

人事訴訟規則

Rules of Personal Status Litigation

(平成十五年十一月十二日最高裁判所規則第二十四号)
(Rules of the Supreme Court No. 24 of November 12, 2003)

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第一章 総則

Chapter I General Provisions

第一節 通則

Section 1 General Rules

(趣旨)

(Purport)

第一条 この規則は、人事訴訟に関する手続について、民事訴訟規則（平成八年最高裁判所規則第五号）の特例等を定めるものとする。

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.

第二節 裁判所

Section 2 Court

第一款 管轄

Subsection 1 Jurisdiction

(法第四条第二項の地の指定・法第四条)

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

第二条 人事訴訟法（平成十五年法律第百九号。以下「法」という。）第四条（人事に関する訴えの管轄）第二項の最高裁判所規則で定める地は、東京都千代田区とする。

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.

(自庁処理の申立ての方式・法第六条)

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

第三条 法第六条（調停事件が係属していた家庭裁判所の自庁処理）の申立ては、期日においてする場合を除き、書面でしなければならない。

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 前項の申立てををするときは、申立ての理由を明らかにしなければならない。

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

(自庁処理における取扱い・法第六条)

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

第四条 法第六条（調停事件が係属していた家庭裁判所の自庁処理）の申立てがあったときは、家庭裁判所は、相手方の意見を聴いて決定をするものとする。

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 家庭裁判所は、職権により法第六条の規定による決定をするときは、当事者の意見を聴かなければならない。

(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.

(裁量移送における取扱い・法第七条等)

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

第五条 法第七条（遅滞を避ける等のための移送）又は第八条（関連請求に係る訴訟の移送）第一項の申立てがあったときは、裁判所は、相手方の意見を聴いて決定をするものとする。

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 家庭裁判所は、職権により法第七条の規定による移送の決定をするときは、当事者の意見を聴くことができる。

(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.

第二款 参与員

Subsection 2 Counselors

(参与員の指定・法第九条)

(Designation of Counselor; Article 9 of the Act)

第六条 家庭裁判所は、人事訴訟に係る事件について参与員を指定するに当たっては、当該事件について家事事件手続法（平成二十三年法律第五十二号）第二百五十七条（調停前置主義）第一項の規定により申し立てられた調停に係る事件に家事調停委員として関与していない者を指定するように意を用いなければならない。

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.

(参与員の除斥、忌避及び回避・法第十条)

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

第七条 民事訴訟規則第十条から第十二条まで（除斥又は忌避の申立ての方式等、除斥又は忌避についての裁判官の意見陳述及び裁判官の回避）の規定は、参与員について準用する。

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.

(参与員の発問)

(Questions Asked by Counselors)

第八条 裁判長は、必要があると認めるときは、参与員が証人、当事者本人又は鑑定人に対し直接に問いを発することを許すことができる。

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.

第三節 当事者

Section 3 Parties

(訴訟代理人の選任の裁判の告知・法第十三条)

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

第九条 法第十三条（人事訴訟における訴訟能力等）第二項の規定による訴訟代理人の選任の裁判は、当該訴訟代理人にも告知しなければならない。同条第三項の規定による訴訟代理人の選任の裁判についても、同様とする。

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.

(利害関係人の訴訟参加の決定等の通知・法第十五条)

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

第十条 法第十五条（利害関係人の訴訟参加）第一項の決定又は同条第五項の規定によるその取消しの決定は、当該人事訴訟の当事者双方に通知しなければならない。

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.

第四節 訴訟手続

Section 4 Litigation Proceedings

(訴状の記載事項)

(Particulars to be Included in a Complaint)

第十一条 人事に関する訴えを提起するに当たり、当該訴えに係る人事訴訟の目的と同一の身分関係の形成又は存否の確認を目的とする請求に係る人事訴訟が既に係属しているときは、訴状には、民事訴訟規則第五十三条（訴状の記載事項）第一項及び第四項に規定する事項のほか、当該人事訴訟が既に係属する裁判所及び当該人事訴訟に係る事件の表示を記載しなければならない。

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.

(関連請求の訴えの訴状の記載事項・法第十七条)

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

第十二条 法第十七条（関連請求の併合等）第二項の規定により人事訴訟に係る請求の原因である事実によって生じた損害の賠償に関する請求を目的とする訴えを家庭裁判所に提起するときは、訴状には、民事訴訟規則第五十三条（訴状の記載事項）第一項及び第四項に規定する事項のほか、当該人事訴訟が当該家庭裁判所に既に係属する旨及び当該人事訴訟に係る事件の表示を記載しなければならない。

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.

