者に対し、その旨を通知しなければならない。

(8) If the high court makes the decision referred to in the preceding paragraph, the high court must notify the juvenile and the custodian of that fact.

9 第四十五条第二項、第四十五条の二及び第四十六条の規定は、抗告受理の申立てがあつた場合について準用する。この場合において、第四十六条中「抗告が」とあるのは、「抗告受理の申立てが」と読み替えるものとする。

(9) The provisions of Article 45, paragraph (2), Article 45-2, and Article 46 apply mutatis mutandis to a case in which a motion for acceptance of an appeal is filed. In this case, the phrase "an appeal" in Article 46 is replaced by "a motion for acceptance of an appeal."

(抗告審における国選付添人の選任等・法第三十二条の五等)

(Appointment of a Court-Appointed Attendant for the Second Instance; Article 32-5 of the Act)

第四十六条の四 第三十条の三第一項及び第二項の規定は、抗告裁判所が弁護士である付添人を付すべき場合（法第三十二条の五第二項の場合を除く。）について準用する。

Article 46-4 (1) The provisions of Article 30-3, paragraphs (1) and (2) apply mutatis mutandis to a case in which a court in charge of appeals appoints an attendant who is an attorney at law (excluding the case referred to in Article 32-5, paragraph (2) of the Act).

2 法第三十二条の五の規定又は法第三十二条の六において準用する法第二十二条の三第一項の規定により抗告裁判所が付すべき付添人は、当該抗告裁判所の所在地を管轄する家庭裁判所の管轄区域内に在る弁護士会に所属する弁護士の中から裁判長がこれを選任しなければならない。ただし、その管轄区域内に選任すべき事件について付添人としての活動をすることのできる弁護士がないときその他やむを得ない事情があるときは、これに隣接する他の家庭裁判所の管轄区域内に在る弁護士会に所属する弁護士その他適当な弁護士の中からこれを選任することができる。

(2) The attendant to be appointed by the court in charge of appeals pursuant to the provisions of Article 32-5 of the Act or the provisions of Article 22-3, paragraph (1) of the Act as applied mutatis mutandis pursuant to the provisions of Article 32-6 of the Act must be appointed by the presiding judge from among attorneys at law who belong to a bar association within the jurisdictional district of the family court exercising jurisdiction over an area where the court in charge of appeals is located; provided, however, that, if there is no attorney at law who is able to act as an attendant for a case for which an attendant is appointed within the jurisdictional district or if there are any other unavoidable circumstances, an attendant may be appointed from among attorneys at law who belong to a bar association within the

jurisdictional district of other family court adjacent to the family court or from among other appropriate attorneys at law.

3 裁判長は、前項の規定にかかわらず、抗告審の審理のため特に必要があると認めるときは、原裁判所が付した付添人であつた弁護士を付添人に選任することができる。

(3) Notwithstanding the provisions of the preceding paragraph, if the presiding judge finds it to be particularly necessary for proceedings in the second instance, the presiding judge may appoint an attorney at law who served as an attendant appointed by the court of prior instance as such.

4 第三十条の三第四項の規定は、前二項の規定により裁判長が付添人を選任した場合について準用する。

(4) The provisions of Article 30-3, paragraph (4) apply mutatis mutandis to a case in which the presiding judge appoints an attendant pursuant to the provisions of the preceding two paragraphs.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第四十六条の五 前条に定めるもののほか、抗告審の審理については、その性質に反しない限り、家庭裁判所の審判に関する規定を準用する。

Article 46-5 Beyond what is provided for in the preceding Article, the provisions pertaining to the hearing and decision of the family court apply mutatis mutandis to proceedings in the second instance, unless contrary to the nature of the proceedings in the second instance.

(執行停止の決定をする裁判所・法第三十四条)

(Court Making a Decision for Suspension of Execution; Article 34 of the Act)

第四十七条 抗告中の事件について原決定の執行を停止する決定は、記録が抗告裁判所に到達する前は、原裁判所が、到達した後は、抗告裁判所がするものとする。

Article 47 The decision for suspending execution of a decision in prior instance with regard to a case for which an appeal has been filed is to be made by the court of prior instance before the case record arrives at the court in charge of appeals; and it is to be made by the court in charge of appeals after the case record arrives at the court in charge of appeals.

(検察官に対する決定の通知)

(Notification of Decision to the Public Prosecutor)

第四十八条 抗告裁判所は、法第二十二条の二第一項（第三十二条の六において準用する場合を含む。）の決定があつた事件について法第三十三条の決定をしたときは、その旨を検察官に通知しなければならない。

Article 48 If the court in charge of appeals makes the decision referred to in Article 33 of the Act with regard to a case for which the decision referred to in Article 22-2, paragraph (1) of the Act (including a case as applied mutatis

mutandis pursuant to Article 32-6 of the Act) has been made, the court in charge of appeals must notify the public prosecutor of that fact.

