

Rules of Personal Status Litigation

(Rules of the Supreme Court No. 24 of November 12, 2003)

Table of Contents

Chapter I General Provisions

Section 1 General Rules (Article 1)

Section 2 Court

Subsection 1 Jurisdiction (Articles 2 to 5)

Subsection 2 Counselors (Article 6 to 8)

Section 3 Parties (Articles 9 and 10)

Section 4 Litigation Proceedings (Articles 11 to 15)

Section 5 Auxiliary Provisions (Articles 16 to 18)

Chapter II Special Provisions for Marital Relationship Litigation

Section 1 Ancillary Dispositions (Articles 19 to 29)

Section 2 Settlement, and Waiver and Acknowledgement of Claims (Articles 30 and 31)

Section 3 Assurance of Performance (Article 32)

Chapter III Special Provisions for Litigation on Biological Parent-Child Relationship (Article 33)

Chapter IV Special Provisions for Litigation on Adopted Children (Articles 34 and 35)

Supplementary Provisions

Chapter I General Provisions

Section 1 General Rules

(Purport)

Article 1 These Rules are to provide special provisions, etc. under the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) with regard to the procedures for litigation on personal status.

Section 2 Court

Subsection 1 Jurisdiction

(Designation of the Place Referred to in Article 4, paragraph (2) of the Act; Article 4 of the Act)

Article 2 The place specified by the Rules of the Supreme Court referred to in paragraph (2) of Article 4 (Jurisdiction over an Action Concerning Personal Status) of the Personal Status Litigation Act (Act No. 109 of 2003; hereinafter

referred to as the "Act") is Chiyoda Ward, Tokyo.

(Method of Filing Petition for Disposition by the Family Court; Article 6 of the Act)

- Article 3 (1) The petition referred to in Article 6 (Disposition by the Family Court before which the Conciliation Case was Pending) of the Act must be filed in writing, except when the petition is filed on an appearance date.
- (2) When filing the petition referred to in the preceding paragraph, the reasons for the petition must be specified.

(Treatment by Family Court upon Implementing Disposition by The Family Court; Article 6 of the Act)

- Article 4 (1) When the petition referred to in Article 6 (Disposition by the Family Court before which the Conciliation Case was Pending) of the Act is filed, the court is to issue an order after hearing the opinion of the other party.
- (2) When a family court issues an order under the provisions of Article 6 of the Act ex officio, it must hear the opinions of the parties.

(Treatment in Discretionary Transfer; Article 7 of the Act)

- Article 5 (1) When the petition referred to in Article 7 (Transfer Cases to Avoid Delay) or paragraph (1) of Article 8 (Transfer of Cases on Related Claims) of the Act is filed, the court is to issue an order after hearing the opinion of the other party.
- (2) When a family court issues an order to transfer a case to another court under the provisions of Article 7 of the Act ex officio, it may hear the opinions of the parties.

Subsection 2 Counselors

(Designation of Counselor; Article 9 of the Act)

- Article 6 When a family court designates a counselor for a case on personal status, the court must pay due regard to designate a person who is not involved as a domestic relations conciliation commissioner in a conciliation case filed pursuant to the provisions of paragraph (1) of Article 257 (Conciliation before Filing a Lawsuit) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011) with regard to the case on personal status.

(Disqualification and Recusal of Counselors; Article 10 of the Act)

- Article 7 The provisions of Articles 10 through 12 (Method of Filing Petition for Disqualification or Recusal of a Counselor, etc.; Statement of Opinions Given by Judge with Regard to Disqualification or Recusal of a Counselor; and

Recusal of a Judge) of the Rules of Civil Procedure apply mutatis mutandis to a counselor.

(Questions Asked by Counselors)

Article 8 The presiding judge may allow a counselor to directly ask questions to a witness, a party, or an expert witness if the judge finds it necessary.

Section 3 Parties

(Notice of Judicial Decision on Appointment of Counsel; Article 13 of the Act)

Article 9 Notice of a judicial decision on the appointment of a counsel under the provisions of paragraph (2) of Article 13 (capacity to sue or be sued in a personal status case, etc.) of the Act must also be given to the counsel. The same applies to a judicial decision on the appointment of a counsel under the provisions of paragraph (3) of that Article.

(Notice of Court Decision on Interested Person's Intervention in a Suit; Article 15 of the Act)

Article 10 The court decision referred to in paragraph (1) of Article 15 (interested person's intervention) of the Act or the order to revoke the order under the provisions of paragraph (5) of that Article must be given to both parties of the relevant personal status case.

