

Act for Implementation of the Convention on the Civil Aspects of International Child Abduction

(Act No. 48 of June 19, 2013)

Chapter I General Provisions (Article 1 and Article 2)

Chapter II Assistance in Return of a Child and Assistance in Visitation or Other Contact with a Child

Section 1 Designation of Central Authority (Article 3)

Section 2 Assistance in Return of a Child

Subsection 1 Assistance in Child's Return to Foreign State (Article 4 to Article 10)

Subsection 2 Assistance in Child's Return to Japan (Article 11 to Article 15)

Section 3 Assistance in Visitation or Other Contact with a Child

Subsection 1 Assistance in Visitation or Other Contact with a Child in Japan (Article 16 to Article 20)

Subsection 2 Assistance in Visitation or Other Contact with a Child in Foreign State (Article 21 to Article 25)

Chapter III Procedures for Case relating to Return of a Child

Section 1 Grounds for Return (Article 26 to Article 28)

Section 2 General Rules for Procedures for Case relating to Return of a Child (Article 29 to Article 31)

Section 3 Procedures for Case Seeking Return of a Child

Subsection 1 General Provisions

Division 1 Jurisdiction (Article 32 to Article 37)

Division 2 Disqualification of and Challenge to Court Officials (Article 38 to Article 42)

Division 3 Capacity to Be a Party and Capacity to Perform Procedural Acts (Article 43 to Article 46)

Division 4 Intervention (Article 47 to Article 49)

Division 5 Counsel and Assistant in Court (Article 50 to Article 54)

Division 6 Procedural Costs (Article 55 to Article 59)

Division 7 Proceedings of Case Seeking Return of a Child (Article 60 to Article 68)

Division 8 Petition by Means of Electronic Data Processing System (Article 69)

Subsection 2 Proceedings of Case Seeking Return of a Child in Court of First Instance

Division 1 Petition for Return of a Child (Article 70 to Article 72)

Division 2 Date for Proceedings of Case Seeking Return of a Child (Article 73 to Article 76)	
Division 3 Examination of Facts and Examination of Evidence (Article 77 to Article 87)	
Division 4 Understanding of Intention of a Child in Proceedings of Case Seeking Return of a Child (Article 88)	
Division 5 Conclusion of Proceedings (Article 89 and Article 90)	
Division 6 Judicial Decision (Article 91 to Article 98)	
Division 7 Conclusion of Case Seeking Return of a Child other than by Judicial Decision (Article 99 and Article 100)	
Subsection 3 Appeal	
Division 1 Immediate Appeal against Final Order (Article 101 to Article 107)	
Division 2 Special Appeal against Final Order (Article 108 to Article 110)	
Division 3 Appeal with Permission against Final Order (Article 111 and Article 112)	
Division 4 Appeal against Judicial Decision other than Final Order (Article 113 to Article 116)	
Subsection 4 Modification of Final Order (Article 117 and Article 118)	
Subsection 5 Retrial (Article 119 and Article 120)	
Section 4 Examination on Status of Performance of Obligation and Recommendation of Performance (Article 121)	
Section 5 Ne Exeat Order (Article 122 to Article 133)	
Chapter IV Special Provisions of Civil Execution Act relating to Execution Procedures for Return of a Child (Article 134 to Article 143)	
Chapter V Special Provisions relating to Procedures for Domestic Relations Case	
Section 1 Procedures for Conciliation of Domestic Relations relating to Case Seeking Return of a Child (Article 144 to Article 147)	
Section 2 Special Provisions relating to Procedures for Adjudication of Domestic Relations and Conciliation of Domestic Relations concerning Visitation or Other Contact (Article 148 and Article 149)	
Chapter VI Execution of Judicial Decision on Civil Fine (Article 150)	
Chapter VII Miscellaneous Provisions (Article 151 to Article 153)	
Supplementary Provisions	

Chapter I General Provisions

(Purpose)

Article 1 The purpose of this Act is, in order to ensure proper implementation of the Convention on the Civil Aspects of International Child Abduction

(hereinafter referred to as "Convention") which sets forth the return of a child to the State where the child held their habitual residence, etc. in the case of their wrongful removal or retention, to designate a Central Authority in Japan and to stipulate its authority, etc., as well as to provide for necessary court procedures, etc. for promptly returning a child to the State where the child held their habitual residence, and thereby promote the interests of children.

(Definitions)

Article 2 In this Act, the meanings of the terms listed in the following items are as prescribed respectively in those items:

- (i) "Contracting State(s)" means Japan and contracting State(s) (or in the case where the relevant contracting State has made a declaration under the provisions of Article 39, paragraph (1) or Article 40, paragraph (1) of the Convention, it means the portion of its territories or the territorial unit(s) to which the Convention extends by the relevant declaration) to the Convention for which the Convention has entered into force with Japan;
- (ii) "child" means a person who is under the custody of their parent(s) or other person(s);
- (iii) "removal" means to have a child depart from the State where they hold their habitual residence, for the purpose of having the child leave the relevant State;
- (iv) "retention" means a situation where, after their departure from the State where they hold their habitual residence, a child is prevented from traveling to the relevant State;
- (v) "State of habitual residence" means a State (or in cases where the relevant State is a contracting State to the Convention and has made a declaration under the provisions of Article 39, paragraph (1) or Article 40, paragraph (1) of the Convention, the portion of its territories or its territorial unit(s) to which the Convention extends by the relevant declaration) where the child held their habitual residence at the time of the removal or immediately before the commencement of their retention;
- (vi) "wrongful removal" means a removal which is in breach of rights of custody that are attributed to a person under the laws and regulations of the State of habitual residence at the time of which the relevant rights have actually been exercised or would have been so exercised but for the relevant removal ;
- (vii) "wrongful retention" means a retention which is in breach of rights of custody that are attributed to a person under the laws and regulations of the State of habitual residence at the time of the commencement of which the relevant rights have actually been exercised or would have been so exercised but for the retention;
- (viii) "return of a child" means a return of a child to a Contracting State which

is their State of habitual residence.

**Chapter II Assistance relating to Return of a Child and Assistance in
Visitation or Other Contact with a Child
Section 1 Designation of Central Authority**

Article 3 The Central Authority of Japan set forth in Article 6, paragraph (1) of the Convention is the Minister for Foreign Affairs.

**Section 2 Assistance in Return of a Child
Subsection 1 Assistance in Child's Return to Foreign State**

(Application for Assistance in Child's Return to Foreign State)

Article 4 (1) With respect to a child who has been subject to a removal to or a retention in Japan and whose State of habitual residence is a Contracting State, a person who has the rights of custody of the relevant child under the laws and regulations of the relevant State of habitual residence, if they consider that their rights of custody are breached due to the relevant removal or retention, may file an application to the Minister for Foreign Affairs for assistance in realizing the return of a child from Japan (hereinafter referred to as "assistance in child's return to a foreign State").

(2) A person who intends to file an application for assistance in child's return to a foreign State (hereinafter referred to as "application for assistance in child's return to a foreign State") must submit an application form describing the following matters (limited to those written in Japanese or English) to the Minister for Foreign Affairs, as provided for by Order of the Ministry of Foreign Affairs:

(i) name of a person who intends to file the application for assistance in child's return to a foreign State (hereinafter referred to as "applicant" in this Subsection) and their domicile, residence or location of office (limited to those located in the State of habitual residence of the child who is sought to be returned in the application for assistance in child's return to a foreign State (hereinafter referred to as "child pertaining to the application" in this Subsection; the same applies in Article 7, paragraph (1), item (iv))) ;

(ii) name, date of birth, and domicile or residence of the child pertaining to the application (if these matters are not identified, a statement to that effect) and any other necessary matters to identify the child pertaining to the application;

(iii) name of a person who is considered to have done a removal or retention of the child pertaining to the application and any other necessary matters to identify the relevant person;

- (iv) necessary matters to clarify that the State of habitual residence of the child pertaining to the application is a Contracting State;
 - (v) necessary matters to clarify that the applicant has the rights of custody with respect to the child pertaining to the application under the laws and regulations of the State of habitual residence of the child pertaining to the application and that the applicant's rights of custody are breached due to the removal or retention of the child pertaining to the application;
 - (vi) name and domicile or residence of a person who is considered to live together with the child pertaining to the application and any other matters necessary to identify the relevant person (if these matters are not identified, a statement to that effect).
- (3) Documents proving the matters listed in item (v) of the preceding paragraph and any other documents as specified by Order of the Ministry of Foreign Affairs must be attached to the written application form referred to in the preceding paragraph.
- (4) An application for assistance in child's return to a foreign State may be filed via the Central Authority (which means the Central Authority as prescribed in Article 6 of the Convention; the same applies hereinafter.) of a Contracting State other than Japan. In this case, the applicant must submit to the Minister for Foreign Affairs a document describing the matters listed in each item of paragraph (2) (limited to those written in Japanese or English, or those to which a Japanese or English translation is attached) and the documents prescribed in the preceding paragraph.

(Request for Provision of Information relating to Child's Domicile)

- Article 5 (1) The Minister for Foreign Affairs, when an application for assistance in child's return to a foreign State is filed and the minister finds it necessary, in order to identify the name and the domicile or residence of the child pertaining to the application and the person who lives together with the child, may request, as provided for by Cabinet Order, the heads of organs or corporations listed below (referred to as "administrative organs of the State, etc." in Article 15, paragraph (1)), the heads of local public entities or other executive agencies, or any other persons specified by Cabinet Order as those having the information with regard to the child pertaining to the application and any person who lives together with the child, to provide the information in their possession regarding the name, domicile, or residence thereof
- (i) organs established within the Cabinet under the provisions of laws (excluding the Cabinet Office);
 - (ii) the Cabinet Office and organs as prescribed in Article 49, paragraphs (1) and (2) of the Act for Establishment of the Cabinet Office (Act No. 89 of 1999);

- (iii) organs prescribed in Article 3, paragraph (2) of the National Government Organization Act (Act No. 120 of 1948);
 - (iv) extraordinary organs set forth in Article 40, paragraph (2) and Article 56 of the Act for Establishment of the Cabinet Office;
 - (v) facilities and other organs set forth in Article 8-2 of the National Government Organization Act, and extraordinary organs set forth in Article 8-3 of the Act;
 - (vi) incorporated administrative agencies prescribed in Article 2, paragraph (1) of the Act on General Rules for Incorporated Administrative Agency (Act No. 103 of 1999);
 - (vii) national university corporations prescribed in Article 2, paragraph (1) of the National University Corporation Act (Act No. 112 of 2003).
- (2) In the case referred to in the preceding paragraph, those who are requested to provide the information prescribed in that paragraph are to provide the Minister for Foreign Affairs with the relevant information without delay.
- (3) The Minister for Foreign Affairs, in cases where the information provided pursuant to the provisions of the preceding paragraph is not sufficient to identify the whereabouts of the child pertaining to the application or the person who lives together with the child while it shows that the child is located in Japan, may request, as provided for by Order of the Ministry of Foreign Affairs, the prefectural police to take necessary measures to specify their whereabouts by providing the police with the relevant information.
- (4) Beyond what is provided for in the preceding paragraph, the provision by the Minister for Foreign Affairs of the information provided pursuant to the provisions of paragraph (2) and the information obtained through the measures taken by the prefectural police pursuant to the provisions of the preceding paragraph may be permitted only in the following cases:
- (i) when requested by the applicant who needs to know the name of the person who lives together with the child pertaining to the application for the purpose of filing a petition for the return of a child under the provisions of Article 26, or filing a petition for an adjudication of domestic relations or a conciliation of domestic relations seeking to determine the visitation or other contact with the child or in order to change the determination, to disclose the name of that person, the Minister for Foreign Affairs discloses the name of that person to the applicant;
 - (ii) when requested by the court before which the case relating to the return of a child as prescribed in Article 29 or the case pertaining to the compulsory execution of the return of a child is pending, or by the court before which the case relating to the visitation or other contact with the child pertaining to the application or the case pertaining to the compulsory execution of the visitation or other contact with the child is pending, to confirm the domicile

or residence of the child pertaining to the application and the person who lives together with the child, for the purpose of conducting the procedures thereof, the Minister for Foreign Affairs discloses the relevant domicile or residence to the court;

- (iii) When pursuant to the provisions of Article 10, paragraph (1), the Minister for Foreign Affairs notifies a municipality, or a prefectural welfare office (which means the welfare office as prescribed in the Social Welfare Act (Act No. 45 of 1951); the same applies in this item and that paragraph) or a child guidance center (which means child guidance center as prescribed in the Child Welfare Act (Act No. 164 of 1947); the same applies in this item and that paragraph), that there are reasonable grounds to believe that the child pertaining to the application might be subjected to abuse, the Minister notifies the municipality, or the prefectural welfare office or child guidance center of the name and domicile or residence of the child pertaining to the application and the person who is considered to live together with the child.

(Decision and Notice of Assistance in Child's Return to Foreign State)

Article 6 (1) The Minister for Foreign Affairs, when an application for assistance in child's return to a foreign State is filed, must make a decision to provide assistance in child's return to foreign State (hereinafter referred to as "decision for assistance in child's return to a foreign State") and must inform(in the case where the applicant files an application for assistance in child's return to a foreign State via the Central Authority of a Contracting State other than Japan pursuant to the provisions of Article 4, paragraph (4), a notice via the relevant Central Authority; the same applies in paragraph (2) of the following Article and Article 8, paragraph (2)), to the applicant to that effect without delay, except where the Minister dismisses it pursuant to the provisions of paragraph (1) of the following Article and where the minister sends a copy of the documents with regard to the application for assistance in child's return to a foreign State pursuant to the provisions of Article 8, paragraph (1).

(2) The Minister for Foreign Affairs, when the minister makes a decision for assistance in child's return to a foreign State, is to take the following measures as necessary:

- (i) measures prescribed in Article 9 or Article 10;
- (ii) communication with the Central Authority of Contracting State other than Japan to implement the Convention;
- (iii) provision to the applicant of the information relating to the procedures established for in this Act and other systems under the laws and regulations of Japan relating to the realization of the return of a child or the visitation or other contact with the child.

(Dismissal of Application for Assistance in Child's Return to Foreign State)

Article 7 (1) The Minister for Foreign Affairs dismisses an application for assistance in child's return to a foreign State if it falls under any of the following items:

- (i) the child pertaining to the application has attained the age of 16 years;
 - (ii) it is obvious that the child pertaining to the application is not located in Japan and the State or territory where the child pertaining to the application is located is unclear
 - (iii) it is obvious that the child pertaining to the application is located in a State or territory other than Contracting States;
 - (iv) it is obvious that the location of the child pertaining to the application and the domicile or residence (or the location of the office if the applicant is a corporation or other entity) of the applicant are in the same Contracting State;
 - (v) at the time of the removal or the commencement of the retention of the child pertaining to the application, the State of habitual residence of the child is not a Contracting State;
 - (vi) it is obvious that the applicant does not have the rights of custody with respect to the child pertaining to the application under the laws and regulations of the State of habitual residence of the relevant child or that the rights of custody are not breached by the removal or retention of the child pertaining to the application.
- (2) The Minister for Foreign Affairs, when the minister dismisses an application for assistance in child's return to a foreign State pursuant to the provisions of the preceding paragraph, must immediately inform to the applicant to that effect and also of the reason thereof.

(Sending of Copy of Documents pertaining to Application for Assistance in

Child's Return to a Foreign State to Central Authority of Contracting State)

Article 8 (1) The Minister for Foreign Affairs, where it is obvious that the child pertaining to the application is located in a Contracting State other than Japan and if the application for assistance in child's return to a foreign State does not fall under item (iv), paragraph (1) of the preceding Article, must send without delay a copy of the written application form set forth in Article 4, paragraph (2) (or if the applicant files an application for assistance in child's return to a foreign State pursuant to the provisions of paragraph (4) of that Article, the documents prescribed in that paragraph) and the documents prescribed in paragraph (3) of that Article to the Central Authority of the relevant Contracting State.