第四十九条及び第五十条 削除

Articles 49 and 50 Deletion

(決定の効力等)

(Effectiveness of the Decision)

第五十一条 抗告裁判所は、原決定を取り消す決定が確定した場合において、少年が児童自立支援施設、児童養護施設又は少年院にいるときは、直ちにこれらの施設の長に対し、事件の差戻し又は移送を受けた家庭裁判所にその少年を送致すべきことを命じなければならない。

Article 51 (1) If a juvenile is in a children's self-reliance support facility, a foster home, or a juvenile training school in a case in which a decision to revoke a decision in prior instance becomes final and binding, the court in charge of appeals must immediately order the director of the facility to refer the juvenile to the family court to which the case has been remanded or transferred.

2 前項の場合には、施設の長は、直ちに所属の職員をして事件の差戻し又は移送を受けた家庭裁判所に少年を送致させなければならない。

(2) In the case referred to in the preceding paragraph, the director of the facility must immediately have a staff member belonging to the facility refer the juvenile to the family court to which the case has been remanded or transferred.

(差戻し又は移送後の審判)

(Hearing and decision After a Remand or Transfer)

第五十二条 抗告裁判所から差戻し又は移送を受けた事件については、更に審判をしなければならない。

Article 52 (1) The case remanded or transferred by the court in charge of appeals must be further tried and decided.

2 前項の場合には、原決定に関与した裁判官は、審判に関与することができない。

(2) In the case referred to in the preceding paragraph, the judge who participated in the decision in prior instance may not participate in the hearing and decision.

第五十三条 削除

Article 53 Deletion

(準用規定)

(Provisions Applied Mutatis Mutandis)

第五十四条 法第三十五条第一項本文の抗告については、第四十三条から第四十六条の

二まで、第四十六条の四から第四十八条まで、第五十一条及び第五十二条の規定を準用する。この場合において、第四十六条の二中「検察官関与決定をした事件についてした保護処分の決定」とあるのは「法第二十二條の二第一項（第三十二條の六において準用する場合を含む。）の決定があつた事件についてした法第三十三條の決定」と、第四十八条中「第三十二條の六」とあるのは「第三十二條の六（第三十五條第二項前段において準用する場合を含む。）」と、「第三十三條」とあるのは「第三十五條第二項前段において準用する第三十三條」と読み替えるものとする。

Article 54 The provisions of Articles 43 through 46-2, Articles 46-4 through 48, and Articles 51 and 52 apply mutatis mutandis to the appeal referred to in the main clause of Article 35, paragraph (1) of the Act. In this case, the phrase "a decision for protective measures that are made for a case in which a decision requiring participation of the public prosecutor has been made" in Article 46-2 is replaced by "the decision referred to in Article 33 of the Act for a case in which the decision referred to in Article 22-2, paragraph (1) of the Act (including a case as applied mutatis mutandis pursuant to Article 32-6 of the Act) has been made"; the phrase "Article 32-6 of the Act" in Article 48 is replaced by "Article 32-6 of the Act (including a case as applied pursuant to the first sentence of Article 35, paragraph (2) of the Act)"; and the phrase "Article 33 of the Act" in Article 48 is replaced by "Article 33 of the Act as applied mutatis mutandis pursuant to the first sentence of Article 35, paragraph (2) of the Act".

第五章 雜則

Chapter V Miscellaneous Provisions

第五十五条 削除

Article 55 Deletion

（連戻状の請求等）

（Request for the Order to Retrieve）

第五十六条 少年院法第八十九条第三項（同法第九十条第六項及び第百三十三條第三項において準用する場合を含む。）の規定による連戻状の請求は、書面でしなければならない。

Article 56 (1) The request for an order to retrieve under Article 89, paragraph (3) of the Juvenile Training School Act (including a case as applied mutatis mutandis pursuant to Article 90, paragraph (6) of the same Act and Article 133, paragraph (3) of the same Act) must be made in writing.

2 連戻状の請求書には、次に掲げる事項を記載しなければならない。

(2) The following information must be included in the written request for an order to retrieve.