Section 4 Litigation Proceedings

(Particulars to be Included in a Complaint)

Article 11 When filing a lawsuit for personal status, if personal status case is already pending to claim the formation or declaration of the existence or nonexistence of a family relationship which is the same as the subject matter of the personal status case pertaining to the action, the complaint must indicate the name of the court before which the personal status case regarding the claim is already pending and the name of the case pertaining to the personal status case, in addition to the particulars provided in paragraphs (1) and (4) of Article 53 (Particulars to be Included in a Complaint) of the Rules of Civil Procedure.

(Particulars to be Included in a Complaint When Filing a Related Claim; Article 17 of the Act)

Article 12 When filing an action to make a claim for compensation for damages caused by the facts pertaining to a personal status suit with a family court pursuant to the provisions of paragraph (2) of Article 17 (consolidation of

related claims, etc.) of the Act, the complaint must contain a statement that the personal status case is already pending before the relevant family court and must indicate the name of the case pertaining to the personal status case, in addition to the particulars provided in paragraphs (1) and (4) of Article 53 (Particulars to be Included in a Complaint) of the Rules of Civil Procedure.

(Documents to be Attached to a Complaint)

Article 13 A complaint of personal status case must be accompanied by a transcript of the family register of each party to the family relationship pertaining to the action along with transcripts of other family registers and other documents, which are necessary for clarifying the existence or nonexistence of any interested person specified in paragraph (1) of Article 15 (interested person's intervention) of the Act, and the name and domicile or residence of a interested person if there is any.

(Waiver or Acknowledgment of Claim on the Date for Scheduling Conference; Article 19 of the Act)

Article 14 The provisions of paragraph (2) of Article 95 (Date for Scheduling Conference) of the Rules of Civil Procedure (limited to the part pertaining to a waiver or acknowledgment of a claim) do not apply to the subject matter of the personal status case.

(Relevant Person to be Physically Retained and Escorted; Article 21 of the Act)

Article 15 If a person who is ordered to appear in court on the date for the examination of the person pursuant to the provisions of paragraph (1) of Article 21 (Order to Appear in Court Issued to the Relevant Person) of the Act fails to appear without legitimate grounds, notwithstanding the provisions of the proviso to Article 127 (application mutatis mutandis of provisions concerning examination of witness) of the Rules, the provisions of Article 111 (Retention and Escort) of the Rules of Civil Procedure apply mutatis mutandis to the retention and escort of the relevant party.

Section 5 Auxiliary Provisions

(Notice of Pending Proceedings Issued to Interested Persons; Article 28 of the Act)

Article 16 The notice under the provisions of Article 28 (Notice of Pending Proceedings Issued to Interested Persons) of the Act is to be given to the persons specified in the right column of the appended table according to the categories of actions set forth in the middle column of that table, whose name and domicile or residence are indicated in the case record.

(Notice of Final Judgment Issued to Administrator of Family Register Books)
Article 17 When a judgment on personal status case becomes final and binding regarding any particular that requires a notice or correction relating to a family register, a court clerk must give notice of this without delay to the person who administers the family register books in the place of the registered domicile of the person related to the family relationship pertaining to the personal status case.

(Application of the Rules of Civil Procedure; Article 29 of the Act)
Article 18 With regard to the application of the provisions of the Rules of Civil Procedure to the procedures for personal status cases, the term a "district court" in Article 104 (Notice of Entrusted Examination of Evidence with a Third Party) of those Rules is deemed to be replaced with a "family court."

Chapter II Special Provisions for Marital Relationship Litigation

Section 1 Ancillary Disposition

(Method of Filing Petition for Ancillary Disposition; Article 32 of the Act)
Article 19 (1) The petition referred to in paragraph (1) of Article 32 (Judicial Decision on Ancillary Dispositions) of the Act must be filed in writing.
(2) The document referred to in the preceding paragraph must contain the purport and reasons for filing a petition, which must be accompanied by a copy of any documentary evidence which is important.
(3) When filing a petition for a disposition regarding the division ratio of the standard rewards, etc. the document referred to in paragraph (1) must be accompanied by the documents specified in the following items according to the categories of dispositions set forth in the respective items:
(i) a disposition under the provisions of Article 78-2, paragraph (2) of the Employees' Pension Insurance Act (Act No. 115 of 1954): a document which contains the information referred to in Article 78-4, paragraph (1) of that Act, which has been provided pursuant to the provisions of that paragraph;
(ii) a disposition under the provisions of Article 93-5, paragraph (2) of the National Public Officers Mutual Aid Association Act (Act No. 128 of 1958): a document which contains the information referred to in Article 93-7, paragraph (1) of that Act, which has been provided pursuant to the provisions of that paragraph;
(iii) a disposition under the provisions of Article 105, paragraph (2) of the Local Public Officers Mutual Aid Association Act (Act No. 152 of 1962): a document which contains the information referred to in Article 107, paragraph (1) of that Act, which has been provided pursuant to the provisions of that