(2) The Minister for Foreign Affairs, when the minister sends the documents pursuant to the provisions of the preceding paragraph, must inform to the

applicant to that effect.

(Facilitation of Return of a Child upon Agreement)

Article 9 The Minister for Foreign Affairs, when the minister makes a decision for assistance in child's return to a foreign State, in order to realize the return of a child or applicant's visitation or other contact with regard to the child pertaining to the application based on an agreement between the applicant and the person who has the custody of the child pertaining to the application, may take necessary measures, such as facilitating the discussion between them.

(Notification pertaining to Child Abuse)

Article 10 (1) The Minister for Foreign Affairs, when the child pertaining to the application is located in Japan and there are reasonable grounds to believe that the child might be subjected to abuse, must notify a municipality, or a prefectural welfare office or a child guidance center to that effect.

(2) The notification given pursuant to the provisions of the preceding paragraph is deemed to be a notification given pursuant to the provisions of Article 6, paragraph (1) of the Act on the Prevention of Child Abuse (Act No. 82 of 2000) and the provisions of paragraphs (2) and (3) of that Article and Articles 7 and 8 of the Act applies.

Subsection 2 Assistance in Child's Return to Japan

(Application for Assistance in Child's Return to Japan)

Article 11 (1) With respect to a child who has been removed to or retained in a Contracting State other than Japan and whose State of habitual residence is Japan, a person who has the rights of custody of the child under the laws and regulations of Japan, if the person considers that the relevant rights of custody are breached due to the relevant removal or retention, may file an application to the Minister for Foreign Affairs for assistance in realizing the return of a child to Japan (hereinafter referred to as "assistance in child's return to Japan").

(2) The provisions of Article 4, paragraphs (2) and (3) apply mutatis mutandis to the application for assistance in child's return to Japan (hereinafter referred to as "application for assistance in child's return to Japan"). In this case, the term "Article 7, paragraph (1), item (iv)" in item (i) of paragraph (2) of that Article is deemed to be replaced with "Article 13, paragraph (1), item (iv)" and the term "Contracting State" in item (iv) of that paragraph and the term "the State of habitual residence of the child pertaining to the application" in item (v) of that paragraph is deemed to be replaced with "Japan".

(Decision and Notice of Assistance in Child's Return to Japan)

Article 12 (1) The Minister for Foreign Affairs, when an application for assistance in child's return to Japan is filed, must make a decision for assistance in child's return to Japan (hereinafter referred to as "decision for assistance in child's return to Japan") and notify the person who files an application for assistance in child's return to Japan (hereinafter referred to as "applicant" in this Subsection) to that effect without delay, except where the Minister dismisses it pursuant to the provisions of paragraph (1) of the following Article.

- (2) The Minister for Foreign Affairs, when the minister makes a decision for assistance in child's return to Japan, is to take the measures prescribed in Article 14.
- (3) Beyond what is provided for in the preceding paragraph, the Minister for Foreign Affairs, when the minister makes a decision for assistance in child's return to Japan, is to take the following measures as necessary:
- (i) measures prescribed in Article 15;
 - (ii) communication with the Central Authority of Contracting State other than Japan to implement the Convention.

(Dismissal of Application for Assistance in Child's Return to Japan)

Article 13 (1) The Minister for Foreign Affairs dismisses an application for assistance in child's return to Japan if it falls under any of the following items:

- (i) the child who is sought to be returned in the application for assistance in child's return to Japan (hereinafter referred to as "child pertaining to the application" in this Subsection) has attained the age of 16 years;
- (ii) the State or territory where the child pertaining to the application is located is unclear;
- (iii) it is obvious that the child pertaining to the application is located in Japan or any State or territory other than Contracting States;
- (iv) it is obvious that the location of the child pertaining to the application and the domicile or residence (or the location of the office if the applicant is a corporation or other entity) of the applicant are in the same Contracting State;
- (v) it is obvious that the State of habitual residence of the child pertaining to the application is not Japan;
- (vi) at the time of the removal or the commencement of the retention of the child pertaining to the application, the State or territory where the child is considered to have been located was not a Contracting State;
- (vii) it is obvious that the applicant does not have the rights of custody with respect to the child pertaining to the application under the laws and regulations of Japan, or that the relevant rights of custody are not breached

- by the removal or retention of the child pertaining to the application.
- (2) The Minister for Foreign Affairs, when the minister dismisses an application for assistance in child's return to Japan pursuant to the provisions of the preceding paragraph, must immediately inform to the applicant to that effect and of the reason thereof.

(Sending of Copy of Document pertaining to Application for Assistance in Child's Return to Japan to Central Authority of Contracting State)

- Article 14 (1) The Minister for Foreign Affairs, where the minister makes a decision for assistance in child's return to Japan, must send without delay, a copy of the written application form set forth in Article 4, paragraph (2) and the documents prescribed in paragraph (3) of that Article as applied mutatis mutandis pursuant to Article 11, paragraph (2) to the Central Authority of the Contracting State where the child pertaining to the application is located.
- (2) The Minister for Foreign Affairs, when the minister sends the documents pursuant to the provisions of the preceding paragraph, must inform to the applicant to that effect.

(Provision of Information relating to Social Background of Child to Central Authority of Contracting State)

- Article 15 (1) Where the case relating to the return of a child to Japan is pending before the court or any other organ that conducts an adjudication of a Contracting State other than Japan (hereinafter referred to as "foreign court, etc." in this paragraph and the following paragraph) and the Minister for Foreign Affairs is sought by the Central Authority of the relevant Contracting State to provide the information on living or surrounding conditions in Japan, such as physical, psychological, nurturing and school conditions, of the child pertaining to the relevant return of a child, and if it falls under all of the following items, the Minister may request, as provided for by Cabinet Order, the heads of administrative organs of the State, etc., the heads of local public entities or other executive agencies, or any other persons designated by Cabinet Order as those having the information with regard to the child pertaining to the application, to provide the information in their possession, in order to provide the Central Authority of that Contracting State with the information:
- (i) where the Central Authority requests the Minister for Foreign Affairs to provide the relevant information upon request of the relevant foreign court, etc. in order to conduct an examination on that case, and it is found that there is no risk of using the relevant information for any other purpose than that examination;
- (ii) where the parties to the proceedings at the foreign court, etc. pertaining to

the case (excluding the child if the child is the party to the proceedings) have consented to the provision of the relevant information to the relevant Central Authority.

- (2) In the case referred to in the preceding paragraph, those who are requested to provide the information prescribed in that paragraph, when it falls under all of the following items, are to provide the Minister for Foreign Affairs with the relevant information without delay:
 - (i) where it is found that there is no risk that the provision of the relevant information to the Central Authority prescribed in the preceding paragraph will cause unjust harm to the rights and interests of the child prescribed in that paragraph or of the parties to the proceedings at the foreign court, etc. pertaining to the case prescribed in that paragraph;
 - (ii) where the relevant information is in a situation where it can be made available to the child prescribed in the preceding paragraph and the parties to the proceedings at the foreign court, etc. pertaining to the case prescribed in the paragraph, and it does not include any information that can identify a specific individual other than the child and those parties.
- (3) The Minister for Foreign Affairs may provide the information provided pursuant to the provisions of the preceding paragraph only to the Central Authority prescribed in paragraph (1).

Section 3 Assistance in Visitation or Other Contact with a Child

Subsection 1 Assistance in Visitation or Other Contact with a Child in Japan

(Application for Assistance in Visitation or Other Contact with a Child in Japan)

- Article 16 (1) With respect to a child who is located in Japan and who held their habitual residence in a State or territory that is a Contracting State immediately before the visitation or other contact with them became unable to be made, a person who is entitled to the visitation or other contact with the child under the laws and regulations of the State or territory (limited to those who have a domicile or residence in a Contracting State other than Japan), when they consider that the visitation or other contact with the child is being interfered, may file an application to the Minister for Foreign Affairs for assistance in realizing visitation or other contact with the child (hereinafter referred to as "assistance in visitation or other contact with a child in Japan").
- (2) A person who intends to file an application for assistance in visitation or other contact with a child in Japan (hereinafter referred to as "application for assistance in visitation or other contact with a child in Japan") must submit a written application form describing the following matters (limited to those

written in Japanese or English) to the Minister for Foreign Affairs, as provided for by Order of the Ministry of Foreign Affairs:

- (i) name and domicile or residence of a person who intends to file an application for assistance in visitation or other contact with a child in Japan (hereinafter referred to as "applicant" in this Subsection) ;
 - (ii) name, date of birth, and domicile or residence (if these matters are not identified, a statement to that effect) of the child with whom the visitation or other contact is sought in the application for assistance in visitation or other contact with the child in Japan (hereinafter referred to as "child pertaining to the application" in this Subsection) and any other necessary matters to identify the child pertaining to the application;
 - (iii) name of a person who is considered to be interfering with the visitation or other contact with the child pertaining to the application and any other necessary matters to identify the relevant person;
 - (iv) necessary matters to clarify that the State or the territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or other contact with them became unable to be made is a Contracting State;
 - (v) necessary matters to clarify that the applicant is entitled to visitation or other contact with the child pertaining to the application under the laws and regulations of the State or territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or other contact with them became unable to be made and that the applicant's visitation or other contact with the child has been interfered with;
 - (vi) name and domicile or residence of a person who is considered to live together with the child pertaining to the application and any other matters necessary to identify the person (if these matters are not identified, a statement to that effect).
- (3) Documents proving the matters listed in item (v) of the preceding paragraph and any other documents as specified by Order of the Ministry of Foreign Affairs must be attached to the written application form set forth in the paragraph.
- (4) An application for assistance in visitation or other contact with a child in Japan may be filed via the Central Authority of a Contracting State other than Japan. In this case, the applicant must submit to the Minister for Foreign Affairs the document describing the matters listed in each item of paragraph (2) (limited to those written in Japanese or English or those to which a Japanese or English translation is attached) and the documents prescribed in the preceding paragraph.

(Decision and Notice of Assistance in Visitation or Other Contact with a Child in Japan)

Article 17 (1) The Minister for Foreign Affairs, when an application for assistance in visitation or other contact with a child in Japan is filed, must make a decision to provide assistance in visitation or other contact with a child in Japan (hereinafter referred to as "decision for assistance in visitation or other contact with a child in Japan") , and must give a notice (in the case where the applicant files an application for assistance in visitation or other contact with a child in Japan via the Central Authority of a Contracting State other than Japan pursuant to the provisions of paragraph (4) of the preceding Article, a notice via the relevant Central Authority; the same applies in paragraph (2) of the following Article and Article 19 , paragraph (2).), to the applicant to that effect without delay, except where the Minister dismisses it pursuant to the provisions of paragraph (1) of the following Article and where the minister sends a copy of the documents with regard to the application for assistance in visitation or other contact with a child in Japan pursuant to the provisions of Article 19, paragraph (1).

- (2) The Minister for Foreign Affairs, when the minister makes a decision for assistance in visitation or other contact with a child in Japan, is to take the following measures as necessary:
- (i) measures prescribed in Article 9 or Article 10 as applied mutatis mutandis pursuant to Article 20;
 - (ii) communication with the Central Authority of Contracting State other than Japan to implement the Convention;
 - (iii) provision to the applicant of the information relating to the procedures established for in this Act and other systems under the laws and regulations of Japan relating to the realization of the visitation or other contact with a child.

(Dismissal of Application for Assistance in Visitation or Other Contact with a Child in Japan)

Article 18 (1) The Minister for Foreign Affairs dismisses an application for assistance in visitation or other contact with a child in Japan if it falls under any of the following items:

- (i) the child pertaining to the application has attained the age of 16 years;
- (ii) it is obvious that the child pertaining to the application is not in Japan and the State or territory where the child pertaining to the application is located is unclear;
- (iii) it is obvious that the child pertaining to the application is located in a State or territory other than Contracting States;
- (iv) it is obvious that the location of the child pertaining to the application and

- the domicile or residence of the applicant are in the same Contracting State;
- (v) it is obvious that the applicant has a domicile or residence in Japan or that the applicant does not have a domicile or residence in a Contracting State other than Japan;
 - (vi) the State or territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or other contact with them became unable to be made is not a Contracting State;
 - (vii) it is obvious that the applicant is not entitled to visitation or other contact with the child pertaining to the application under the laws and regulations of the State or territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or other contact with them became unable to be made or that the applicant's visitation or other contact with the child pertaining to the application is not interfered.
- (2) The Minister for Foreign Affairs, when the minister dismisses an application for assistance in visitation or other contact with a child in Japan pursuant to the provisions of the preceding paragraph, must immediately notify the applicant to that effect and also of the reason thereof.

(Sending of Copy of Document pertaining to Application for Assistance in Visitations or Other Contact with a Child in Japan to Central Authority of Contracting State)

Article 19 (1) The Minister for Foreign Affairs, where it is obvious that the child pertaining to the application is located in a Contracting State other than Japan and if the application for assistance in visitation or other contact with a child in Japan does not fall under item (iv) of paragraph (1) of the preceding Article, must send without delay a copy of the written application form set forth in Article 16, paragraph (2) (or if the applicant files an application for assistance in visitation or other contact with a child in Japan pursuant to the provisions of paragraph (4) of the Article, the documents prescribed in the paragraph) and the documents prescribed in paragraph (3) of the Article to the Central Authority of the relevant Contracting State.

- (2) The Minister for Foreign Affairs, when the minister sends the documents pursuant to the provisions of the preceding paragraph, must inform to the applicant to that effect.

(Provisions Applied Mutatis Mutandis concerning Assistance in Visitation or Other Contact with a Child in Japan)

Article 20 The provisions of Articles 5, 9, and 10 apply mutatis mutandis where an application for assistance in visitation or other contact with a child in

Japan is filed to the Minister for Foreign Affairs. In this case, the term "filing a petition for the return of a child under the provisions of Article 26, or filing a petition for an adjudication of domestic relations or a conciliation of domestic relations seeking to determine the visitation or other contact with the child or to change the determination " in Article 5, paragraph (4), item (i) is deemed to be replaced with "filing a petition for an adjudication of domestic relations or a conciliation of domestic relations seeking to determine the visitation or other contact with the child or to change the determination," the term "the court before which the case relating to the return of a child as prescribed in Article 29 or the case pertaining to the compulsory execution of the return of a child is pending or by the court before which the case relating to the visitation or other contact with the child pertaining to the application or" in Article 5, paragraph (4), item (ii) is deemed to be replaced with "by the court before which the case relating to the visitation or other contact with the child pertaining to the application or," and the term " the return of a child or applicant's visitation or other contact" in Article 9 is deemed to be replaced with "visitation or other contact."

Subsection 2 Assistance in Visitation or Other Contact with a Child in Foreign State

(Application for Assistance in Visitation or Other Contact with a Child in Foreign State)

Article 21 (1) With respect to a child who is located in a Contracting State other than Japan and who held their habitual residence in a State or territory that is a Contracting State immediately before visitation or other contact with the child became unable to be made, a person who is entitled to the visitation or other contact with the child under the laws and regulations of the State or territory (limited to those who have a domicile or residence in Japan), when the person considers that the visitation or other contact with the relevant child is interfered with, may file an application to the Minister for Foreign Affairs for assistance in realizing visitation or other contact with the relevant child (hereinafter referred to as "assistance in visitation or other contact with a child in a foreign State") .

(2) The provisions of Article 16, paragraphs (2) and (3) apply mutatis mutandis to the application for assistance in visitation or other contact with a child in a foreign State (hereinafter referred to as "application for assistance in visitation or other contact with a child in a foreign State").

(Decision and Notice of Assistance in Visitation or Other Contact with a Child in Foreign State)

Article 22 (1) The Minister for Foreign Affairs, when an application for assistance in visitation or other contact with a child in a foreign State is filed, must make a decision for assistance in visitation or other contact with a child in a foreign State (hereinafter referred to as "decision for assistance in visitation or other contact with a child in a foreign State") , and must inform the person who has filed an application for assistance in visitation or other contact with a child in a foreign State (hereinafter referred to as "applicant" in this Subsection) to that effect without delay, except where the minister dismisses it pursuant to the provisions of paragraph (1) of the following Article,.