(訴状の添付書類)

(Documents to be Attached to a Complaint)

第十三条 人事に関する訴えの訴状には、当該訴えに係る身分関係の当事者の戸籍の謄本のほか、法第十五条（利害関係人の訴訟参加）第一項に規定する利害関係人の有無並びにその氏名及び住所又は居所を明らかにするために必要な他の戸籍の謄本その他の書類を添付しなければならない。

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.

(進行協議期日における請求の放棄及び認諾・法第十九条)

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

第十四条 人事訴訟における訴訟の目的については、民事訴訟規則第九十五条（進行協議期日）第二項（請求の放棄及び認諾に係る部分に限る。）の規定は、適用しない。

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.

(当事者本人の勾引・法第二十一条)

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

第十五条 法第二十一条（当事者本人の出頭命令等）第一項の規定により当事者本人の尋問の期日への出頭を命じられた当事者が正当な理由なく出頭しない場合には、民事訴訟規則第百十一条（勾引）の規定は、同規則第百二十七条（証人尋問の規定の準用）ただし書の規定にかかわらず、当該当事者の勾引について準用する。

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.

第五節 補則

Section 5 Auxiliary Provisions

(利害関係人に対する訴訟係属の通知・法第二十八条)

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

第十六条 法第二十八条（利害関係人に対する訴訟係属の通知）の規定による通知は、別表の上欄に掲げる訴えの区分に応じ、それぞれ同表の下欄に定める者で訴訟記録上氏名及び住所又は居所が判明しているものにするものとする。

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.

(戸籍事務管掌者に対する判決確定の通知)

(Notice of Final Judgment Issued to Administrator of Family Register Books)

第十七条 戸籍の届出又は訂正を必要とする事項について人事訴訟の判決が確定したときは、裁判所書記官は、遅滞なく、当該人事訴訟に係る身分関係の当事者の本籍地の戸籍事務を管掌する者に対し、その旨を通知しなければならない。

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.

(民事訴訟規則の適用関係・法第二十九条)

(Application of the Rules of Civil Procedure; Article 29 of the Act)

第十八条 人事訴訟に関する手続についての民事訴訟規則の規定の適用については、同規則第百四条（証拠調べの再囑託の通知）中「地方裁判所」とあるのは、「家庭裁判所」とする。

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."

第二章 婚姻関係訴訟の特例

Chapter II Special Provisions for Marital Relationship Litigation

第一節 附帯処分等

Section 1 Ancillary Disposition

(附帯処分の申立ての方式等・法第三十二条)

(Method of Filing Petition for Ancillary Disposition; Article 32 of the Act)

第十九条 法第三十二条（附帯処分についての裁判等）第一項の申立ては、書面で行わなければならない。

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 前項の書面には、申立ての趣旨及び理由を記載し、証拠となるべき文書の写しで重要なものを添付しなければならない。

(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 標準報酬等の按分割合に関する処分の申立てをする場合における第一項の書面には、次の各号に掲げる処分の区分に応じ、当該各号に定める文書を添付しなければならない。

(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:

一 厚生年金保険法（昭和二十九年法律第百十五号）第七十八条の二第二項の規定による処分 同法第七十八条の四第一項の情報の内容が記載された文書であって、同項の規定により提供されたもの

(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;

二 国家公務員共済組合法（昭和三十三年法律第百二十八号）第九十三条の五第二項の規定による処分 同法第九十三条の七第一項の情報の内容が記載された文書であって、同項の規定により提供されたもの

(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;

三 地方公務員等共済組合法（昭和三十七年法律第百五十二号）第百五条第二項の規定による処分 同法第百七条第一項の情報の内容が記載された文書であって、同項の規定により提供されたもの

(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

四 私立学校教職員共済法（昭和二十八年法律第二百四十五号）第二十五条において準用する国家公務員共済組合法第九十三条の五第二項の規定による処分 私立学校教職員共済法第二十五条において準用する国家公務員共済組合法第九十三条の七第一項の情報の内容が記載された文書であつて、私立学校教職員共済法第二十五条において準用する国家公務員共済組合法第九十三条の七第一項の規定により提供されたもの

(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 第一項の書面は、相手方に送達しなければならない。

(4) The document referred to in paragraph (1) must be served to the other party.