- paragraph; and
- (iv) a disposition under the provisions of Article 93-5, paragraph (2) of the National Public Officers Mutual Aid Association Act as applied mutatis mutandis pursuant to Article 25 of the Private School Personnel Mutual Aid Association Act (Act No. 245 of 1953): a document which contains the information referred to in Article 93-7, paragraph (1) of the National Public Officers Mutual Aid Association Act as applied mutatis mutandis pursuant to Article 25 of the Private School Personnel Mutual Aid Association Act, which has been provided pursuant to the provisions of Article 93-7, paragraph (1) of the National Public Officers Mutual Aid Association Act as applied mutatis mutandis pursuant to Article 25 of the Private School Personnel Mutual Aid Association Act.
- (4) The document referred to in paragraph (1) must be served to the other party.

(Examination of Facts; Article 33 of the Act)

- Article 20 (1) In a lawsuit filed for a divorce or the annulment of marriage, if an examination of facts is obviously required in consideration of the course of the proceedings, results of examination of evidence and other circumstances, efforts must be made in conducting the examination of facts by making use of expert knowledge in medicine, psychology, sociology, economics and other fields.
- (2) In the case referred to in the preceding paragraph, when a court has a family court investigation officer conduct an examination of facts by making use of the expert knowledge referred to in that paragraph, the court is to specify the matters for which the examination of facts is required.

(Entrusted Examination in Conducting Examination of Facts; Article 33 of the Act)

- Article 21 (1) In conducting an examination of facts, a court may entrust the necessary examination with a government agency, public office or any other person deemed appropriate or may request a bank, trust company, the employer of a person concerned, or any other person to make the necessary report regarding the deposits, trust property, income or other matters of the person concerned.
- (2) The procedures for entrustment to be followed by a court referred to in the preceding paragraph are carried out by a court clerk.

(Notice of Hearing Date; Article 33 of the Act)

- Article 22 The hearing date referred to in paragraph (4) of Article 33 (Examination of Facts) of the Act must be informed to the parties; provided, however, that this does not apply if it is found that the notice is likely to hinder the examination of facts.

(Keeping Records of Outline of Examination of Facts; Article 33, etc. of the Act)
Article 23 The outline of the examination of facts must be specifically recorded by a court clerk.

(Notice of Examination of Facts; Article 33, etc. of the Act)
Article 24 When a court conducts an examination of facts, the court must give notice of the examination to the parties, except when the court finds it not to be particularly necessary to do so.

(Disqualification and Recusal of Family Court Investigation Officer; Article 34-2 of the Act)
Article 24-2 The provisions of Articles 10 through 12 (Method of Filing Petition for Disqualification or Recusal, etc. of a Family Court Investigation Officer; Statement of Opinions Given by Judge with Regard to Disqualification or a Recusal of Family Court Investigation Officer; and Recusal of a Judge) of the Rules of Civil Procedure apply mutatis mutandis to a family court investigation officer.

(Permission for Inspection, etc. of the Portion of Examination of Facts; Article 35 of the Act)
Article 25 An order to permit the inspection, etc. of the portion of the examination of facts pursuant to the provisions of paragraph (2) or paragraph (3) of Article 35 (Inspection, etc. of the Portion of the Examination of the Facts) of the Act must specify the part of the portion of the examination of facts to be made available for inspection.

(Particulars to be Provided in Petition for Immediate Appeal Referred to in Article 35, paragraph (4) or paragraph (6) of the Act; Article 35 of the Act)
Article 26 (1) When filing the immediate appeal referred to in paragraph (4) or paragraph (6) of Article 35 (Inspection, etc. of the Portion of the Examination of the Facts) of the Act, the written petition for appeal must contain the specific grounds for seeking revocation or modification of the judicial decision in prior instance.
(2) The provisions of Article 207 (Document Stating the Grounds for Revocation of Judicial Decision of Prior Instance, etc.) of the Rules of Civil Procedure do not apply to the immediate appeal referred to in Article 35, paragraph (4) or paragraph (6) of the Act.