(2) The Minister for Foreign Affairs, when the minister makes a decision for assistance in visitation or other contact with a child in a foreign State, is to take the measures prescribed in Article 24.

(3) Beyond what is provided for in the preceding paragraph, the Minister for Foreign Affairs, when the minister makes a decision for assistance in visitation or other contact with a child in a foreign State, is to take the following measures as necessary:

- (i) measures prescribed in Article 15 as applied mutatis mutandis pursuant to Article 25;
- (ii) communication with the Central Authority of Contracting State other than Japan to implement the Convention;

(Dismissal of Application for Assistance in Visitation or Other Contact with a Child in Foreign State)

Article 23 (1) The Minister for Foreign Affairs dismisses an application for assistance in visitation or other contact with a child in a foreign State if it falls under any of the following items:

- (i) a child with whom the visitation or other contact is sought in the application for assistance in visitation or other contact in a foreign State (hereinafter referred to as " child pertaining to the application" in this Subsection) has attained the age of 16 years;
- (ii) the State or territory where the child pertaining to the application is located is unclear;
- (iii) it is obvious that the child pertaining to the application is located in Japan or in a State or territory other than Contracting States;
- (iv) it is obvious that the location of the child pertaining to the application and the domicile or residence of the applicant are in the same Contracting State;
- (v) it is obvious that the applicant does not have a domicile or residence in Japan;
- (vi) the State or territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or

other contact with the child became unable to be made is not a Contracting State;

(vii) it is obvious that the applicant is not entitled to visitation or other contact with the child pertaining to the application under the laws and regulations of the State or territory where the child pertaining to the application held their habitual residence immediately before the applicant's visitation or other contact with them became unable to be made or that the applicant's visitation or other contact with the child pertaining to the application is not interfered with.

(2) The Minister for Foreign Affairs, when the minister dismisses an application for assistance in visitation or other contact with a child in a foreign State pursuant to the provisions of the preceding paragraph, must immediately notify the applicant to that effect and also of the reason thereof.

(Sending of Copy of Document pertaining to Application for Assistance in Visitation or Other Contact with a Child in Foreign State to Central Authority of Contracting State)

Article 24 (1) The Minister for Foreign Affairs, where the minister makes a decision for assistance in visitation or other contact with a child in a foreign State, must send without delay a copy of the written application form set forth in Article 16, paragraph (2) and the documents prescribed in paragraph (3) of the Article as applied mutatis mutandis pursuant to Article 21, paragraph (2) to the Central Authority of the relevant Contracting State where the child pertaining to the application is located.

(2) The Minister for Foreign Affairs, when the minister sends the documents pursuant to the provisions of the preceding paragraph, must inform to the applicant to that effect.

(Provisions Applied Mutatis Mutandis concerning Assistance in Visitation or Other Contact with a Child in a Foreign State)

Article 25 The provisions of Articles 15 apply mutatis mutandis where an application for assistance in visitation or other contact with a child in a foreign State is filed to the Minister for Foreign Affairs. In this case, the term "the return of a child to Japan" in paragraph (1) of the Article is deemed to be replaced with "the visitation or other contact with the child pertaining to the application" and the term "the child pertaining to the relevant return of a child" in the paragraph is deemed to be replaced with "the child pertaining to the application."

Chapter III Procedures for Case relating to Return of a Child

Section 1 Grounds for Return

(Return of a Child based on Convention)

Article 26 A person whose rights of custody with respect to a child are breached due to removal to or retention in Japan may file a petition against the person who has the custody of the child with a family court to seek an order to return the child to the State of habitual residence pursuant to the provisions of this Act.

(Grounds for Return of a Child)

Article 27 The court, when it finds that the petition for the return of a child falls under all of the grounds listed in the following items, must order the return of a child:

- (i) the child has not attained the age of 16 years;
- (ii) the child is located in Japan;
- (iii) pursuant to the laws and regulations of the State of habitual residence, the removal or retention breaches the rights of custody with respect to the child attributed to the petitioner;
- (iv) at the time of the removal or the commencement of the relevant retention, the State of habitual residence was a Contracting State.

(Grounds for Refusal of Return of a Child)

Article 28 (1) Notwithstanding the provisions of the preceding Article, the court must not order the return of a child when it finds that any of the grounds listed in the following items exists; provided, however, that even in cases where there exist grounds prescribed in items (i) through (iii) or item (v), the court may order the return of a child if it finds that it serves the interests of the child to have them returned to their State of habitual residence after taking into account all the circumstances:

- (i) the petition for the return of a child was filed after the expiration of the period of one year since the time of the removal or the commencement of the retention of the child, and the child is now settled in their new environment;
- (ii) the petitioner was not actually exercising the rights of custody at the time of the removal or the commencement of the retention of the child (except in the case where it could be deemed that the rights of custody would have actually been exercised by the petitioner but for the removal or retention);
- (iii) the petitioner had consented to the removal or retention before the removal or the commencement of the retention or subsequently approved the Removal or Retention after the removal or the commencement of the retention;
- (iv) there is a grave risk that their return to the State of habitual residence would expose the child to physical or psychological harm or otherwise place

- the child in an intolerable situation;
- (v) the child objects to being returned, in a case where it is appropriate to take account of the child's views in light of their age and degree of maturity;
 - (vi) it would not be permitted by the fundamental principles of Japan relating to the protection of human rights and fundamental freedoms to return the child to the State of habitual residence.
- (2) The court, when judging whether or not the grounds listed in item (iv) of the preceding paragraph exist, is to consider all circumstances such as those listed below:
- (i) whether or not there is a risk that the child would be subject to physical violence or any other words and deeds which would cause physical or psychological harm (referred to as "violence, etc." in the following item) by the petitioner, in the State of habitual residence;
 - (ii) whether or not there is a risk that the respondent would be subject to violence, etc. by the petitioner in such a manner as to cause psychological trauma to the child, if the respondent and the child entered into the State of habitual residence;
 - (iii) whether or not there are circumstances that make it difficult for the petitioner or the respondent to provide custody for the child in the State of habitual residence.
- (3) The court must not dismiss the petition for the return of a child only on the grounds that a judicial decision relating to the custody of the child has been issued in Japan or that there is a possibility that a judicial decision relating to the custody of the child issued in a foreign State becomes effective in Japan; provided, however, that the court is not precluded from taking into account the reasons for the aforementioned judicial decision relating to custody of a child in its judicial decision on the petition for the return of a child.

Section 2 General Rules for Procedures for Case relating to Return of a Child

(Procedures for Case relating to Return of a Child)

Article 29 Procedures for the case relating to the return of a child (which means the case seeking the return of a child as prescribed in Article 32, paragraph (1), the case on the examination and recommendation as prescribed in Article 121 and the case on the ne exeat order as prescribed in Article 123, paragraph (2); the same applies hereinafter.) are governed by the provisions of this Act, beyond what is provided for in other laws and regulations.

(Responsibilities of Courts and Parties)

Article 30 Courts must endeavor to ensure that the proceedings of the case

relating to the return of a child are carried out fairly and expeditiously, and the parties must carry out the proceedings of the case in good faith.

(Rules of the Supreme Court)

Article 31 Beyond what is provided for in this Act, the necessary matters concerning procedures for the case relating to the return of a child are prescribed by the Rules of the Supreme Court.

Section 3 Procedures for Case Seeking Return of a Child

Subsection 1 General Provisions

Division 1 Jurisdiction

(Jurisdiction)

Article 32 (1) In the cases listed in the following items, the case seeking the return of a child (which means the case pertaining to the petition for the return of a child under the provisions of Article 26; the same applies hereinafter.) is subject to the jurisdiction of the respective family courts specified in each of the items:

(i) in cases where the place of domicile of the child (when the child has no domicile in Japan or their domicile is unknown their residence; the same applies in the following item) is located within the jurisdictional district of the Tokyo High Court, the Nagoya High Court, the Sendai High Court, or the Sapporo High Court: The Tokyo Family Court;

(ii) in cases where the place of domicile of the child is located within the jurisdictional district of the Osaka High Court, the Hiroshima High Court, the Fukuoka High Court, or the Takamatsu High Court: The Osaka Family Court.

(2) A case seeking the return of a child is subject to the jurisdiction of the Tokyo Family Court when the child has no domicile in Japan or their domicile is unclear, and when they have no residence in Japan or their residence is unclear.

(Jurisdiction over Joint Claim)

Article 33 Where the return of a child with regard to two or more children is to be sought by a single petition, the petition may be filed with the family court which has jurisdiction over a petition for the return of a child with regard to one of the children pursuant to the provisions of the preceding Article.

(Designation of Court with Jurisdiction)

Article 34 Where the court with jurisdiction is unable to exercise its jurisdiction by law or in fact or if a court with jurisdiction is not determined due to ill-

defined jurisdictional districts of courts, the Supreme Court, upon petition, designates a court with jurisdiction.

(Base Time for Determining Jurisdiction)

Article 35 The jurisdiction of a court is determined on the basis of the time of the filing of a petition for the return of a child.

(Agreement on Jurisdiction)

Article 36 (1) The parties may determine one of the family courts specified in each item of Article 32, paragraph (1) as a court with jurisdiction by an agreement only in the first instance.

(2) The agreement set forth in the preceding paragraph does not become effective unless it is made with respect to a petition for the return of a child and is made in writing.

(3) If the agreement set forth in paragraph (1) is made by means of electronic or magnetic records (which means records used in computer data processing which are created in electronic form, magnetic form, or any other form that is otherwise impossible to perceive through the human senses alone), the provisions of the preceding paragraph are applied by deeming the agreement to have been made in writing.

(Transfer)

Article 37 (1) The court, when it finds that the case seeking the return of a child is not subject to its jurisdiction, upon petition or by its own authority, transfers the case to the family court that has the jurisdiction.

(2) A family court, in the case prescribed in the preceding paragraph, when it finds it particularly necessary for handling a case seeking the return of a child, by its own authority, may transfer the whole or part of that case to a family court other than the family court which has jurisdiction over the case (limited to the family courts specified in each item of Article 32, paragraph (1)).

(3) Any of the family courts specified in each item of Article 32, paragraph (1), in the case prescribed in paragraph (1) and when it finds it particularly necessary for handling a case seeking the return of a child, by its own authority, may handle the whole or part of that case by itself.

(4) A family court, even where a case seeking the return of a child is subject to its jurisdiction and when it finds it particularly necessary for handling the case, by its own authority, may transfer the whole or part of that case to another family court (limited to the family courts specified in each item of Article 32, paragraph (1)).

(5) An immediate appeal may be filed against a judicial decision on a transfer under the provisions of paragraphs (1) and (2) and the preceding paragraph

and a judicial decision to dismiss without prejudice the petition set forth in paragraph (1).

(6) An immediate appeal against a judicial decision on a transfer under the provisions of the preceding paragraph has the effect of stay of execution.

(7) The provisions of Article 22 of the Code of Civil Procedure (Act No. 109 of 1996) apply mutatis mutandis to the judicial decision on a transfer of the case seeking the return of a child.

Division 2 Disqualification of and Challenge to Court Officials

(Disqualification of Judge)

Article 38 (1) A judge, in the following cases, is disqualified from performing their duties; provided, however, that in the case listed in item (vi), this does not preclude a judge from performing their duties as a commissioned judge based on the commission from another court:

(i) where a judge or their spouse or person who was their spouse is a party to the case, or a person who has the status to become a party to the case;

(ii) where a judge is or was a party's relative by blood within the fourth degree, or relative by marriage within the third degree or cohabiting relative of the party, or is or was a child's relative by blood within the fourth degree, or relative by marriage within the third degree or cohabiting relative of the child;

(iii) where a judge is, in relation to a party or the child, a guardian, supervisor of a guardian, curator, supervisor of a curator, assistant, or a supervisor of an assistant;

(iv) where a judge has served as a witness or expert in the case, or is requested to attend the hearing for the case;

(v) where a judge is or was a party's or the child's agent or assistant in court in the case;

(vi) where a judge has participated in making an arbitral award in the case or participated in making a judicial decision in the prior instance against which an appeal is entered.

(2) If any of the grounds for disqualification prescribed in the preceding paragraph exist, the court, upon petition or by its own authority, makes a judicial decision of disqualification.

(Challenge to Judge)

Article 39 (1) If there are circumstances with regard to a judge that would prejudice the impartiality of a judicial decision, a party may challenge the judge.

(2) A party, if the party, in the presence of a judge, has made statements on the

case, may not challenge the judge; provided, however, that this does not apply where the party did not know of the existence of any grounds for challenge or where any grounds for challenge occurred thereafter.

(Judicial Decision of Disqualification or Challenge, and Stay of Proceedings)

Article 40 (1) A judicial decision of the disqualification of or a challenge to a judge who is a member of a panel or a single judge of a family court is made by the court to which the judge belongs.

(2) The judicial decision set forth in the preceding paragraph is made by a panel.

(3) A judge may not participate in making a judicial decision on the disqualification of or challenge to themselves.

(4) When a petition for disqualification or challenge is filed, the proceedings of the case seeking the return of a child must be stayed until a judicial decision on the petition becomes final and binding; provided, however, that this does not apply to any urgent act.

(5) When a judicial decision to dismiss without prejudice the petition for challenge is made for the reason that any of the grounds listed in the following items exist, the provisions of paragraph (3) do not apply:

(i) when it is obvious that the petition has been made only for the purpose of delaying the proceedings of the case seeking the return of a child;

(ii) when it is in violation of the provisions of paragraph (2) of the preceding Article;

(iii) when it is in violation of the procedures provided for by the Rules of the Supreme Court.

(6) Notwithstanding the provisions of paragraphs (1) and (2), a judicial decision set forth in the preceding paragraph may be made by an authorized judge, etc. (which means an authorized judge, a commissioned judge, or a judge of the family court handling the case seeking the return of a child; the same applies in the proviso of paragraph (3) of the following Article) who is subject to a challenge.

(7) When a judicial decision set forth in paragraph (5) is made, notwithstanding the provisions of the main clause of paragraph (4), the proceedings of the case seeking the return of a child are not stayed.

(8) No appeal may be entered against a judicial decision that the disqualification or challenge is well-grounded.

(9) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the petition for the disqualification or challenge.

(Disqualification of and Challenge to Court Clerk)

Article 41 (1) The provisions of Article 38, Article 39, and paragraphs (3), (5), (8), and (9) of the preceding Article apply mutatis mutandis to the disqualification

of and challenge to the court clerks.

- (2) When a petition is filed for the disqualification of or a challenge to a court clerk, the court clerk may not participate in the case seeking the return of a child for which the petition is filed until a judicial decision on that petition becomes final and binding; provided, however, that this does not apply to the case where a judicial decision to dismiss without prejudice the petition for a challenge to the court clerk is made for the reason that any of the grounds listed in each item of paragraph (5) of the preceding Article as applied mutatis mutandis pursuant to the preceding paragraph exists.
- (3) A judicial decision of the disqualification of or a challenge to the court clerk is made by the court to which a court clerk in question belongs; provided, however, that a judicial decision set forth in the proviso of the preceding paragraph may be made by an authorized judge, etc. (with respect to an authorized judge or a commissioned judge, limited to the case where a petition is filed for a challenge to the court clerk who attends the proceedings of the relevant judge).

(Disqualification of Family Court Investigating Officer)

- Article 42 (1) The provisions of Article 38 and Article 40, paragraphs (2), (8), and (9) (excluding the part relating to challenge) apply mutatis mutandis with respect to the disqualification of a family court investigating officer.
- (2) When a petition is filed for the disqualification of a family court investigating officer, the family court investigating officer may not participate in the case seeking the return of a child for which that petition is filed until a judicial decision on the petition becomes final and binding.
 - (3) A judicial decision of the disqualification of a family court investigating officer is made by the court to which the family court investigating officer in question belongs.

