

Act on the Law Governing Duty to Support

(Act No. 84 of June 12, 1986)

(Purpose)

Article 1 This Act provides the particulars necessary for the law governing the duty to support based on the relationship between a husband and wife, parents and their child(ren), and other kinships (hereinafter referred to as "duty to support").

(Governing Law)

Article 2 (1) The duty to support is governed by the law of the habitual residence of the support obligee; provided, however, that if the support obligee is unable, under the law of their habitual residence, to receive support from the support obligor, it is governed by their common national law.

(2) If the support obligee is unable, under the law which is applicable pursuant to the provisions of the preceding paragraph, to receive support from the support obligor, the duty to support is governed by Japanese law.

(Special Provisions for the Law Governing Duty to Support between Collateral Relatives and between Relatives by Marriage)

Article 3 (1) Notwithstanding the provisions of the preceding Article, a duty to support between collateral relatives or between relatives by marriage is governed by the law of their common national law if the support obligor states an objection on the grounds that they do not have a duty to support the support obligee under their common national law. The same applies where the support obligor do not have their common national law and the support obligor states an objection on the grounds that they do not have a duty to support the support obligee under the law of the habitual residence of support obligor.

(2) The provisions of the preceding paragraph do not apply to cases where the Convention on the Law Applicable to Maintenance Obligations Towards Children (Treaty No. 8 of 1977) is applicable.

(Special Provisions for the Law Governing Parents' Obligation to Support between Divorced Parents)

Article 4 (1) Notwithstanding the provisions of Article 2, the obligation to support their children between divorced parents is governed by the law which is applicable to their divorce.

(2) The provisions of the preceding paragraph apply mutatis mutandis to the obligation to support their children between a husband and wife who are

legally separated or between the parents whose marriage is declared void or revoked.

(Law Governing the Public Bodies' Right to Receive Reimbursement of Costs)

Article 5 The right of a public body to receive reimbursement of the costs from the support obligor, which were paid to the support obligee by the public body, is governed by the law which the body follows.

(Coverage of the Law Governing Duty to Support)

Article 6 The coverage of persons who may exercise the right of a support obligee to receive support and the period during which the right may be exercised, as well as the scope of the obligation of the support obligor set forth in the preceding Article, is governed by the Law Governing Duty to Support.

(Law of Habitual Residence and Relevant National Law)

Article 7 Where a party has habitual residence in a country where the applicable law differs depending on the region or personal attribute, or where a party has nationality of the relevant country, with regard to the application of the provisions of Article 2, paragraph (1) and Article 3, paragraph (1), the law designated in accordance with the regulations of that country, or in the absence of such rules, the law most closely related to the party, is the law of their habitual residence or their national law.

(Public Order)

Article 8 (1) Where foreign law governs, if the application of the provisions of the foreign law is obviously contrary to public order, it does not apply.

(2) Even in the case where it is otherwise provided for in the applicable foreign law, the amount of financial support is determined by taking into consideration the needs of the support obligee and the financial resources of the support obligor.