(Sending of Records of Immediate Appeals Referred to in Article 35, paragraph (4) of the Act; Article 35 of the Act)

Article 27 (1) When the immediate appeal referred to in paragraph (4) of Article 35 (Inspection, etc. of the Portion of the Examination of the Facts) of the Act is filed, if the court of prior instance finds it not necessary to send the record of the personal status case, it is sufficient enough for a court clerk of the court of prior instance to send the record of the appeal case to a court clerk of the court in charge of the appeal, notwithstanding the provisions of Article 174 (Sending of Records due to Filing of Appeal to the Court of Second Instance) of the Rules of Civil Procedure as applied mutatis mutandis pursuant to Article 205 (Application Mutatis Mutandis of Provisions Concerning Appeal to the Court of Second Instance or Final Appeal) of those Rules.

(2) When the record of the appeal case is sent to a court in charge of an appeal pursuant to the provisions of the preceding paragraph, if the court in charge of the appeal finds it necessary to obtain the record of the personal status case referred to in that paragraph, a court clerk of the court in charge of the appeal must promptly request a court clerk of the court of prior instance to send the record.

(Forwarding of Record pertaining to Immediate Appeal Referred to in Article 35, paragraph (6) of the Act; Article 35 of the Act)

Article 28 (1) When the immediate appeal referred to in paragraph (6) of Article 35 (Inspection, etc. of the Portion of the Examination of the Facts) of the Act is filed, a court clerk of the court of prior instance is to send only the record of the appeal case to a court clerk of an court in charge of an appeal, notwithstanding the provisions of the preceding Article (Sending of Record of Immediate Appeal Referred to in Article 35, paragraph (4) of the Act).

(2) In the case referred to in the preceding paragraph, the record referred to in that paragraph must be accompanied by a document stating the opinion of the court of prior instance regarding the appeal case and materials that serve as a reference in the proceedings of the appeal case.

(Documents to be Submitted in Cases of Marriage Terminated by Divorce by Agreement; Article 36 of the Act)

Article 29 (1) When the parties to a marriage who have filed annulment of their marriage or divorce get divorced by agreement while the action is pending, if a petition for an ancillary disposition has already been filed and that petition has not been withdrawn, a person intending to withdraw the action must submit a transcript of the family register proving the divorce by agreement of the parties to the marriage pertaining to the action and other document to the court in charge of the case together with a written document of withdrawal of the action.

(2) In the case referred to in the preceding paragraph, the court in charge of the

case must hear from both parties as to whether the particulars of the ancillary disposition referred to in that paragraph are prescribed when they get divorced by agreement.

Section 2 Settlement, and Waiver and Acknowledgement of Claim

(Waiver or Acknowledgment of Claim on a Date for Scheduling Conference;
Article 37 of the Act)

Article 30 Notwithstanding the provisions of Article 14 (Waiver or Acknowledgment of Claim on a Date for Scheduling Conference), the provisions of paragraph (2) of Article 95 (Date for Scheduling Conference) of the Rules of Civil Procedure apply to a waiver or acknowledgment of a claim pertaining to an action for a divorce; provided, however, that the provisions of paragraph (2) of Article 95 of those Rules apply to an acknowledgment of a claim, only in the case provided in the proviso to paragraph (1) of Article 37 (Settlement, Waiver or Acknowledgement of Claim) of the Act.

(Notice of Settlement and Acknowledgement of Claim Issued to Administrators of Family Register Books; Article 37 of the Act)

Article 31 The provisions of Article 17 (Notice of Final Judgment Issued to Administrator of Family Register Books) apply mutatis mutandis to cases where a settlement of an action for a divorce (limited to a settlement by which a divorce is granted) or an acknowledgment of a claim for divorce is stated in the record.

Section 3 Assurance of Performance of Obligations

(Procedure for Assurance of Performance; Article 39 of the Act)

Article 32 When a family court issues an order to perform an obligation pursuant to the provisions of paragraph (1) of Article 39 (Order to Perform Obligatory Obligations) of the Act (including as applied mutatis mutandis pursuant to paragraph (3) of that Article), the family court must concurrently notify the obligor of the legal sanction for the violation of the order.

Chapter III Special Provisions for Litigation on Biological Parent-Child Relationship

(Documents to be Attached to a Written Petition for Resumption of Litigation Proceedings; Article 41, etc. of the Act)

Article 33 When filing a petition for resumption of litigation proceedings pursuant to the provisions of paragraph (2) of Article 41 (Parties to an Action

for Denial of Legitimacy of Child, etc.) or paragraph (3) of Article 42 (Parties to an Action for Legitimacy of Child, etc.) of the Act, the written petition must be accompanied by a transcript of the family register and other documents necessary to prove that a person who resumes the litigation proceedings is a person who is eligible to resume the litigation proceedings pursuant to the provisions of Article 41, paragraph (2) or Article 42, paragraph (3) of the Act.