Division 3 Capacity to Be a Party and Capacity to Perform Procedural Acts

(Principle of Capacity to Be a Party and Capacity to Perform Procedural Acts)

- Article 43 (1) The provisions of Articles 28, 29, 33, 34 , paragraphs(1) and (2), and Article 36 , paragraph (1) of the Code of Civil Procedure apply mutatis mutandis to the capacity to be a party, the capacity to perform procedural acts in the proceedings of the case seeking the return of a child (hereinafter referred to as "procedural acts"), the statutory representation for a person without the capacity to perform procedural acts, the delegation of powers necessary for performing procedural acts, and the extinction of authority of statutory representation.

- (2) A minor or an adult ward may perform procedural acts by themselves without being required to obtain the consent of a statutory agent or without going through a statutory agent. The same applies where a person under curatorship or a person under assistance does not have the consent of the curator or supervisor of the curator, or assistant or supervisor of the assistant.
- (3) In order for a guardian to perform procedural acts with regard to a petition or an appeal on the return of a child filed by other persons, the guardian is not required to obtain the consent of the supervisor of the guardian.
- (4) In order for a guardian to perform any of the following procedural acts, they must be required to obtain the consent of the supervisor of the guardian:
 - (i) withdrawing a petition for the return of a child or entering into a settlement;
 - (ii) withdrawing an immediate appeal against a final order, an appeal set forth in Article 108 , paragraph (1) or a petition set forth in Article 111, paragraph (2);
 - (iii) giving consent set forth in Article 144.

(Statutory Agent of Minor or Adult Ward)

Article 44 A person who exercises parental authority or a guardian may perform procedural acts on behalf of a minor or an adult ward.

(Special Agent)

- Article 45 (1) Where there is no statutory agent or where a statutory agent is unable to exercise the authority of representation with respect to a minor or an adult ward, and when damage is likely to be incurred due to a delay in the proceedings of the case seeking the return of a child, the presiding judge, upon petition of an interested person or by the judge's own authority, may appoint a special agent.
- (2) A judicial decision on the appointment of a special agent is made based on a prima facie showing.
 - (3) The court may replace a special agent at any time.
 - (4) In order for a special agent to perform procedural acts, they must be required to obtain the same delegation of powers as a guardian.
 - (5) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the petition set forth in paragraph (1).

(Application Mutatis Mutandis to Representative of Corporation)

Article 46 The provisions concerning statutory representation and a statutory agent in this Act applies mutatis mutandis to a representative of a corporation and to a representative or administrator of an association or foundation that is not a corporation but has the capacity to be a party.

Division 4 Intervention

(Intervention as Party)

Article 47 (1) A person who has the status to become a party may intervene as a party in the proceedings of the case seeking the return of a child.

- (2) The court, when it finds it appropriate, upon petition of a party or by its own authority, may allow other persons who have the status to become a party to intervene as a party in the proceedings of the case seeking the return of a child.
- (3) An application for intervention under the provisions of paragraph (1) and a petition set forth in the preceding paragraph must be made by means of a document describing the purpose of and reasons for intervention.
- (4) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the application for intervention under the provisions of paragraph (1).

(Intervention of a Child)

Article 48 (1) The child who is sought to be returned in the case seeking the return of a child may intervene in the proceedings of the case seeking the return of a child.

- (2) The court, when it finds it appropriate, by its own authority, may allow a child who is sought to be returned to intervene in the proceedings of the case seeking the return of a child.
- (3) An application for intervention under the provisions of paragraph (1) must be made by means of a document.
- (4) The court, when it finds that it would harm the interests of the child who intends to intervene in the proceedings of the case seeking the return of a child for the relevant child to intervene in those proceedings while taking into account the age and degree of maturity of the child and all other circumstances, must dismiss the application for intervention under the provisions of paragraph (1) without prejudice.
- (5) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the application for intervention under the provisions of paragraph (1).
- (6) A child who intervenes in the proceedings of the case seeking the return of a child pursuant to the provisions of paragraphs (1) and (2) (hereinafter simply referred to as "intervening child") may perform the procedural acts that a party to the case is able to perform (excluding the withdrawal and change of the petition for the return of a child, and the withdrawal of an appeal against a judicial decision and of an objection to disposition made by a court clerk); provided, however, that, with respect to an appeal against a judicial decision

and an objection to disposition made by a court clerk, this applies only where the intervening child is able to perform the procedural acts pursuant to other provisions of this Act concerning an appeal and objection.

(Exclusion from Proceedings)

Article 49 (1) The court may exclude a person who has no status to become a party or has lost the status from the proceedings of the case seeking the return of a child.

(2) An immediate appeal may be filed against a judicial decision on the exclusion under the provisions of paragraph (1).

Division 5 Counsel and Assistant in Court

(Qualification of Counsel)

Article 50 (1) Except for an agent who may perform judicial acts under the laws and regulations, no person other than an attorney at law may serve as a counsel; provided, however, that in a family court, with its permission, a person who is not an attorney at law may be appointed as a counsel.

(2) The permission set forth in the proviso of the preceding paragraph may be rescinded at any time.

(Appointment of Counsel by Presiding Judge)

Article 51 (1) Where a minor, an adult ward, a person under curatorship, or a person under assistance (hereinafter referred to as "minor, etc." in this Article) intends to perform procedural acts, and when the presiding judge finds it necessary, the judge may, upon petition, appoint an attorney at law as a counsel.

(2) Even where a minor, etc. does not file a petition set forth in the preceding paragraph, the presiding judge may order that an attorney at law be appointed as a counsel, or may appoint an attorney at law as a counsel by the judge's own authority.

(3) The amount of remuneration to be paid by a minor, etc. to the attorney at law appointed as a counsel by the presiding judge pursuant to the provisions of the preceding two paragraphs is the amount that the court finds reasonable.

(Scope of Authority of Representation of Counsel)

Article 52 (1) A counsel, with regard to a case entrusted thereto, may perform acts concerning an intervention and compulsory execution, and may receive payment.

(2) A counsel must be specially entrusted in order to perform the following:

(i) withdrawing the petition for the return of a child or entering into a

settlement;

- (ii) filing an immediate appeal against a final order, an appeal set forth in Article 108 , paragraph (1) or a petition set forth in Article 111 , paragraph (2), or withdrawing the appeal or petition;
 - (iii) filing a petition for the ne exeat order as prescribed in Article 122, paragraph (3) or withdrawing the petition;
 - (iv) giving consent set forth in Article 144;
 - (v) appointing an agent.
- (3) The authority of representation of a counsel may not be restricted; provided, however, that this does not apply to a counsel who is not an attorney at law.
- (4) The provisions of the preceding three paragraphs do not preclude the powers of an agent who may perform judicial acts pursuant to laws and regulations.

(Application Mutatis Mutandis of Code of Civil Procedure concerning Counsel and Their Authority of Representation)

Article 53 The provisions of Article 34 (excluding paragraph (3)), Article 36, paragraph (1) and Articles 56 through 58(excluding Article 58, paragraph (3)) of the Code of Civil Procedure apply mutatis mutandis to a counsel and their authority of representation.

(Assistant in Court)

Article 54 The provisions of Article 60 of the Code of Civil Procedure apply mutatis mutandis to an assistant in court in the proceedings of the case seeking the return of a child.

Division 6 Procedural Costs

(Burden of Procedural Costs)

- Article 55 (1) With regard to procedural costs for the procedures for the case seeking the return of a child (hereinafter referred to as "procedural costs"), the parties are to bear their own costs.
- (2) With respect to the procedural costs that should be borne by a party and an intervening child, respectively, pursuant to the provisions of the preceding paragraph, the court, depending on the circumstances, may have another party to the case bear all or part of the procedural costs.

(Judicial Decision on Burden of Procedural Costs)

Article 56 (1) The court, when making a judicial decision to conclude a case, by its own authority, must make a judicial decision on the burden of all procedural costs incurred in the instance thereof (including the costs for the procedures relating to the conciliation of domestic relations where the court

has referred the case to the conciliation of domestic relations pursuant to the provisions of Article 144); provided, however, that depending on the circumstances, the court, when making a judicial decision on part of a case or on an interlocutory dispute, may make a judicial decision on the burden of costs thereof.

- (2) Where an upper instance court modifies a judicial decision on merits, it makes a judicial decision on the burden of the total costs of the proceedings (including the costs for the procedures relating to the conciliation of domestic relations where the court has referred the case to the conciliation of domestic relations pursuant to the provisions of Article 144). The same applies where a court that has accepted a case remanded or transferred thereto makes a judicial decision to conclude the case.
- (3) Where the court has referred the case to the conciliation of domestic relations pursuant to the provisions of Article 144, and if the conciliation has been settled without any special provisions on the burden of the procedural costs for the case seeking the return of a child, the parties bear their own costs.

(Lending of Procedural Costs)

Article 57 Costs required for acts necessary for the procedures for the case seeking the return of a child, such as examination of the facts, examination of evidence, summons and notification, may be temporarily paid by the national treasury.

(Application Mutatis Mutandis of Code of Civil Procedure concerning Procedural Costs)

Article 58 (1) The provisions of Articles 68 through 74 (excluding the part relating to an immediate appeal against a judicial decision on an objection to disposition made by a court clerk) of the Code of Civil Procedure apply mutatis mutandis to the burden of the procedural costs. In this case, the term "an application for assisting intervention is withdrawn or an objection to assisting intervention" in Article 73 , paragraph (1) of that Code is deemed to be replaced with "an application for intervention under the provisions of Article 47, paragraph (1) or Article 48, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction (Act No. 48 of 2013)", and the term "The provisions of Article 61 through Article 66 and Article 71, paragraph (7)" in paragraph (2) of the Article of that Code is deemed to be replaced with "The provisions of Article 71, paragraph (7) as applied mutatis mutandis pursuant to Article 58, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction."

- (2) An immediate appeal under the provisions of Article 69, paragraph (3) of the

Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph and an immediate appeal against a judicial decision on an objection set forth in Article 71, paragraph (4) (including cases where it applies mutatis mutandis in the second sentence of Article 72 of that Code as applied mutatis mutandis pursuant to the preceding paragraph), Article 73, paragraph (2) and Article 74, paragraph (2) of that Code have the effect of stay of execution.

(Procedural Aid)

Article 59 (1) For a person who lacks the financial resources to pay the costs necessary for preparing for and conducting the proceedings of a case seeking the return of a child or for a person who will suffer substantial detriment in their standard of living by paying these costs, the court, upon petition, may make a judicial decision to grant procedural aid; provided, however, that this does not apply where it is obvious that the person seeking that aid has performed procedural acts, such as filing a petition for the return of a child, for an unjust purpose.

(2) The provisions of Article 82, paragraph (2) and Articles 83 through 86 of the Code of Civil Procedure (excluding Article 83, paragraph (1), item (iii) of that Code) apply mutatis mutandis to the procedural aid. In this case, the term "the main clause of Article 82, paragraph (1)" in Article 84 of that Code is deemed to be replaced with "the main clause of Article 59, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction."

Division 7 Proceedings of Case Seeking Return of a Child

(Closed Proceedings)

Article 60 Proceedings of the case seeking the return of a child do not be open to the public; provided, however, that the court may permit observation by a person whom it considers to be appropriate.

(Preparation of Record)

Article 61 A court clerk must prepare a record of the proceedings on each date for the proceedings of the case seeking the return of a child; provided, however, that the record of the proceedings on the date other than the date for examination of evidence may be substituted by the summary clarifying the proceedings where the presiding judge finds it unnecessary.

(Inspection of Record)

Article 62 (1) The parties and a third party who has made a prima facie showing of their interest may, with permission of the court, make a request to a court

clerk for inspection of or copying of the record of the case seeking the return of a child, or issuance of an authenticated copy, transcript, or extract thereof (referred to as "inspection, etc." in item (i) of paragraph (4) and Article 69, paragraph (2)), or issuance of a certificate of matters concerning the case seeking the return of a child.

- (2) The provisions of the preceding paragraph do not apply with respect to the record of the case seeking the return of a child which is prepared in the form of audiotapes or videotapes (including objects on which certain matters are recorded by any means equivalent thereto). In this case, a party or a third party who has made a prima facie showing of their interest, with permission of the court, may make a request to a court clerk for reproduction of these objects.
- (3) The court, when a petition for the permission under the provisions of the preceding two paragraphs is filed by a party, must grant the permission pertaining to the petition.
- (4) With respect to the part describing or recording the domicile or residence of the respondent or the child provided by the Minister for Foreign Affairs pursuant to the provisions of Article 5, paragraph (4) (limited to the part pertaining to item (ii)) (referred to as "part that indicates address, etc." in item (i) and Article 149, paragraph (1)) within the record of the case seeking the return of a child, the court, notwithstanding the provisions of the preceding paragraph, not grant the permission pertaining to the petition set forth in that paragraph; provided, however, that this does not apply to either of the following items:
 - (i) where the respondent has given consent to the inspection, etc. of the part that indicates address, etc., or reproduction thereof;
 - (ii) where it is necessary to carry out the compulsory execution relating to a final order to order the return of a child after the final order has become final and binding.
- (5) The court, notwithstanding the provisions of paragraph (3) and the proviso of the preceding paragraph, may refrain from granting the permission pertaining to the petition set forth in paragraph (3), where it is found that there is a risk of causing harm to the interests of the child who is sought to be returned in the case seeking the return of a child, a risk of causing harm to the private life and business of a party or a third party, or, a risk of disclosing significant secrets regarding the private life of a party or a third party, thereby causing considerable interference with the social life of the party or third party or substantial harm to the reputation of the parties. The same applies when it is found that special circumstances exist that make it inappropriate to grant the permission pertaining to the petition set forth in the paragraph to the party in light of the nature of the case, the development of the proceedings, the contents of the record, etc.

- (6) When a petition for the permission under the provisions of paragraph (1) or (2) is filed by a third party who has made a prima facie showing of their interest, the court, when it finds it appropriate, may grant the permission pertaining to the petition.
- (7) With respect to an authenticated copy, transcript, or extract of a written judicial decision, or a certificate of matters concerning the case seeking the return of a child, a party to the case, notwithstanding the provisions of paragraph (1), may make a request to a court clerk for issuance thereof without permission of the court.
- (8) A request for inspection, copying, and reproduction of the record of a case seeking the return of a child may not be made if these acts would be detrimental to the preservation of the record of the case seeking the return of a child or the performance of the court's duties.
- (9) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the petition set forth in paragraph (3).
- (10) Where it is found that an immediate appeal under the provisions of the preceding paragraph has been filed for the purpose of unreasonably delaying the proceedings of the case seeking the return of a child, the court of prior instance must dismiss the immediate appeal without prejudice.
- (11) An immediate appeal may be filed against a judicial decision under the provisions of the preceding paragraph.

(Date and Period)

- Article 63 (1) The date for the proceedings of the case seeking the return of a child is designated by the presiding judge by their own authority.
- (2) The date for the proceedings of the case seeking the return of a child, only if unavoidable, may be designated on a Sunday or any other general holiday.
 - (3) A change of the date for the proceedings of the case seeking the return of a child is allowed only if there are obvious reasons therefor.
 - (4) The provisions of Articles 94 through 97 of the Code of Civil Procedure apply mutatis mutandis to the date and period for the proceedings of the case seeking the return of a child.

(Consolidation of Proceedings)

- Article 64 (1) The court may consolidate or separate the proceedings of the case seeking the return of a child.
- (2) The court may revoke the judicial decision under the provisions of the preceding paragraph.
 - (3) When the court has ordered the consolidation of the proceedings of the case seeking the return of a child involving different parties, if a party requests the examination of a witness who was examined before the consolidation but whom

the party has not had the opportunity to examine, the court must examine that witness.

(Substitution of Action by Person who is to Continue the Case pursuant to Laws and Regulations)

Article 65 (1) If a party to the case seeking the return of a child is not able to continue the case (except for a party's death), a person who has the status to continue the proceedings of the case pursuant to laws and regulations must substitute the proceedings.

(2) Where a person who has the status to continue the proceedings of the case pursuant to laws and regulations files a petition for the substitution of action under the provisions of the preceding paragraph and when a judicial decision is made to dismiss the petition without prejudice, an immediate appeal may be filed against the judicial decision.