（事実の調査・法第三十三条等）

(Examination of Facts; Article 33 of the Act)

第二十条 婚姻の取消し又は離婚の訴えに係る訴訟において、事実の調査は、審理の経過、証拠調べの結果その他の事情を考慮して必要があると認められるときは、医学、心理学、社会学、経済学その他の専門的知識を活用して行うように努めなければならない。

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 裁判所は、前項の場合において、家庭裁判所調査官に同項の専門的知識を活用した事実の調査をさせるときは、その事実の調査を要する事項を特定するものとする。

(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.

（事実の調査における調査の嘱託等・法第三十三条）

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

第二十一条 事実の調査においては、裁判所は、必要な調査を官庁、公署その他適當であると認める者に囑託し、又は銀行、信託会社、関係人の雇主その他の者に対し関係人の預金、信託財産、収入その他の事項に関して必要な報告を求めることができる。

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 裁判所がする前項の囑託の手続は、裁判所書記官がする。

(2) The procedures for entrustment to be followed by a court referred to in the preceding paragraph are carried out by a court clerk.

(審問期日の通知・法第三十三条)

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

第二十二条 法第三十三条（事実の調査）第四項の審問期日は、当事者に通知しなければならない。ただし、その通知をすることにより事実の調査に支障を生ずるおそれがあると認められるときは、この限りでない。

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.

(事実の調査の要旨の記録化・法第三十三条等)

(Keeping Records of Outline of Examination of Facts; Article 33, etc. of the Act)

第二十三条 事実の調査については、裁判所書記官は、その要旨を記録上明らかにしておかなければならない。

Article 23 The outline of the examination of facts must be specifically recorded by a court clerk.

(事実の調査の通知・法第三十三条等)

(Notice of Examination of Facts; Article 33, etc. of the Act)

第二十四条 裁判所は、事実の調査をしたときは、特に必要がないと認める場合を除き、その旨を当事者に通知しなければならない。

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.

(家庭裁判所調査官の除斥及び回避・法第三十四条の二)

(Disqualification and Recusal of Family Court Investigation Officer; Article 34-2 of the Act)

第二十四条の二 民事訴訟規則第十条から第十二条まで（除斥又は忌避の申立ての方式等、除斥又は忌避についての裁判官の意見陳述及び裁判官の回避）の規定（忌避に関する部分を除く。）は、家庭裁判所調査官について準用する。

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.

（事実調査部分の閲覧等の許可・法第三十五条）

(Permission for Inspection, etc. of the Portion of Examination of Facts; Article 35 of the Act)

第二十五条 法第三十五条（事実調査部分の閲覧等）第二項又は第三項の規定により事実調査部分の閲覧等を許可する決定においては、当該事実調査部分中閲覧等を許可する部分を特定しなければならない。

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.

（法第三十五条第四項又は第六項の即時抗告に係る抗告状の記載事項等・法第三十五条）

(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)

第二十六条 法第三十五条（事実調査部分の閲覧等）第四項又は第六項の即時抗告をするときは、抗告状には、原裁判の取消し又は変更を求める事由を具体的に記載しなければならない。

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 法第三十五条第四項又は第六項の即時抗告については、民事訴訟規則第二百七条（原裁判の取消し事由等を記載した書面）の規定は、適用しない。

(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.

(法第三十五条第四項の即時抗告に係る記録の送付・法第三十五条)

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

第二十七条 法第三十五条（事実調査部分の閲覧等）第四項の即時抗告があった場合において、原裁判所が人事訴訟に係る事件の記録を送付する必要がないと認めたときは、民事訴訟規則第二百五条（控訴又は上告の規定の準用）において準用する同規則第一百七十四条（控訴提起による記録の送付）の規定にかかわらず、原裁判所の裁判所書記官は、抗告事件の記録のみを抗告裁判所の裁判所書記官に送付すれば足りる。

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 前項の規定により抗告事件の記録が送付された場合において、抗告裁判所が同項の人事訴訟に係る事件の記録が必要であると認めたときは、抗告裁判所の裁判所書記官は、速やかに、その送付を原裁判所の裁判所書記官に求めなければならない。

(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.