Chapter IV Special Provisions for Litigation on Adopted Children

(Waiver or Acknowledgment of Claim on a Date for Scheduling Conference;
Article 44 of the Act)

Article 34 The provisions of the main clause of Article 30 (Waiver or Acknowledgment of Claim on a Date for Scheduling Conference) apply mutatis mutandis to a waiver or acknowledgment of a claim in litigation on an action for dissolution of an adoptive relationship.

(Notice of Settlement and Acknowledgement of Claims Issued to
Administrators of Family Register Books; Article 44 of the Act)

Article 35 The provisions of Article 17 (Notice of Final Judgment Issued to Administrators of Family Register Books) apply mutatis mutandis to cases where a settlement of an action for a dissolution of an adoptive relationship (limited to a settlement by which the adoptive relationship is dissolved) or an acknowledgment of a claim made in the litigation is stated in the record.

Appended Table (Re: Article 16)

Row	Left hand column	Right hand column
1	Action for invalidity of a marriage	A person who would be treated as a legitimate child due to the annulment of the marriage or heirs per stirpes if the action is filed after both the husband and the wife or either of them have died; provided, however, that this applies only when the deceased husband or wife has a legitimate child or heirs per stirpes

2	Action for invalidity of a divorce by agreement	An heir of the deceased husband or the wife when the action is filed after both the husband and the wife or either of them have died; provided, however, that this does not apply if the heir who has inherited assets from the deceased together with the spouse who is remarried to the husband or the wife of the deceased.
3	Action for annulment of a divorce by agreement	An heir of the deceased husband or the wife when the action is filed after either the husband or wife has died; provided, however, that this does not apply if the heir has inherited assets from the deceased together with the spouse who is remarried to the husband or the wife of the deceased.
4	Action for a declaratory judgment on the existence of a real marital relationship	The person specified in row 2
5	Action for a declaratory judgment on the nonexistence of a real marital relationship	A person who would be treated as a legitimate child due to the nonexistence of the marital relationship or heirs per stirpes when the action is filed after both the husband and wife or either of them has died; provided, however, that this applies only when the deceased husband or wife has a legitimate child or heirs per stirpes
6	Action for legitimacy of a child	An heir of the deceased father when the action is filed after the father has died (excluding the wife of the deceased father who has inherited assets from the deceased together with the child or heirs per stirpes)
7	Action for denial of paternity	Heirs per stirpes of the deceased child who is or will be an heir of the person who acknowledged the deceased child when the action is filed after the child has died
8	Action for denial of an acknowledgement of paternity	The person specified in row 7

9	Action for a determination of paternity	An heir of the deceased spouse or previous spouse when the action is filed after the spouse or previous spouse has died (excluding the wife of the deceased spouse or previous spouse who has inherited assets from the deceased together with the child or heirs per stirpes)
10	Action for a declaratory judgment on the existence of a biological parent-child relationship	An heir of the deceased child when the action is filed after the child has died (excluding a lineal descendant of the child, and the spouse of the child who has inherited assets from the deceased together with a lineal descendant or lineal ascendant), or an heir of the deceased mother or father when the action is filed after the mother or father has died (excluding the spouse of the deceased mother or father who has inherited assets from the deceased together with a lineal descendant)
11	Action for a declaratory judgment on the nonexistence of a biological parent-child relationship	Heirs per stirpes of the deceased child who is or will be an heir of the mother or the father, when the action is filed after the child has died
12	Action for invalidity of an adoptive relationship	Heirs per stirpes of the deceased adopted child who is or will be an heir of the adoptive parent when the action is filed after the adopted child has died
13	Action for invalidity of an adoptive relationship	Heirs per stirpes of the deceased adopted child, who will be an heir of the adoptive parent, when the action is filed after the adopted child has died

14	Action for invalidity of dissolution of an adoptive relationship by agreement	An heir of the deceased adopted child when the action is filed after the child has died (excluding a lineal descendant of the adopted child, and the spouse of the adopted child who has inherited assets from the deceased together with a lineal descendant or lineal ascendant), or an heir of the deceased adoptive parent when the action is filed after the adoptive parent has died (excluding the spouse of the deceased adoptive parent who has inherited assets from the deceased together with a lineal descendant)
15	Action for revocation of dissolution of an adoptive relationship by agreement	The person specified in row 14
16	Action for a declaratory judgment on the existence of relationship between an adoptive parent and an adopted child	The person specified in row 14
17	Action for a declaratory judgment on the nonexistence of relationship between an adoptive parent and an adopted child	The person specified in row 12