(3) In the case referred to in paragraph (1), the court, upon petition of any other party or by its own authority, may have the person who has the status to continue the case pursuant to laws and regulations substitute the proceedings of the case seeking the return of a child.

(Substitution of Action by Other Petitioner)

Article 66 (1) Where it is impossible to continue the proceedings of the case seeking the return of a child due to the petitioner's death, a person who has the status to become a petitioner in that case may substitute the case.

(2) A petition for the substitution of action under the provisions of the preceding paragraph must be filed within one month from the date of death of the petitioner of the case seeking the return of a child.

(3) Where it is impossible to continue the proceedings of the case seeking the return of a child due to the respondent's death, the court, upon petition or by its own authority, may have the person who has the custody of the child after the respondent's death substitute the proceedings, but only within three months from the date of the respondent's death.

(Service and Suspension of Proceedings)

Article 67 The provisions of Part I, Chapter V, Section 4 and Articles 130 through 132 (excluding Article 132, paragraph (1)) of the Code of Civil Procedure apply mutatis mutandis to the service and suspension of the proceedings of the case seeking the return of a child. In this case, the term "the claim that is the subject matter of the suit or the allegations and evidence for defense" in Article 113 of that Code is deemed to be replaced with "matters for which the judicial decision is sought."

(Objection to Disposition by Court Clerk)

Article 68 (1) With regard to an objection to a disposition made by a court clerk, the court to which the court clerk belongs makes a judicial decision.

(2) An immediate appeal may be filed against a judicial decision set forth in the preceding paragraph.

Division 8 Petition by Means of Electronic Data Processing System

Article 69 (1) The provisions of Article 132-10, paragraphs (1)through(5) (excluding the part relating to the demand for payment) of the Code of Civil Procedure apply mutatis mutandis to the statements, such as a petition, in the proceedings of the case seeking the return of a child (referred to as "petition, etc." in the following paragraph).

(2) Inspection, etc. of the record of the case seeking the return of a child under the provisions of Article 62, paragraph (1) pertaining to the petition, etc. filed pursuant to the provisions of the main clause of Article 132-10, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph is made by means of the document set forth in Article 132-10, paragraph (5) of that Code. The same applies to serving or sending a document pertaining to the petition, etc.

Subsection 2 Proceedings of Case Seeking Return of a Child in Court of First Instance

Division 1 Petition for Return of a Child

(Form of Filing Petition)

Article 70 (1) A petition for the return of a child must be filed by submitting a written petition (hereinafter referred to as "written petition for the return of a child") to the family court.

(2) A written petition for the return of a child must state the following matters.

In this case, the object of the petition listed in item (ii) must be stated by specifying the child who is sought to be returned and the Contracting State to which the child is to be returned:

(i) the parties and statutory agents;

(ii) the object of petition;

(iii) a statement to the effect that the filing of the petition is in accordance with the procedures for the case seeking the return of a child.

(3) A petitioner may request the return of two or more children by one petition.

(4) Where a written petition for the return of a child is in violation of the provisions of paragraph (2), the presiding judge must specify a reasonable period and order that the defect should be corrected within that period. The

same applies where fees for filing a petition required under the provisions of the Act on Costs of Civil Procedure (Act No. 40 of 1971) are not paid.

- (5) In the case referred to in the preceding paragraph, if the petitioner fails to correct the defect, the presiding judge, by an order, must dismiss the written petition for the return of a child without prejudice.
- (6) An immediate appeal may be filed against the direction set forth in the preceding paragraph.

(Amendment of Petition)

Article 71 (1) The petitioner, unless there is no change to the basis for a petition, may amend the object of the petition; provided, however, that this does not apply after the proceedings are concluded pursuant to the provisions of Article 89.

- (2) An amendment of the object of the petition must be made by means of a document, except where it is made on the date for the proceedings of the case seeking the return of a child.
- (3) The family court, when it finds that an amendment of the object of the petition is unlawful, must make a judicial decision not to permit the amendment.
- (4) The family court, when an amendment of the object of the petition would substantially delay the proceedings of the case seeking the return of a child, may make a judicial decision not to permit that amendment.

(Sending of Copy of Written Petition)

Article 72 (1) Where a petition for the return of a child is filed, the family court must send a copy of the written petition for the return of a child to the respondent except where the petition is unlawful or it is obvious that the petition is groundless.

- (2) Sending of a copy of the written petition for the return of a child under the provisions of the preceding paragraph may not be made through the method of service by publication.
- (3) The provisions of Article 70, paragraphs (4) through (6) apply *mutatis mutandis* to the case where it is impossible to send a copy of the written petition for the return of a child under the provisions of paragraph (1).
- (4) The presiding judge, where the judge has specified a reasonable period and ordered the petitioner to prepay the costs for sending a copy of the petition for the return of a child under the provisions of paragraph (1), but the costs are not prepaid, must, by an order, dismiss the petition for the return of a child without prejudice.
- (5) An immediate appeal may be filed against the direction set forth in the preceding paragraph.

Division 2 Date for Proceedings of Case Seeking Return of a Child

(Presiding Judge's Control of Proceedings)

Article 73 (1) On the date for the proceedings of the case seeking the return of a child, the presiding judge directs the proceedings.

(2) The presiding judge may permit a person to speak or prohibit a person who does not comply with the judge's direction from speaking.

(3) When a party has made an objection to a direction issued by the presiding judge with regard to the control of the proceedings, the family court makes a judicial decision on the objection.

(Proceedings by Authorized Judge)

Article 74 (1) The family court may have an authorized judge conduct proceedings on the date for the proceedings of the case seeking the return of a child; provided, however, that, with respect to the examination of the facts and the examination of evidence, this applies only where an authorized judge may conduct the examination of the facts or the examination of evidence pursuant to the provisions of Article 82, paragraph (3) or the provisions of Part II, Chapter IV, Sections 1 through 6 of the Code of Civil Procedure as applied *mutatis mutandis* pursuant to Article 86, paragraph (1).

(2) In the case referred to in the preceding paragraph, the relevant judge performs the duties of the family court and the presiding judge.

(Proceedings through Communication by Audio Transmissions)

Article 75 (1) When a party lives in a remote place or the family court finds it appropriate for any other reasons, the family court, after hearing opinions of the parties, may conduct proceedings (excluding the examination of evidence) on the date for the proceedings of the case seeking the return of a child, as provided for by the Rules of the Supreme Court, by a method that enables the family court and both parties to simultaneously communicate with one another by audio transmissions.

(2) The party who has participated in the proceedings set forth in the preceding paragraph without appearing on the date for the proceedings of the case seeking the return of a child is deemed to have appeared on that date.

(Other Measures including Attendance of Interpreter)

Article 76 The provisions of Article 154 of the Code of Civil Procedure apply *mutatis mutandis* to the attendance of an interpreter, etc. on the date for the proceedings of the case seeking the return of a child, and the provisions of Article 155 of that Code also apply *mutatis mutandis* to the measures taken for

a party, intervening child, agent, or assistant in court, who is unable to make the statements necessary to clarify the matters related to the proceedings of the case seeking the return of a child.

Division 3 Examination of Facts and Examination of Evidence

(Examination of Facts and Examination of Evidence)

Article 77 (1) The family court, by its own authority, must conduct an examination of the facts and, upon petition or by its own authority, must conduct an examination of evidence deemed to be necessary.

(2) The petitioner and the respondent are to present the materials on the grounds prescribed in Article 27 (including the grounds relating to the case prescribed in Article 28, paragraph (1), item (ii)) and the materials on the grounds prescribed in the paragraph, respectively and are to cooperate in the examination of the facts and the examination of evidence.

(Prima Facie Showing)

Article 78 A prima facie showing must be made by materials that can be examined immediately.

(Examination of Facts by Family Court Investigating Officer)

Article 79 (1) The family court may have a family court investigating officer conduct an examination of the facts.

(2) In pressing circumstances, the presiding judge may have a family court investigating officer conduct an examination of the facts.

(3) A family court investigating officer is to report the results of the examination of the facts in writing or orally to the family court.

(4) A family court investigating officer may attach their opinion to the report under the provisions of the preceding paragraph.

(Attendance by Family Court Investigating Officer on Date for Proceedings)

Article 80 (1) The family court, when it finds it necessary, may have the attendance of a family court investigating officer on the date for the proceedings of the case seeking the return of a child.

(2) The family court, when it finds it necessary, may have the family court investigating officer who attends the proceedings pursuant to the provisions of the preceding paragraph state their opinion.

(Diagnosis by Technical Officials of Courts)

Article 81 (1) The family court, when it finds it necessary, may have a technical official of the court who is a physician diagnose the physical and psychological

conditions of the persons concerned in the case.

- (2) The provisions of Article 79, paragraphs (2) through (4) apply mutatis mutandis to the diagnosis set forth in the preceding paragraph, and the provisions of the preceding Article also apply mutatis mutandis to the attendance of that technical official on the date for the proceedings and the statement of their opinion thereat.

(Commission of Examination of Facts)

Article 82 (1) The family court may commission another family court to conduct an examination of the facts.

- (2) A commissioned judge who performs their duties based on the commission under the provisions of the preceding paragraph, when the judge finds it appropriate for another family court to conduct the examination of the facts, may further commission that other family court to conduct the examination of the facts.
- (3) The family court, when it finds it appropriate, may have an authorized judge conduct an examination of the facts.
- (4) When a commissioned judge or an authorized judge conducts an examination of the facts pursuant to the provisions of the preceding three paragraphs, the respective judge performs the duties of the family court and the presiding judge.

(Commission of Examination)

Article 83 The family court may commission the Minister for Foreign Affairs as well as a government agency, a public office, or any other person that it deems appropriate to conduct necessary examination or may request a school, nursery center, or any other person that it finds appropriate to submit a necessary report relating to the matters as the physical and psychological conditions and living circumstances of the child.

(Notice of Examination of Facts)

Article 84 The family court, when it conducts an examination of the facts, must notify the parties and the intervening child to that effect, except where it finds it specifically unnecessary.

(Hearing of Statements)

- Article 85 (1) The family court must hear statements from the parties except where the petition for the return of a child is unlawful or it is obvious that the petition is groundless.
- (2) When the family court conducts an examination of the facts by setting a hearing date and hearing one party's statements, the other party may attend

on that date; provided, however, that this does not apply where the other party's attendance would interfere with the examination of the facts.

(Examination of Evidence)

Article 86 (1) The provisions of Part II, Chapter IV, Sections 1 through 6 of the Code of Civil Procedure (excluding the provisions of Articles 179, 182, 187 through 189, and Article 207, paragraph (2) of that Code) apply mutatis mutandis to the examination of evidence in the proceedings of the case seeking the return of a child. In this case, the term "a district court or summary court" in Article 185 , paragraph (1) of that Code is deemed to be replaced with "another family court" and the term "district court or summary court" in Article 185, paragraph (2) of that Code is deemed to be replaced with "family court."

(2) An immediate appeal under the provisions of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph has the effect of stay of execution.

(Submission of Document Proving Wrongfulness)

Article 87 The family court, when the petitioner may obtain a document proving that there has been a wrongful removal or a wrongful retention in the State of habitual residence, may request the petitioner to submit the document.

Division 4 Understanding of Intention of Child in Proceedings of Case Seeking Return of a Child

Article 88 In the proceedings of the case seeking the return of a child, the family court must endeavor to understand the intention of the child through appropriate means such as hearing of their statements and examination by a family court investigating officer, and must take into account its intention according to their age and degree of maturity in making a final order.

Division 5 Conclusion of Proceedings

(Conclusion of Proceedings)

Article 89 In the proceedings of the case seeking the return of a child, except where the petition is unlawful or it is obvious that the petition is groundless, the family court must decide the day on which proceedings are to be concluded, giving a reasonable grace period; provided, however, that on the date for the proceedings of the case seeking the return of a child which both parties can attend, a court may immediately declare the conclusion of proceedings.

(Date of Judicial Decision)

Article 90 The family court, when it concludes the proceedings pursuant to the provisions of the preceding Article, must set the date to make a judicial decision.

Division 6 Judicial Decision

(Form of Judicial Decision)

Article 91 In the proceedings of the case seeking the return of a child, the family court makes a judicial decision by an order.

(Final Order)

Article 92 (1) The family court, when the case seeking the return of a child is sufficiently developed to allow the court to reach a judicial decision, makes a final order.

(2) The family court, when part of the case seeking the return of a child is ripe for making a judicial decision, may make a final order with regard to this part. The same applies where one of multiple cases seeking the return of a child for which consolidation of the proceedings has been ordered is ripe for making a judicial decision.

(Notice of Final Order and Effectuation)

Article 93 (1) A final order must be notified to the parties and the child by a method that is considered to be appropriate; provided, however, that this does not apply where it is found that a notice to the child (excluding the intervening child) would harm their interests, taking into consideration their age and degree of maturity and all other circumstances.

(2) A final order becomes effective when it is notified to the parties; provided, however, that the final order to order the return of a child does not become effective until it becomes final and binding.

(3) A final order is not to become final and binding until the expiration of the period for filing an immediate appeal.

(4) The process of a final order becoming final and binding is interrupted by the filing of an immediate appeal within the period set forth in the preceding paragraph.

(Form of Final Order and Written Order)

Article 94 (1) A final order must be made by preparing a written judicial decision.

(2) A written judicial decision for a final order must state the following matters:
(i) the main text;

- (ii) the reasons;
- (iii) the parties and statutory agents;
- (iv) the court.

(Order of Correction)

Article 95 (1) If there is a clerical error or any other clear error similar thereto in a final order, the family court, upon petition or by its own authority, may make an order of correction at any time.

- (2) An order of correction must be made by preparing a written judicial decision.
- (3) An immediate appeal may be filed against an order of correction only by a person who is entitled to file an immediate appeal if the final order after correction is the original order.
- (4) An immediate appeal may be filed against a judicial decision to dismiss without prejudice the petition set forth in paragraph (1) as unlawful.
- (5) Where a lawful immediate appeal is filed against a final order, an immediate appeal set forth in the preceding two paragraphs may not be filed.

(Application Mutatis Mutandis of Code of Civil Procedure concerning Final Order)

Article 96 The provisions of Article 247, Article 256, paragraph (1), and Article 258 (excluding the second sentence of paragraph (2)) of the Code of Civil Procedure apply mutatis mutandis to the final order. In this case, the term "after the rendition" in Article 256, paragraph (1) of that Code is deemed to be replaced with "from the date when the final order is first notified to the person who is to receive the notice."

(Interlocutory Order)

- Article 97 (1) The family court, when the case is sufficiently developed to allow the court to reach a judicial decision with regard to a dispute on legal matters which would be the basis of a final order or any other interlocutory dispute, may make an interlocutory order.
- (2) An interlocutory order must be made by preparing a written judicial decision.

(Judicial Decision other than Final Order)

- Article 98 (1) A judicial decision other than a final order must be notified to a person who is to receive the notice by a method that is considered to be appropriate.
- (2) A judicial decision other than a final order becomes effective by notifying a person who is to receive the notice (if there are several such persons, one of them).
 - (3) The provisions of Article 92 through Article 96 (excluding Article 93,

paragraphs (1) and (2), and Article 94, paragraph (1)) apply mutatis mutandis to the judicial decision set forth in the preceding paragraph. In this case, the term "the reasons" in Article 94, paragraph (2), item (ii) is deemed to be replaced with "the gist of the reasons."

- (4) A judicial decision concerning the control of the proceedings of the case seeking the return of a child may be rescinded at any time.
- (5) A judicial decision other than a final order may be made by an assistant judge independently.

Division 7 Conclusion of Case Seeking Return of a Child other than by Judicial Decision

(Withdrawal of Petition for Return of a Child)

Article 99 (1) A petition for the return of a child may be withdrawn in whole or part before a final order becomes final and binding; provided, however, that a withdrawal of the petition after a final order is made does not become effective without the consent of the respondent.