(法第三十五条第六項の即時抗告に係る記録の送付・法第三十五条)

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

第二十八条 法第三十五条（事実調査部分の閲覧等）第六項の即時抗告があったときは、前条（法第三十五条第四項の即時抗告に係る記録の送付）の規定にかかわらず、原裁判所の裁判所書記官は、抗告事件の記録のみを抗告裁判所の裁判所書記官に送付するものとする。

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 前項の場合には、同項の記録に、抗告事件についての原裁判所の意見を記載した書面及び抗告事件の審理に参考となる資料を添付しなければならない。

(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.

(協議上の離婚による婚姻の終了の場合の提出書類等・法第三十六条)

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

第二十九条 婚姻の取消し又は離婚の訴えに係る訴訟の係属中に当該訴えに係る婚姻の当事者が協議上の離婚をした場合において、当該訴えの取下げをしようとする者は、既に附帯処分の申立てがされており、かつ、当該申立ての取下げがされないときは、当該訴えの取下げの書面とともに、当該訴えに係る婚姻の当事者が協議上の離婚をしたことを証する戸籍の謄本その他の書類を受訴裁判所に提出しなければならない。

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 前項の場合には、受訴裁判所は、当事者双方から、同項の附帯処分に係る事項がその協議上の離婚に際して定められているかどうかを聴かなければならない。

(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.

第二節 和解並びに請求の放棄及び認諾

Section 2 Settlement, and Waiver and Acknowledgement of Claim

(進行協議期日における請求の放棄及び認諾・法第三十七条)

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

第三十条 離婚の訴えに係る訴訟における請求の放棄及び認諾については、第十四条（進行協議期日における請求の放棄及び認諾）の規定にかかわらず、民事訴訟規則第九十五条（進行協議期日）第二項の規定を適用する。ただし、請求の認諾については、法第三十七条（和解並びに請求の放棄及び認諾）第一項ただし書に規定する場合に限る。

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.

(戸籍事務管掌者に対する和解及び請求の認諾の通知・法第三十七条)

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

第三十一条 第十七条（戸籍事務管掌者に対する判決確定の通知）の規定は、離婚の訴えに係る訴訟における和解（これにより離婚がされるものに限る。）又は請求の認諾が調書に記載された場合について準用する。

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.

第三節 履行の確保

Section 3 Assurance of Performance of Obligations

(履行の確保の手続・法第三十九条)

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

第三十二条 家庭裁判所は、法第三十九条（履行命令）第一項（同条第三項において準用する場合を含む。）の規定により義務の履行を命ずる場合には、同時に、義務者に対しその違反に対する法律上の制裁を告知しなければならない。

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.

第三章 実親子関係訴訟の特例

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

(訴訟手続の受継の申立書の添付書類・法第四十一条等)

(Documents to be Attached to a Written Petition for Resumption of Litigation)

Proceedings; Article 41, etc. of the Act)

第三十三条 法第四十一条（嫡出否認の訴えの当事者等）第二項又は第四十二条（認知の訴えの当事者等）第三項の規定による訴訟手続の受継の申立てををするときは、申立書には、訴訟手続を受け継ぐ者が法第四十一条第二項又は第四十二条第三項の規定により訴訟手続を受け継ぐことができる者であることを明らかにするために必要な戸籍の謄本その他の書類を添付しなければならない。

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.

第四章 養子縁組関係訴訟の特例

Chapter IV Special Provisions for Litigation on Adopted Children

（進行協議期日における請求の放棄及び認諾・法第四十四条）

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

第三十四条 第三十条（進行協議期日における請求の放棄及び認諾）本文の規定は、離縁の訴えに係る訴訟における請求の放棄及び認諾について準用する。

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.

（戸籍事務管掌者に対する和解及び請求の認諾の通知・法第四十四条）

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

第三十五条 第十七条（戸籍事務管掌者に対する判決確定の通知）の規定は、離縁の訴えに係る訴訟における和解（これにより離縁がされるものに限る。）又は請求の認諾が調書に記載された場合について準用する。

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.