一 本人の氏名、年齢及び住居又は現在地。住居及び現在地が明らかでないときは、

その旨

(i) name, age, and residence or current location of the juvenile concerned. If the residence or current location of the juvenile is unknown, that fact;

二 本人を少年院に収容しておくことができる期間の最終日

(ii) the last date of the period during which the juvenile concerned may be committed to a juvenile training school;

三 連れ戻すべき事由

(iii) grounds for retrieving the juvenile;

四 連れ戻すべき少年院その他の場所

(iv) the juvenile training school or any other place to which the juvenile is to be retrieved to;

五 請求者の官職氏名

(v) the government position and name of the person who makes the request;

六 三十日を超える有効期間を必要とするときは、その旨及び事由

(vi) if a validity exceeding thirty days is necessary, that fact and the grounds for such;

七 連戻状を数通必要とするときは、その旨及び事由

(vii) if two or more retrieval orders are necessary, that fact and the grounds for such; and

八 同一事由により本人に対し前に連戻状の請求又はその発付があつたときは、その旨

(viii) if a request for an order to retrieve or issuance of an order to retrieve was made in the past for the juvenile concerned based on the same grounds, that fact.

3 連戻状の請求書には、謄本一通を添付しなければならない。

(3) The written request for an order to retrieve must accompany its copy.

4 連戻状を請求するには、連れ戻すべき事由があることを認めるべき資料を提供しなければならない。

(4) In order to request an order to retrieve, materials establishing the grounds for bringing back the juvenile must be provided.

5 連戻状の請求を受けた裁判官は、必要があると認めるときは、連戻状の請求をした少年院の長又はその少年院の職員の出頭を求めてその陳述を聴き、又はこれらの者に対し書類その他の物の提示を求めることができる。

(5) If the judge who receives a request for an order to retrieve finds it to be necessary, the judge may request the director of the juvenile training school or staff member of the juvenile training school who has made the request for an order to retrieve to appear at the court and hear their statements or request them to submit documents or any other articles.

(連戻状の記載要件等)

(Descriptive Requirements of an Order to Retrieve)

第五十七条 連戻状には、次に掲げる事項を記載し、裁判官が、記名押印する。

Article 57 (1) The order to retrieve is to include the information listed in the following items; and a judge is to affix the judge's seal next to the judge's name.

一 本人の氏名、年齢及び住居又は現在地。住居及び現在地が明らかでないときは、その旨

(i) name, age, and residence or current location of the juvenile concerned. If the residence or the current location of the juvenile is unknown, that fact;

二 本人を少年院に収容しておくことができる期間の最終日

(ii) the last date of the period during which the juvenile concerned may be committed to the juvenile training school;

三 連れ戻すべき事由

(iii) grounds for retrieving the juvenile;

四 連れ戻すべき少年院その他の場所

(iv) the juvenile training school or any other place to which the juvenile is to be retrieved to;

五 請求者の官職氏名

(v) the government position and name of the person who makes the request;

六 有効期間

(vi) the validity;

七 有効期間経過後は、連戻しに着手することができず、連戻状は返還しなければならない旨

(vii) a statement to the effect that, after the validity passes, the juvenile may not be retrieved and that the order to retrieve must be returned; and

八 発付の年月日

(viii) the date when the order to retrieve is issued.

2 連戻状の有効期間は、発付の日から三十日とする。但し、連戻状の請求を受けた裁判官は、相当と認めるときは、三十日を超える期間を定めることができる。

(2) The validity of an order to retrieve is to be thirty days from the date when the order to retrieve is issued; provided, however, that if the judge who receives the request of the order to retrieve finds it to be appropriate, a validity exceeding thirty days may be specified.

3 連戻状は、連戻状の請求書の謄本及びその記載を利用して作ることができる。

(3) The order to retrieve may be prepared by the use of a copy of a written request for the order to retrieve and the contents of the request.

4 連戻状は、請求により、数通を発することができる。

(4) Two or more orders to retrieve may be issued upon request.

5 連戻状による連戻しについては、第十八条第一項から第三項までの規定を準用する。

(5) The provisions from Article 18, paragraphs (1) through (3) apply mutatis mutandis to the retrieving of a juvenile by using the order to retrieve.

6 裁判官が連戻状の請求を却下するには、請求書の謄本にその旨を記載し、記名押印してこれを請求者に交付すれば足りる。

(6) In order for a judge to reject a request for an order to retrieve, it is to suffice that the judge include that fact in a copy of the written request, affix the judge's seal next to the judge's name, and deliver it to the person who made the request.

(準用規定)

(Provisions Applied Mutatis Mutandis)

第五十八条 少年鑑別所法（平成二十六年法律第五十九号）第七十八条第三項（同法第七十九条第六項において準用する場合を含む。）の規定による連戻状の請求及びその請求による連戻状については、前二条の規定を準用する。

Article 58 The preceding two paragraphs apply mutatis mutandis to a request for an order to retrieve and an order issued at the request under Article 78, paragraph (3) of the Juvenile Classification Home Act (Act No. 59 of 2014)(including the case as applied mutatis mutandis pursuant to Article 79, paragraph (6) of the same Act).