- (2) Where the consent of the respondent is required to withdraw the petition pursuant to the proviso of the preceding paragraph, the family court must notify the respondent that the petition is withdrawn; provided, however, that this does not apply where the petition is withdrawn orally on the date for the proceedings of the case seeking the return of a child and the respondent appears on that date.
- (3) If the respondent does not make an objection within two weeks from the day on which the respondent receives a notice under the provisions of the main clause of the preceding paragraph, the respondent is deemed to have consented to the withdrawal of the petition. The same applies where, in the case under the provisions of the proviso of that paragraph, the respondent does not make an objection within two weeks from the day on which the petition is withdrawn.
- (4) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure apply mutatis mutandis to the withdrawal of the petition. In this case, the term "the date for oral argument, preparatory proceedings or settlement (hereinafter referred to as 'date for oral argument, etc.' in this Chapter)" in the proviso of Article 261, paragraph (3) of that Code is deemed to be replaced with "the date for the proceedings of the case seeking the return of a child."

(Settlement)

Article 100 (1) The provisions of Articles 89, 264, and 265 of the Code of Civil Procedure apply mutatis mutandis to the settlement of the case seeking the return of a child. In this case, the terms "the appearance date" in Articles 264

and "the date for oral argument, etc." in Article 265, paragraph (3) of that Code are deemed to be replaced with "the date for the proceedings of the case seeking the return of a child."

- (2) In the case seeking the return of a child, settlement may be also entered into with respect to the matters regarding the custody of the child, the matters regarding cooperation and mutual assistance between husband and wife, and the matters regarding sharing of living expense.
- (3) When a settlement on the matters listed in the following items is stated in a record, the statement has the same effect as a judicial decision specified in each of the items:
 - (i) the return of a child: a final order to order the return of a child which has become final and binding;
 - (ii) the matters regarding the custody of the child, the matters regarding cooperation and mutual assistance between husband and wife, and the matters regarding sharing of living expense: an adjudication under the provisions of Article 39 of the Domestic Relations Case Procedure Act (Act No.52 of 2011) which has become final and binding;
 - (iii) other matters: a final and binding judgment.

Subsection 3 Appeal

Division 1 Immediate Appeal against Final Order

(Judicial Decision against Which Immediate Appeal May Be Filed)

- Article 101 (1) A party may file an immediate appeal against a final order.
- (2) The child may file an immediate appeal against a final order to order the return of a child.
 - (3) An immediate appeal may not be filed independently against a judicial decision on the burden of procedural costs.

(Period for Filing Immediate Appeal)

- Article 102 (1) An immediate appeal against a final order must be filed within an inalterable period of two weeks; provided, however, that this does not preclude the effect of an immediate appeal filed prior to that period.
- (2) The period of filing an immediate appeal by a party or an intervening child commences at the time when they are notified of the final order.
 - (3) The period of filing an immediate appeal by a child (excluding an intervening child) commences at the time when a party is notified of the final order (when there are two or more dates, the latest date among them).

(Form of Filing of Immediate Appeal)

- Article 103 (1) An immediate appeal must be filed by submitting a petition for

appeal to the court of prior instance.

- (2) A petition for appeal must state the following matters:
 - (i) the parties and statutory agents;
 - (ii) the indication of the order of prior instance and a statement to the effect that an immediate appeal is filed against that order.
- (3) If an immediate appeal is unlawful and it is obvious that the defect cannot be corrected, the court of prior instance must dismiss the appeal without prejudice.
- (4) An immediate appeal may be filed against the final order under the provisions of the preceding paragraph.
- (5) An immediate appeal set forth in the preceding paragraph must be filed within an inalterable period of one week; provided, however, that this does not preclude the effect of an immediate appeal filed prior to that period.
- (6) The provisions of Article 70, paragraphs (4) and (5) apply mutatis mutandis where the petition for appeal is in violation of the provisions of paragraph (2), and where fees for filing a petition for immediate appeal required under the provisions of the Act on Costs of Civil Procedure are not paid.

(Sending of Copy of Petition for Appeal)

- Article 104 (1) Where an immediate appeal is filed against a final order, the court in charge of an appeal must send a copy of the petition for appeal to the parties and the intervening child (excluding the appellant) in the prior instance, except where the immediate appeal is unlawful or it is obvious that the immediate appeal is groundless.
- (2) The presiding judge, where the judge has specified a reasonable period and ordered the appellant to prepay costs necessary for sending a copy of the petition for appeal pursuant to the provisions of the preceding paragraph, but the costs are not prepaid, must, by an order, dismiss the petition for appeal without prejudice.

(Hearing of Statement)

Article 105 The court in charge of an appeal must hear statements from the parties in the prior instance (excluding the appellant), except where the immediate appeal is unlawful or it is obvious that the immediate appeal is groundless.

(Judicial Decision by Court in charge of Appeal)

Article 106 The court in charge of an appeal, where it finds that an immediate appeal is well-grounded, must make a judicial decision by itself; provided, however, that this does not apply where the court in charge of an appeal remands the case to the court of first instance pursuant to the provisions of Article 307 or Article 308, paragraph (1) of the Code of Civil Procedure as

applied mutatis mutandis pursuant to paragraph (3) of the following Article.

(Application Mutatis Mutandis of Proceedings in First Instance and Code of Civil Procedure)

- Article 107 (1) Except as otherwise provided, the provisions of the preceding Subsection (excluding the provisions of Article 70, paragraph (6), Article 72, paragraphs (2) and (5), Article 93, paragraphs (3) and (4), Article 95, paragraphs (3) through (5) and Article 98, paragraph (5)) apply mutatis mutandis to the procedures relating to the immediate appeal against a final order and that appeal instance.
- (2) The court in charge of an appeal, where it is not required to send a copy of the petition for appeal pursuant to the provisions of Article 104, paragraph (1), may dismiss with or without prejudice an immediate appeal without following the procedures of conclusion of the proceedings under the provisions of Article 89 as applied mutatis mutandis pursuant to the preceding paragraph.
- (3) The provisions of Articles 283, 284, 292, Article 298, paragraph (1), Articles 299, 302, 303, and 305 through 309 of the Code of Civil Procedure apply mutatis mutandis to the procedures relating to the immediate appeal against a final order and the appeal instance. In this case, the term "Article 261, paragraph (3), Article 262, paragraph (1) and Article 263" in Article 292, paragraph (2) of that Code is deemed to be replaced with "Article 99, paragraph (4) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction," and the term "any of the items of Article 6, paragraph (1)" in Article 299, paragraph (2) of that Code is deemed to be replaced with "any of the items of Article 32, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction," and the term "Article 189" in Article 303, paragraph (5) of that Code is deemed to be replaced with "Article 150 of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction."

Division 2 Special Appeal against Final Order

(Judicial Decision against Which Special Appeal May Be File)

- Article 108 (1) Against a final order made by a high court, an appeal against the order may specially be filed with the Supreme Court on the grounds that that order contains a misconstruction of the Constitution or any other violation of the Constitution.
- (2) The court in charge of an appeal before which the appeal set forth in the preceding paragraph (hereinafter referred to as "special appeal") is pending conducts an examination only on the reasons for the special appeal stated in the petition for appeal or the statement of the reasons for the appeal.

(Stay of Execution of Judicial Decision of Prior Instance)

- Article 109 (1) A special appeal does not have the effect of stay of execution; provided, however, that, the court in charge of an appeal set forth in paragraph (2) of the preceding Article or the court of prior instance may order, upon petition, a stay of execution of the judicial decision of prior instance or any other necessary disposition until a judicial decision for a special appeal is made, while requiring or not requiring the provision of security.
- (2) Where security is to be provided pursuant to the provisions of the proviso of the preceding paragraph, if it is provided as a statutory deposit, the deposit must be made at the official depository located in the jurisdictional district of the family court that has jurisdiction over the location of the court that has ordered the provision of security.
- (3) The provisions of Articles 76, 77, 79, and 80 of the Code of Civil Procedure apply mutatis mutandis to the security set forth in the preceding paragraph.

(Application Mutatis Mutandis of Provisions on Immediate Appeal and Code of Civil Procedure)

- Article 110 (1) The provisions of Article 102, paragraphs (2) and (3), Article 103 (excluding paragraphs (4) and (5)), Articles 104, 105, and 107 apply mutatis mutandis to the procedures relating to the special appeal and the appeal instance.
- (2) The provisions of Article 314, paragraph (2), Article 315, Article 316, paragraph (1) (limited to the part pertaining to item (ii)), Article 321, paragraph (1), Article 322, the first sentence of Article 325, paragraph (1), Article 325, paragraph (2), the second sentence of Article 325, paragraph (3) and Article 325, paragraph (4), Article 326, and Article 336, paragraph (2) of the Code of Civil Procedure apply mutatis mutandis to the procedures relating to the special appeal and that appeal instance. In this case, the term "Article 288 and Article 289, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article" in Article 314, paragraph (2) of that Code is deemed to be replaced with "Article 103, paragraph (6) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction as applied mutatis mutandis pursuant to Article 110, paragraph (1) of the Act," the term "the preceding two Articles" in Article 322 of that Code is deemed to be replaced with "Article 108, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction and the provisions of Article 321, paragraph (1) as applied mutatis mutandis pursuant to Article 110, paragraph (2) of the Act," the term "Article 312, paragraph (1) or (2)" in the first sentence of Article 325, paragraph (1) and Article 325, paragraph (2) of that Code is deemed to be replaced with "Article 108,

paragraph (1) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction," the term "In this case" in the second sentence of paragraph (3) of that Article is deemed to be replaced with "Where a court that has accepted a case remanded or transferred thereto makes a judicial decision," and the term "set forth in the preceding paragraph" in paragraph (4) of the Article is deemed to be replaced with "in a court that has accepted a case remanded or transferred thereto."

Division 3 Appeal with Permission against Final Order

(Judicial Decision subject to Appeal with Permission)

Article 111 (1) Against a final order made in a high court (excluding an order on a petition set forth in the following paragraph), beyond the case under the provisions of Article 108, paragraph (1), an appeal may be specially filed with the Supreme Court only if the high court permits it pursuant to the provisions of the following paragraph.

- (2) The high court set forth in the preceding paragraph, where the final order set forth in the paragraph contains a determination that is inconsistent with precedents rendered by the Supreme Court (or precedents rendered by the former Supreme Court or those rendered by high courts as the final appellate court or the court in charge of an appeal, if there are no precedents rendered by the Supreme Court) or where the final order is found to involve material matters concerning the construction of laws and regulations, must permit an appeal against the final order.
- (3) The petition set forth in the preceding paragraph may not state the grounds prescribed in Article 108, paragraph (1) as reasons for petition.
- (4) Where permission is granted pursuant to the provisions of paragraph (2), it is deemed that an appeal set forth in paragraph (1) (hereinafter referred to as "appeal with permission" in this Article and paragraph (1) of the following Article) is filed.
- (5) The court in charge of an appeal before which an appeal with permission is pending conducts an examination only on the reasons for the appeal with permission stated in the written petition for the permission under the provisions of paragraph (2) or the statement of the reasons for the petition set forth in the paragraph.
- (6) The court in charge of an appeal before which an appeal with permission is pending may quash the order of prior instance if there is a violation of laws and regulations that apparently affects a final order.

(Application Mutatis Mutandis of Provisions on Immediate Appeal and Code of Civil Procedure)

Article 112 (1) The provisions of Article 102, paragraphs (2) and (3), Article 103 (excluding paragraphs (4) and (5)), Articles 104, 105, 107, and 109 apply mutatis mutandis to the procedures relating to the appeal with permission and the relevant appeal instance. In this case, the terms "an (the) immediate appeal" in Article 102, paragraphs (2) and (3), Article 103, paragraphs (1), (2), item (ii), and paragraph (3), Article 104, paragraph (1), and Article 105, "filing a petition for an immediate appeal" in Article 103, paragraph (6), and "a special appeal" in the main clause of Article 109, paragraph (1) are deemed to be replaced with "a (the) petition set forth in Article 111 , paragraph (2)," and the term "a (the) petition for appeal" in Article 103, paragraphs (1), (2), and (6), Article 104, and Article 107, paragraph (2) is deemed to be replaced with "a written petition for the permission under the provisions of Article 111, paragraph (2)," and the term "an (the) immediate appeal" in the Article and "a special appeal" in the proviso of Article 109, paragraph (1) is deemed to be replaced with "an appeal with permission prescribed in Article 111, paragraph (4)."

(2) The provisions of Article 315 and Article 336, paragraph (2) of the Code of Civil Procedure apply mutatis mutandis to the petition set forth in paragraph (2) of the preceding Article, and the provisions of Article 318 , paragraph (3) of the Code apply mutatis mutandis where a permission is granted pursuant to the provisions of paragraph (2) of the preceding Article, and the provisions of the second sentence of Article 318, paragraph (4), Article 321, paragraph (1), Article 322, the first sentence of Article 325, paragraph (1), Article 325, paragraph (2), the second sentence of Article 325, paragraph (3), Article 325, paragraph (4), and Article 326 of that Code apply mutatis mutandis where permission has been granted pursuant to the provisions of paragraph (2) of the preceding Article. In this case, the term "Article 320" in the second sentence of Article 318, paragraph (4) is deemed to be replaced with "Article 111, paragraph (5) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction," and the term "the preceding two Articles" in Article 322 of that Code is deemed to be replaced with "the provisions of Article 111, paragraph (5) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction and Article 321, paragraph (1) as applied mutatis mutandis pursuant to Article 112, paragraph (2) of the Act," and the term "Article 312, paragraph (1) or (2)" in the first sentence of Article 325, paragraph (1) and Article 325, paragraph (2) of that Code is deemed to be replaced with "Article 111, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction," and the term "In this case" in the second sentence of paragraph (3) of the Article is deemed to be replaced with "Where a court that has accepted a case remanded or transferred thereto makes a judicial decision,"

and the term "set forth in the preceding paragraph" in paragraph (4) of the Article is deemed to be replaced with "in a court that has accepted a case remanded or transferred thereto."

Division 4 Appeal against Judicial Decision other than Final Order

(Subject of Appeal)

Article 113 An immediate appeal may be filed against a judicial decision other than a final order, only in cases where there are special provisions allowing the filings.

(Objection against Judicial Decision made by Authorized Judge or Commissioned Judge)

Article 114 (1) A party who disagrees with a judicial decision made by an authorized judge or a commissioned judge may make an objection to the court before which the case seeking the return of a child is pending; provided, however, that this applies only where an immediate appeal may be filed against the judicial decision if the relevant judicial decision is made by the family court.

(2) An immediate appeal may be filed against a judicial decision on the objection set forth in the preceding paragraph.

(Period for Filing Immediate Appeal)

Article 115 (1) An immediate appeal against a judicial decision other than a final order must be filed within an inalterable period of one week; provided, however, that this does not preclude the effect of an immediate appeal filed prior to that period.

(2) An immediate appeal set forth in the preceding paragraph, except as otherwise provided, does not have the effect of stay of execution; provided, however, that, the court in charge of an appeal or the court of prior instance may order, upon petition, a stay of execution of the judicial decision of prior instance or any other necessary disposition until a judicial decision is made with respect to the immediate appeal, while requiring or not requiring the provision of security.

(3) The provisions of Article 109, paragraphs (2) and (3) apply mutatis mutandis to the deposit and security in the case where security is to be provided pursuant to the provisions of the proviso of the preceding paragraph.

(4) The court, the judge, or the presiding judge which or who has made the judicial decision of prior instance, when it or this person finds that an immediate appeal is well-grounded, must correct the judicial decision.