別表（第十六条関係）

Appended Table (Re: Article 16)

項 Row	上 欄 Left hand column	下 欄 Right hand column
一 1	婚姻の無効の訴え Action for invalidity of a marriage	<p>夫婦の双方又は一方が死亡した後に訴えの提起があった場合における婚姻の無効により嫡出でない子となる者又はその代襲者。ただし、当該夫又は妻に嫡出子又はその代襲者がある場合に限る。</p> <p>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</p>
二 2	協議上の離婚の無効の訴え Action for invalidity of a divorce by agreement	<p>夫婦の双方又は一方が死亡した後に訴えの提起があった場合におけるその相続人。ただし、その相続人が、再婚をした当該夫又は妻の配偶者とともに相続した者であるときは、この限りでない。</p> <p>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.</p>

<p>三 3</p>	<p>協議上の離婚の取消しの訴え Action for annulment of a divorce by agreement</p>	<p>夫又は妻が死亡した後に訴えの提起があった場合におけるその相続人。ただし、その相続人が、再婚をした当該夫又は妻の配偶者とともに相続した者であるときは、この限りでない。 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.</p>
<p>四 4</p>	<p>婚姻関係の存在の確認の訴え Action for a declaratory judgment on the existence of a real marital relationship</p>	<p>二の項に定める者 The person specified in row 2</p>
<p>五 5</p>	<p>婚姻関係の不存在の確認の訴え Action for a declaratory judgment on the nonexistence of a real marital relationship</p>	<p>夫婦の双方又は一方が死亡した後に訴えの提起があった場合における婚姻関係の不存在により嫡出でない子となる者又はその代襲者。ただし、当該夫又は妻に嫡出子又はその代襲者がある場合に限る。 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</p>
<p>六 6</p>	<p>認知の訴え Action for legitimacy of a child</p>	<p>父が死亡した後に訴えの提起があった場合におけるその相続人（父の妻で子又はその代襲者ととともに相続したものを除く。） 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)</p>

七 7	認知の無効の訴え Action for denial of paternity	子が死亡した後に訴えの提起があった場合におけるその代襲者で認知をした者の相続人であるもの又は相続人となるべきもの 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
八 8	認知の取消しの訴え Action for denial of an acknowledgement of paternity	七の項に定める者 The person specified in row 7
九 9	父を定めることを目的とする訴え Action for a determination of paternity	配偶者又は前配偶者が死亡した後に訴えの提起があった場合におけるその相続人（当該配偶者又は前配偶者の妻で子又はその代襲者とともに相続したものを除く。） 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)
十 10	実親子関係の存在の確認の訴え Action for a declaratory judgment on the existence of a biological parent-child relationship	子が死亡した後に訴えの提起があった場合におけるその相続人（子の直系卑属及び子の配偶者で直系卑属又は直系尊属とともに相続したものを除く。）又は父若しくは母が死亡した後に訴えの提起があった場合におけるその相続人（当該父又は母の配偶者で直系卑属とともに相続したものを除く。） 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)

<p>十一 11</p>	<p>実親子関係の不存在の確認の訴え Action for a declaratory judgment on the nonexistence of a biological parent-child relationship</p>	<p>子が死亡した後に訴えの提起があった場合におけるその代襲者で父又は母の相続人であるもの又は相続人となるべきもの 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</p>
<p>十二 12</p>	<p>養子縁組の無効の訴え Action for invalidity of an adoptive relationship</p>	<p>養子が死亡した後に訴えの提起があった場合におけるその代襲者で養親の相続人であるもの又は相続人となるべきもの 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</p>
<p>十三 13</p>	<p>養子縁組の取消しの訴え Action for invalidity of an adoptive relationship</p>	<p>養子が死亡した後に訴えの提起があった場合におけるその代襲者で養親の相続人となるべきもの 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</p>
<p>十四 14</p>	<p>協議上の離縁の無効の訴え Action for invalidity of dissolution of an adoptive relationship by agreement</p>	<p>養子が死亡した後に訴えの提起があった場合におけるその相続人（養子の直系卑属及び養子の配偶者で直系卑属又は直系尊属とともに相続したものを除く。）又は養親が死亡した後に訴えの提起があった場合におけるその相続人（当該養親の配偶者で直系卑属とともに相続したものを除く。） 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)</p>

十五 15	協議上の離縁の取消しの訴え Action for revocation of dissolution of an adoptive relationship by agreement	十四の項に定める者 The person specified in row 14
十六 16	養親子関係の存在の確認の訴え Action for a declaratory judgment on the existence of relationship between an adoptive parent and an adopted child	十四の項に定める者 The person specified in row 14
十七 17	養親子関係の不存在の確認の訴え Action for a declaratory judgment on the nonexistence of relationship between an adoptive parent and an adopted child	十二の項に定める者 The person specified in row 12