- (Application Mutatis Mutandis of Provisions on Appeal against Final Order)
- Article 116 (1) The provisions of the preceding three Divisions (excluding the provisions of Article 101, paragraphs (1) and (2), Article 102, paragraphs (1) and (3), Articles 104 and 105 (including the cases where these provisions are applied mutatis mutandis pursuant to Article 112, paragraph (1)) and Article 110) apply mutatis mutandis to the appeal against a judicial decision other than a final order made by a court, a judge, or a presiding judge. In this case, the term "a final order made in a high court" in Article 108, paragraph (1) is deemed to be replaced with "a judicial decision other than a final order made by a family court against which an appeal may not be filed, and a judicial decision other than a final order made by a high court," and the term "pursuant to the provisions of the following paragraph." in Article 111, paragraph (1) is deemed to be replaced with "pursuant to the provisions of the following paragraph; provided, however, that this applies only where an immediate appeal may be filed against the order if the order is made by the family court."
- (2) The provisions of Article 102, paragraphs (2) and (3) and Articles 103 and 107 apply mutatis mutandis to the procedures relating to the special appeal against a judicial decision other than a final order made by a court, a judge, or a presiding judge and the appeal instance. In this case, the term "and paragraph (5)" in Article 103, paragraph (6) is deemed to be replaced with "to paragraph (6)."
- (3) The provisions of Article 314, paragraph (2), Article 315, Article 316 (excluding item (i) of paragraph(1)), Article 321, paragraph (1), Article 322, the first sentence of Article 325, paragraph (1), Article 325, paragraph (2), the second sentence of Article 325, paragraph (3), Article 325, paragraph (4), Article 326, and Article 336, paragraph (2) of the Code of Civil Procedure apply mutatis mutandis to the procedures relating to the special appeal against a judicial decision other than a final order made by a court, a judge, or a presiding judge and the appeal instance. In this case, the term "Article 288 and Article 289, paragraph (2) as applied mutatis mutandis pursuant to the preceding Article" in Article 314, paragraph (2) of that Code is deemed to be replaced with "Article 103, paragraph (6) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction as applied mutatis mutandis by replacing the term pursuant to Article 116, paragraph (2) of the Act," and the term "against" in Article 316, paragraph (2) of that Code is deemed to be replaced with "within an inalterable period of one week, against", and the term "the preceding two Articles" in Article 322 of that Code is deemed to be replaced with "Article 108, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the Act and the

provisions of Article 321, paragraph (1) of that Code as applied mutatis mutandis pursuant to Article 116, paragraph (3) of the Act," and the term "Article 312, paragraph (1) or (2)" in the first sentence of Article 325, paragraph (1) and Article 325, paragraph (2) of that Code is deemed to be replaced with "Article 108, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspect of International Child Abduction as applied mutatis mutandis by replacing the term pursuant to Article 116, paragraph (1) of the Act," and the term "In this case" in the second sentence of paragraph (3) of the Article is deemed to be replaced with "Where a court that has accepted a case remanded or transferred thereto makes a judicial decision," and the term "set forth in the preceding paragraph" in paragraph (4) of the Article is deemed to be replaced with "made by a court that has accepted a case remanded or transferred thereto."

Subsection 4 Modification of Final Order

(Modification of Final Order)

- Article 117 (1) After a final order to order the return of a child has become final and binding, when the court which made the final order to order the return of a child (or where an immediate appeal was filed against the order and the court in charge of an appeal made a final order to dismiss the immediate appeal with prejudice (excluding the order under the provisions of Article 107, paragraph (2); the same applies in this paragraph), the court in charge of the appeal) finds that it is no longer appropriate to maintain the order due to change in circumstances, the court, upon petition of a party, may modify the relevant order (or where the court in charge of an appeal made a final order to dismiss the immediate appeal with prejudice, the relevant final order); provided, however, that this does not apply after the child has been returned to the State of habitual residence.
- (2) A written petition for modification of a final order under the provisions of the preceding paragraph must state the following matters:
- (i) the parties and statutory agents;
 - (ii) the indication of the final order to which modification is sought and a statement to the effect that modification to the order is sought;
 - (iii) the reasons for seeking modification to the final order.
- (3) The court, when modifying the final order pursuant to the provisions of paragraph (1), must hear statements from the parties (excluding the person who has filed a petition set forth in that paragraph).
- (4) Against a final order to dismiss without prejudice a petition set forth in paragraph (1), the party who has filed the petition may file an immediate appeal.

- (5) An immediate appeal may be filed against an order to modify a final order pursuant to the provisions of paragraph (1).
- (6) Beyond what is provided for in each of the preceding paragraphs, the provisions concerning proceedings in their respective instances apply mutatis mutandis to proceedings in respect of the modification of a final order under the provisions of paragraph (1), unless contrary to the nature thereof.

(Judicial Decision of Stay of Execution)

- Article 118 (1) In cases where a petition set forth in paragraph (1) of the preceding Article is filed, if there appear to be legal grounds to use the circumstances being alleged as the grounds for modification under that paragraph and the party makes a prima facie showing on factual matters, the court may, upon petition, order a temporary stay of compulsory execution while requiring or not requiring the provision of security, or order revocation of a disposition of execution already made while requiring the provision of security.
- (2) An appeal may not be filed against the judicial decision on the petition under the provisions of the preceding paragraph.
 - (3) The provisions of Article 109, paragraphs (2) and (3) apply mutatis mutandis to the deposit and security in the case where security is to be provided pursuant to the provisions of paragraph (1).

Subsection 5 Retrial

(Retrial)

- Article 119 (1) A petition for retrial may be filed against a judicial decision, such as a final order, which has become final and binding (limited to those concluding the case; the same applies in paragraph (5)).
- (2) The provisions concerning proceedings in their respective instances, unless contrary to the nature thereof, apply mutatis mutandis to proceedings for retrial.
 - (3) The provisions of Part 4 of the Code of Civil Procedure (excluding Articles 341 and 349 of that Code) apply mutatis mutandis to the petition for retrial set forth in paragraph (1) and its proceedings. In this case, the term "conducts a trial and reaches a judicial decision on the merits, within the bounds of the party's protest" in Article 348, paragraph (1) of that Code is deemed to be replaced with "conducts a trial and make a judicial decision on the merits."
 - (4) An immediate appeal against an order of commencement of retrial set forth in Article 346, paragraph (1) of the Code of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph has the effect of stay of execution.
 - (5) Against an order to dismiss the petition for retrial against a final order or

other judicial decision pursuant to the provisions of Article 348, paragraph (2) of the Code of Civil Procedure as applied mutatis mutandis pursuant to paragraph (3), an immediate appeal may be filed only by a person who is entitled to file an immediate appeal against the relevant final order or other judicial decision.

(Judicial Decision of Stay of Execution)

- Article 120 (1) In cases where a petition for retrial set forth in paragraph (1) of the preceding Article is filed, if there appear to be legal grounds to use the circumstances being alleged as the grounds for objection and the party makes prima facie showing on factual matters and a prima facie showing is made to the effect that execution is likely to cause damage for which compensation cannot be made, the court may, upon petition, order a temporary stay of compulsory execution while requiring or not requiring the provision of security, or order revocation of a disposition of execution already made while requiring the provision of security.
- (2) An appeal may not be filed against the judicial decision on the petition under the provisions of the preceding paragraph.
- (3) The provisions of Article 109, paragraphs (2) and (3) apply mutatis mutandis to the deposit and security in the case where security is to be provided pursuant to the provisions of paragraph (1).

Section 4 Examination on Status of Performance of Obligation and Recommendation of Performance

- Article 121 (1) The family court which made a final order to order the return of a child (where a court in charge of an appeal made a final order to order the return of a child, the family court which is the court of first instance; the same applies hereinafter.), when requested by the right holder, may examine the status of the performance of the obligations of the return of a child and recommend the obligor to perform that obligations.
- (2) The family court which made a final order to order the return of a child may commission another family court to conduct the examination and make the recommendation under the provisions of the preceding paragraph.
- (3) The family court which made a final order to order the return of a child and the family court which is commissioned to conduct the examination and make the recommendation pursuant to the provisions of the preceding paragraph (the family courts are referred to as "family court which conducts the examination and makes the recommendation" in the following paragraph and paragraph (5)) may have a family court investigating officer conduct the examination and make the recommendation under the provisions of paragraph

- (1).
- (4) A family court which conducts the examination and makes the recommendation may commission the Minister for Foreign Affairs as well as a government agency, a public office, or any other person that it finds appropriate to conduct a necessary examination for the examination and the recommendation under the provisions of paragraph (1) or may request a school, nursery center, or any other person that it finds appropriate to submit a necessary report relating to the living circumstances of a child or any other matters.
- (5) A family court which conducts the examination or makes the recommendation, where a request has been made from a person concerned with the case on the examination and recommendation under the provisions of paragraph (1) for inspection, copying or reproduction of the record of the case, issuance of an authenticated copy, transcript, or extract thereof, or issuance of a certificate of the matters concerning the case, and when it finds it appropriate, may grant the permission thereof.
- (6) The provisions of Subsection 1 of the preceding Section apply mutatis mutandis to proceedings for the investigation and recommendation under the provisions of paragraph (1), unless contrary to the nature thereof.
- (7) The provisions of the preceding paragraphs apply mutatis mutandis to the performance of the obligations provided for by the settlement.

Section 5 Ne Exeat Order

(Ne Exeat Order)

- Article 122 (1) Where there is a risk that a party in the case seeking the return of a child has the child depart from Japan, the family court before which the case seeking the return of a child is pending, upon petition by either party to the case, may order the other party not to have the child depart from Japan.
- (2) The family court, when it finds that the respondent of the case pertaining to the petition under the provisions of the preceding paragraph holds the passport of which the child is the registered holder, upon petition, must make a judicial decision under the provisions of that paragraph to order the surrender of that passport to the Minister for Foreign Affairs.
- (3) Where a case seeking the return of a child is pending before a high court, the high court makes the judicial decision under the provisions of the preceding two paragraphs (hereinafter referred to as "ne exeat order").
- (4) A ne exeat order ceases to be effective when a final order on a petition for the return of a child becomes final and binding.

(Petition for Ne Exeat Order)

- Article 123 (1) A petition for ne exeat order must be filed by clarifying the object thereof and the grounds to seek the ne exeat order.
- (2) With respect to the grounds to seek a ne exeat order, the petitioner of the case pertaining to the petition for the ne exeat order (hereinafter referred to as "case on the ne exeat order") must submit materials.
- (3) A petition for the judicial decision under the provisions of paragraph (2) of the preceding Article may be withdrawn before a ne exeat order is made.
- (4) The provisions of Article 261, paragraph (3) and Article 262, paragraph (1) of the Code of Civil Procedure apply mutatis mutandis to the withdrawal of a petition for the ne exeat order. In this case, the term "the date for oral argument, preparatory proceedings, or settlement (hereinafter referred to as "date for oral argument, etc." in this Chapter)" in the proviso of Article 261, paragraph (3) of that Code is deemed to be replaced with "the date for the proceedings of the case on the ne exeat order as prescribed in Article 123, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction."

(Hearing of Statement)

Article 124 A ne exeat order may not be made without hearing the statement of the respondent of the case on the ne exeat order; provided, however, that this does not apply where there are circumstances under which the purpose of the petition for the ne exeat order cannot be achieved if the proceedings to hear statements are held.

(Inspection of Record)

Article 125 The court, with respect to the case on the ne exeat order, notwithstanding the provisions of Article 62, paragraph (3) as applied mutatis mutandis pursuant to Article 133, where a party to the case on the ne exeat order files a petition for permission under the provisions of paragraph (1) or (2) of Article 62, may grant the permission only where it finds it appropriate, until it notifies the respondent to the case that the case on the ne exeat order is pending or that a ne exeat order is made.

(Notice and Effect of Ne Exeat Order)

- Article 126 (1) A judicial decision on the petition for the ne exeat order must be notified to the parties to the case on the ne exeat order by a method that is considered to be appropriate.
- (2) A ne exeat order becomes effective by notifying the respondent of the case on the ne exeat order, and a judicial decision to dismiss the petition for the ne exeat order becomes effective by notifying the petitioner of the case concerning the ne exeat order.

(Immediate Appeal)

Article 127 A party to the case concerning the ne exeat order may file an immediate appeal against a judicial decision on the petition for the ne exeat order.

(Stay of Execution in Connection with Immediate Appeal)

Article 128 (1) In cases where an immediate appeal is filed pursuant to the provisions of the preceding Article, if a prima facie showing is made to show circumstances that are clearly grounds for revocation of the judicial decision of prior instance, as well as the likelihood that the execution of the judicial decision of prior instance will cause damage which cannot be compensated, the court in charge of the appeal may, upon petition, order a stay of execution of the judicial decision of prior instance, while requiring or not requiring the provision of security or requiring it as a condition, until a judicial decision for the immediate appeal becomes effective. While the record of the case on the ne exeat order still exists at a family court, the family court may also order the dispositions.

(2) The provisions of Article 123, paragraph (2) apply mutatis mutandis to the petition set forth in the preceding paragraph, and the provisions of Article 109, paragraphs (2) and (3) also apply mutatis mutandis to the deposit and security where security is to be provided pursuant to the provisions of the preceding paragraph.

(Revocation of the Ne Exeat Order)

Article 129 (1) Where the grounds to seek the ne exeat order no longer exist or there has been any other change in circumstances after the judicial decision under the provisions of Article 122, paragraph (1) has become final and binding, the court before which the case seeking the return of a child is pending may, upon petition by a person who has received that judicial decision, make a judicial decision to revoke the relevant judicial decision.

(2) Where the court revokes the judicial decision under the provisions of Article 122 (1), if the judicial decision under the provisions of paragraph (2) of that Article has been made, the court must also revoke the relevant judicial decision.

(3) The provisions of Article 123 and the preceding three Articles apply mutatis mutandis to the petition set forth in paragraph (1) and the judicial decision on the petition.

(Preparation of Record)

Article 130 A court clerk must prepare a record of the proceedings on each date for the proceedings of the case on the ne exeat order and the case pertaining to

the petition under the provisions of paragraph (1) of the preceding Article (referred to as "case on revocation of the ne exeat order" in Article 133); provided, however, that this does not apply where the presiding judge finds it unnecessary.

(Retention of Passport by Minister for Foreign Affairs)

Article 131 (1) When the Minister for Foreign Affairs has received a passport pertaining to the judicial decision under the provisions of Article 122, paragraph (2) surrendered by the person who has received the judicial decision, the Minister must retain that passport.

(2) When a ne exeat order ceases to be effective, the Minister for Foreign Affairs, upon request of the person who has surrendered the passport pursuant to the preceding paragraph, must return the passport to that person.

(Judicial Decision of Civil Fine)

Article 132 If a person who has received the judicial decision under the provisions of Article 122, paragraph (2) does not comply with the relevant judicial decision, the court punishes them by a civil fine of not more than 200,000 yen.

(Application Mutatis Mutandis of Provisions on Proceedings of Case Seeking Return of a Child)

Article 133 The provisions of Subsections 1 through 3 and Subsection 5 (excluding Articles 72, 84, 85, 87, 89, 90, 99, and 100) of Section 3 apply mutatis mutandis to the proceedings of the case on the ne exeat order and the case on revocation of the ne exeat order except as otherwise provided. In this case, the term "the reasons" in Article 94, paragraph (2), item (ii) is deemed to be replaced with "the gist of the reasons."

Chapter IV Special Provisions of Civil Execution Act relating to Execution Procedure for Return of a Child

(Compulsory Execution of Return of a Child)

Article 134 (1) Compulsory execution of return of a child is carried out by the method in which the execution court order a third party to carry out the return of a child pursuant to the provisions of Article 171, paragraph (1) of the Civil Execution Act (Act No. 4 of 1979) or by the method prescribed in Article 172, paragraph (1) of that Act.

(2) Compulsory execution set forth in the preceding paragraph is carried out on the basis of an authenticated copy of the final order which orders the return of a child (including those having the same effect as the final order which orders

the return of a child).

(Limitation of Compulsory Execution due to Age of Child)

Article 135 (1) Where the child has attained the age of 16 years, the compulsory execution under the provisions of Article 171, paragraph (1) of the Civil Execution Act (including implementation of return of a child based on an order under the provisions of the paragraph; hereinafter referred to as "execution by substitute of the return of a child") may not be carried out.

(2) In the proceedings of the compulsory execution of return of a child by the method prescribed in Article 172, paragraph (1) of the Civil Execution Act, the execution court must not order a payment of money under the provisions of that paragraph on the grounds that the child is not returned after the date following the day on which the child attains the age of 16 years.

(Relationship between Execution by Substitute of Return of a Child and Indirect Compulsory Execution)

Article 136 A petition for an execution by substitute of return of a child may not be filed unless it falls under any case of the following items:

- (i) where two weeks have elapsed from the day on which the order under Article 172, paragraph (1) of the Civil Execution Act becomes final and binding (where the elapse of a certain period to perform the obligations specified by the relevant order comes after the elapse of two weeks, until the elapse of that period);
- (ii) where it is not found to be expected that an obligor returns the child to the State of habitual residence even if compulsory execution is carried out by the method prescribed in Article 172, paragraph (1) of the Civil Execution Act;
- (iii) where it is necessary to immediately carry out execution by substitute of the return of a child in order to prevent imminent danger to a child.

(Petition for Execution by Substitute of Return of a Child)

Article 137 A petition for an execution by substitute of return of a child must be filed by specifying a person who is to return the child to the State of habitual residence in place of the obligor (hereinafter referred to as return implementer").

(Order to Carry out Return of a Child)

Article 138 (1) An order set forth in Article 134, paragraph (1) must designate a court execution officer as a person who carries out necessary acts for releasing the child from the custody of the obligor and designate the return implementer.

(2) An execution court may issue an order of Article 134, paragraph (1) without interrogating an obligor notwithstanding the provisions of Article 171,

paragraph (3) of the Civil Execution Act, when there are circumstances where the interrogation prevents the achievement of the purpose of compulsory execution such as an imminent danger to a child.

(Dismissal of Petition for Execution by Substitute of Return of a Child)

Article 139 The execution court, where it finds it inappropriate in light of the interests of the child to designate the person who is to be a return implementer set forth in Article 137 pursuant to the provisions of the preceding Article, must dismiss the petition set forth in Article 137 without prejudice.

(Authority of Court Execution Officer)

Article 140 (1) The provisions of Article 175 (excluding paragraph (8)) of the Civil Execution Act apply mutatis mutandis to the authority of a court execution officer in execution by substitute of the return of a child and judicial decisions of an execution court pertaining to the exercise of the authority and the provisions of Article 176 of that Act apply mutatis mutandis to procedures of execution by substitute of the return of a child. In this case, the term "obligee or its agent meet a child" in Article 175, paragraph (1), item (ii) of that Act is deemed to be replaced with "return implementer (meaning return implementer under Article 137 of that Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013); hereinafter the same applies in this paragraph), obligee or agent under paragraph (6) as applied mutatis mutandis pursuant to Article 140, paragraph (1) of that Act meet a child"; the term "or obligee or its agent" in Article 175, paragraph (1), item (ii) of that Act is deemed to be replaced with "or return implementer, obligee or agent under paragraph (6)"; and the term "obligee or its agent" in item (iii) of that paragraph and paragraph (9) of that Article is deemed to be replaced with "return implementer, obligee or agent under paragraph (6) as applied mutatis mutandis pursuant to Article 140, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction."

(2) A court execution officer may use force or request police assistance, if the officer faces resistance when carrying out necessary acts for releasing the child from the custody under Article 175, paragraph (1) or (2) of the Civil Execution Act as applied mutatis mutandis pursuant to the preceding paragraph, in order to eliminate the resistance.

(3) A court execution officer may not use force against the child, notwithstanding the provisions of the preceding paragraph. Where there is a risk that use of force against persons other than the child would cause physical or psychological harm to the child, the same applies to the persons.

(Authority of Return Implementer)

Article 141 (1) A return implementer may carry out necessary acts, such as providing custody for the child, in order to return the child to the State of habitual residence.

(2) The provisions of Article 171 (6) of the Civil Execution Act do not apply to the proceedings of the execution by substitute of the return of a child.

(3) The provisions of Article 176 of the Civil Execution Act as applied mutatis mutandis pursuant to paragraph (1) of the preceding Article apply mutatis mutandis to the return implementer.

(Cooperation by Minister for Foreign Affairs)

Article 142 The Minister for Foreign Affairs may provide necessary cooperation, such as attendance, with regard to the execution by substitute of the return of a child.

(Inspection of Record of Execution Case)

Article 143 The provisions of Article 62 apply mutatis mutandis to the request of inspection, copying or reproduction of the record of the case pertaining to the compulsory execution of the return of a child, issuance of an authenticated copy, transcript, or extract thereof, or request for issuance of a certificate of matters concerning that case.

Chapter V Special Provisions relating to Procedures for Domestic Relations Case

Section 1 Procedures for Conciliation of Domestic Relations relating to Case Seeking Return of a Child

(Referral to Conciliation)

Article 144 A family court and a high court, with the consent of the parties, by its own authority, may refer the case seeking the return of a child to a conciliation of domestic relations at any time.

(Special Provisions on the Domestic Relations Case Procedure Act)

Article 145 (1) The court, where it refers the case to the conciliation of domestic relations pursuant to the provisions of the preceding Article, must handle the case of conciliation of domestic relations by itself; provided, however, that where it finds it particularly necessary in order to handle the case of conciliation of domestic relations, the court may commission a family court other than itself (limited to the family court specified in each item of Article 32 , paragraph (1)) to handle the case.

(2) The provisions of Article 43, paragraph (2) apply mutatis mutandis to the

capacity to perform procedural acts in the proceedings of the case of conciliation of domestic relations where the case is referred to the conciliation of domestic relations pursuant to the provisions of the preceding Article.

- (3) Where the case is referred to the conciliation of domestic relations pursuant to the provisions of the preceding Article, if an agreement on the return of a child is reached between the parties and is stated in a record, a conciliation is deemed to be concluded and the part of the statement regarding the agreement on the return of a child, notwithstanding the provisions of Article 268, paragraph (1) of the Domestic Relations Case Procedure Act, has the same effect as a final order to order the return of a child that has become final and binding.
- (4) With respect to the adjudication under the provisions of Article 284, paragraph (1) of the Domestic Relations Case Procedure Act which is made in the proceedings of the case of conciliation of domestic relations where the case has been referred to the conciliation of domestic relations pursuant to the provisions of the preceding Article (including the judicial decision in lieu of the ruling in lieu of the conciliation under the provisions of Article 284, paragraph (1) of that Act as applied by replacing the terms pursuant to the provisions of paragraph (5) of Article 274 of that Act; hereinafter referred to as "ruling in lieu of conciliation" in this paragraph and Article 147), if an objection is not filed pursuant to the provisions of Article 286, paragraph (1) of that Act or if the adjudication to dismiss the objection without prejudice (including the judicial decision in lieu of the ruling to dismiss the objection prescribed in Article 287 of that Act as applied by replacing the terms pursuant to the provisions of Article 274 , paragraph (5) of that Act) has become final and binding, the part of the ruling in lieu of conciliation which orders the return of a child, notwithstanding the provisions of Article 287 of that Act, has the same effect as a final order to order the return of a child that has become final and binding.

(Suspension of Proceedings of Case Seeking Return of a Child)

Article 146 The court, when it refers the case to the conciliation of domestic relations pursuant to the provisions of Article 144, may suspend the proceedings of the case seeking the return of a child until the case of conciliation of domestic relations is closed.

(Constructive Withdrawal of Petition for Return of a Child)

Article 147 Where the court refers the case to the conciliation of domestic relations pursuant to the provisions of Article 144, when a conciliation is concluded or an ruling in lieu of conciliation becomes final and binding, it is deemed that the petition for the case seeking the return of a child has been

withdrawn.

**Section 2 Special Provisions relating to Procedures for Adjudication of
Domestic Relations and Conciliation of Domestic Relations concerning
Visitation or Other Contact**

(Special Provisions for Jurisdiction)

Article 148 (1) Where a person who has received the decision for assistance in child's return to foreign State or the decision for assistance in visitation or other contact with a child in Japan or a person who has filed the petition for the return of a child files a petition for the adjudication of domestic relations or conciliation of domestic relations seeking to determine the visitation or other contact with the child or to change the determination, and in the cases listed in the following items, that petition may also be filed to the respective family courts specified in each of the items:

(i) when the place of domicile of the child (if the child has no domicile in Japan or their domicile is unclear, their residence; the same applies in the following item.) is located within the jurisdictional district of the Tokyo High Court, the Nagoya High Court, the Sendai High Court, or the Sapporo High Court; the Tokyo Family Court;

(ii) when the place of domicile of the child is located within the jurisdictional district of the Osaka High Court, the Hiroshima High Court, the Fukuoka High Court, or the Takamatsu High Court; the Osaka Family Court

(2) The adjudication case and the conciliation case pertaining to the petition set forth in the preceding paragraph are subject to the jurisdiction of the Tokyo Family Court where the child has no domicile in Japan or their domicile is unclear and they have no residence in Japan or their residence is unclear.

(Special Provisions for Inspection of Record)

Article 149 (1) Where there is the part that indicates address, etc. within the record of the case pertaining to the petition for an adjudication of domestic relations seeking to determine the visitation or other contact with the child or to change the determination, the court, notwithstanding the provisions of Article 47, paragraph (3) of the Domestic Relations Case Procedure Act, does not grant the permission pertaining to the petition set forth in that paragraph; provided, however, that this does not apply when any of the items of Article 62, paragraph (4) applies.

(2) Where there is the part describing or recording the information provided by the Minister for Foreign Affairs pursuant to the provisions of Article 5, paragraph (4) (limited to the part pertaining to item (ii)) within the record of the case pertaining to the petition for the compulsory execution based on an

authenticated copy of the written adjudication or the record of conciliation to determine the visitation or other contact with the child or to change the determination, the provisions of Article 62 applies mutatis mutandis to the request of inspection, copying, or reproduction of the record of the case, issuance of an authenticated copy, transcript, or extract thereof, or issuance of a certificate of matters concerning the case.

Chapter VI Execution of Judicial Decision on Civil Fine

Article 150 (1) A judicial decision on a civil fine under the provisions of this Act is executed by order of a judge. This order has the same effect as an enforceable title of obligation.

(2) Beyond what is provided for in this Act, the provisions of Part V of the Non-Contentious Cases Procedures Act (Act No. 51 of 2011) (excluding the provisions of Article 119 and Article 121, paragraph (1) and the part relating to a public prosecutor in the provisions of Article 120 and Article 122) apply mutatis mutandis to the judicial decision on the civil fine.

Chapter VII Miscellaneous Provisions

(Explanation concerning Status of Proceedings)

Article 151 A petitioner of the case seeking the return of a child or the Minister for Foreign Affairs, where six weeks have elapsed from the date on which a petition for the return of a child is filed, may seek explanation concerning the status of the proceedings of the case from the court before which the case is pending.

(Handling of Adjudication Case concerning Designation of Person with Parental Authority)

Article 152 Where an adjudication case on the designation or modification of a person with parental authority or the disposition regarding custody of a child (including the case pertaining to the judicial decision on the ancillary disposition prescribed in Article 32, paragraph (1) of the Personal Status Litigation Act (Act No. 109 of 2003) and the judicial decision on the designation of a person with parental authority set forth in paragraph (3) of that Article; the same applies hereinafter in this article) is pending, the court before which the adjudication case is pending, when it is notified by the Minister for Foreign Affairs or the court before which the case seeking the return of a child is pending that the child in question has been subject to removal or retention alleged as wrongful removal or wrongful retention, must not make a judicial decision on the relevant adjudication case; provided, however, that, this does

not apply where a petition for the return of a child is not filed within a reasonable period or where the judicial decision to dismiss the petition for the return of a child without prejudice has become final and binding.

(Special Provisions concerning Application of Comprehensive Legal Support Act)

Article 153 With regard to the application of the Comprehensive Legal Support Act (Act No. 74 of 2004), a person who is a citizen of a Contracting State or holds their habitual residence in a Contracting State (excluding a Japanese citizen or a person who has their domicile in Japan and lawfully resides in Japan) and who uses the civil court proceedings, etc. (which mean the proceedings relating to civil cases, domestic relations cases, or administrative cases pending before the courts of Japan) with respect to the return of a child with regard to a child pertaining to removal or retention, the visitation or other contact with a child, or any other matters relating to the application of the Convention, is deemed to be citizens prescribed in Article 30, paragraph (1), item (ii) of that Act only with respect to those matters.

Supplementary Provisions

(Effective Date)

Article 1 This Act comes into effect as of the day on which the Convention takes effect in Japan.

(Transitional Measures)

Article 2 This Act does not apply to a wrongful removal that has been conducted before the Act enters into force or to a wrongful retention that has been commenced before this Act enters into force.

(Partial Revision of Court Act)

Article 3 The Court Act (Act No. 59 of 1947) is partially amended as follows;

In Article 61-2, paragraph (2), the term "and any other affairs prescribed by other laws" is added after the term "pertaining to a judicial decision for an incidental disposition."

(Partial Revision of the Residential Basic Book Act)

Article 4 The Residential Basic Book Act (Act No. 81 of 1967) is partially amended as follows.

(i) the following is added at the row following row 41 in Appended Table 1.

(41) - 2 Ministry of Foreign Affairs	Affairs concerning the assistance in child's return to foreign State set forth in Article 4, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013), the assistance in child's return to Japan set forth in Article 11, paragraph (1) of that Act, the assistance in visitation or other contact with a child in Japan in Article 16, paragraph (1) of that Act or the assistance in visitation or other contact with a child in foreign State in Article 21, paragraph (1) of that Act, pursuant to that Act, and prescribed in Order of the Ministry of Internal Affairs and Communications.
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(Partial Amendment of the Act on Costs of Civil Procedure)

Article 5 The Act on Costs of Civil Procedure is partially amended as follows;

In Article 13-2, paragraph (2), the term "or a domestic relations case" is replaced with ", a domestic relations case or the case relating to the return of a child prescribed in Article 29 of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013)."

In the Appended Table 1, Row (15)-2, the term "adjudication or" is replaced with "adjudication," and the term "or the case seeking the return of a child as prescribed in Article 32, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction" is added after the term "conciliation," and the term "that Act" is replaced with "these Acts."

In the Appended Table 1, Row (16), (a), the term "any other petition" is replaced with ", a petition under the provisions of Article 122, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction and any other petition"

In the Appended Table 1, Row (17), (a)-b, the term "or the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction" is added after the term "the Non-Contentious Case Procedure Act" and the term "that Act" is replaced with "these Acts."

In the Appended Table 1, Row (18), the term "or Article 97, paragraph (2) of the Domestic Relations Case Procedure Act" is replaced with ", Article 97, paragraph (2) of the Domestic Relations Case Procedure Act or Article 111, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction."

In the Appended Table 1, Row (19), the term "or Article 103, paragraph (1) of the Domestic Relations Case Procedure Act" is replaced with ", Article 103,

paragraph (1) of the Domestic Relations Case Procedure Act or Article 119, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction" and the term "or a petition for modification of the final order under the provisions of Article 117, paragraph (1) of that Act" is added after the term "a petition"

(Partial Revision of the Act for Establishment of the Reconstruction Agency)

Article 6 The Act for Establishment of the Reconstruction Agency (Act No. 125 of 2011) is partially amended as follows.

(i) the following is added to the table of Article 3, paragraph (1) of the Supplementary Provisions

Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013)	Article 5, paragraph (1), item (i)	Cabinet Office	Cabinet Office and the Reconstruction Agency
	Article 5, paragraph (1) , item (ii)	Organs	Organs and the Reconstruction Agency

(Partial Amendment of the Act on Preparation of Relevant Acts Accompanying Enforcement of Act on Use in Administrative Procedures of Numbers to Identify Specific Individuals)

Article 7 The Act on Preparation of Relevant Acts Accompanying Enforcement of Act on Use in Administrative Procedures of Numbers to Identify Specific Individuals is partially amended as follows.

In the provisions within Article 19 adding as follows at the row following row 41 in Appended Table 1 of the Residential Basic Book Act, "row 41 of that Table" is replaced with "row 41-2 of that Table", and "41-2" and "41-3" is replaced with "41-3" and "41-4", respectively.