

Rules of Procedures for Cases relating to the Return of a Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction

(Rules of the Supreme Court No. 5 of November 13, 2013)

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Chapter I Procedures for Cases Relating to the Return of a Child
Section 1 General Rules

(Particulars Stated in a Document Submitted to Court by a Party)

Article 1 (1) A written petition or any other document to be submitted to the court by a party, a child intervening in the procedures for a case relating to the return of a child (hereinafter in this Article simply referred to as an "intervening child") or an agent is to contain statements of the following particulars, and the party, the intervening child or the agent is to affix their name and seal to such document:

- (i) the names and addresses of the parties and the intervening child, and the name and address of the agent;
- (ii) the postal code and telephone number (including a facsimile number; the same applies in the following paragraph) of the counsel;
- (iii) an indication of the case;
- (iv) an indication of any annexed documents;
- (v) the date; and
- (vi) an indication of the court.

(2) Notwithstanding the provisions of the preceding paragraph, if the party, the intervening child or the agent has submitted the document referred to in that paragraph stating their address, the relevant address is not required to be stated in any document referred to in that paragraph which is to be subsequently submitted to the court. The same applies if counsel has submitted the document referred to in that paragraph containing a statement of their postal code and telephone number.

(Submission of Documents to Be Submitted to Court Using a Facsimile)

Article 2 (1) Documents to be submitted to a court may be submitted using a facsimile except for any of the following:

- (i) a document pertaining to a petition for which fees are required to be paid pursuant to the provisions of the Act on Costs of Civil Procedure (Act No. 40 of 1971);
 - (ii) a document which, when submitted, commences, continues, stays or concludes the procedures for a case relating to the return of a child (except for one that falls under the preceding item);
 - (iii) a document for certifying the authority of statutory representation, the delegation of powers necessary for performing procedural acts in the procedures for a case relating to the return of a child, or the powers of counsel, or any other document certifying important particulars in the procedures for a case relating to the return of a child; and
 - (iv) a statement of reasons for a special appeal or a statement of reasons for the petition referred to in Article 111, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013; hereinafter referred to as the "Act") (including as applied mutatis mutandis pursuant to Article 116, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 133 of the Act) and pursuant to Article 133 of the Act).
- (2) When a document has been submitted by facsimile, the relevant document is deemed to have been submitted to the court when the court received the transmission.
- (3) In the case prescribed in the preceding paragraph, the court may have the submitter submit the document used for the transmission if the court finds this to be necessary.

(Provision of Information Stated in a Document Submitted to Court by Electronic or Magnetic Means)

Article 3 (1) If a person who has submitted or intends to submit a document to the court has an electronic or magnetic record (meaning a record prepared in an electronic form, a magnetic form or any other form not recognizable to human perception, which is used in information processing by computers; hereinafter the same applies in this paragraph) in which the contents of the information stated in the relevant document have been recorded, the court may request that person to provide it with the information recorded in the relevant electronic or magnetic record by an electronic or magnetic means (meaning a means using an electronic data processing system or any other means that uses information and communications technology) which the court specifies, if the court finds this to be necessary.

(2) When the court intends to send a written petition or other document or finds it to be otherwise necessary, it may ask the person who has submitted or intends to submit the relevant document to the court to submit a copy thereof.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning Method of Filing Petitions and Other Statements)

Article 4 The provisions of Article 1 of the Rules of Civil Procedure (Rules of the Supreme Court No. 5 of 1996) apply mutatis mutandis to the method of filing petitions and other statements in the procedures for cases relating to the return of a child; the provisions of Article 4 of those Rules apply mutatis mutandis to a requisition or notice filed in the procedures for cases relating to the return of a child; and the provisions of Article 5 of those Rules apply mutatis mutandis to the manner in which particulars should be stated in a document filed in the procedures for cases relating to the return of a child.

Section 2 Proceedings for Cases Seeking the Return of a Child

Subsection 1 General Provisions

Division 1 Jurisdiction

(Method of Filing Petitions for a Transfer; Article 37 of the Act)

Article 5 (1) A petition for a transfer must be filed in writing, unless it is filed on an appearance date for the proceedings of a case seeking the return of a child.

(2) When filing the petition referred to in the preceding paragraph, the petitioner must make clear the reasons for the petition.

(Treatment in a Transfer; Article 37 of the Act)

Article 6 (1) When the family court makes a judicial decision of a transfer under the provisions of Article 37, paragraph (2) or paragraph (4) of the Act, the court may hear the opinions of the parties and a child intervening in the proceedings of the case seeking the return of a child (hereinafter simply referred to as an "intervening child" in this Section).

(2) When the family court makes a judicial decision under the provisions of Article 37, paragraph (3) of the Act, it must hear the opinions of the parties and the intervening child.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning a Transfer; Article 37 of the Act)

Article 7 The provisions of Article 9 of the Rules of Civil Procedure apply mutatis mutandis to a judicial decision of a transfer of a case seeking the return of a child.

Division 2 Disqualification of, Challenge to, and Recusal of Court Officials

(Method of Filing Petition for Disqualification or Challenge; Article 38 of the Act)

Article 8 (1) A petition for disqualification of or challenge to a judge must be filed with the court to which the judge belongs, and must clearly indicate the cause thereof.

(2) The petition referred to in the preceding paragraph must be filed in writing, unless it is filed on an appearance date for the proceedings of a case seeking the return of a child.

(3) A prima facie showing of the cause for the disqualification or the challenge must be made within three days from the day of filing the petition. The same applies to the facts provided for in the proviso to Article 39, paragraph (2) of the Act.

(Statement of Opinions by Judge with Regard to Disqualification or Challenge; Article 40 of the Act)

Article 9 The judge may state an opinion on the petition for the disqualification thereof or challenge thereto.

(Recusal of the Judge)

Article 10 In the cases prescribed in Article 38, paragraph (1) or Article 39, paragraph (1) of the Act, a judge may recuse themselves by obtaining the permission of the court that has the power of supervision.

(Disqualification of the Court Clerk; Article 41 of the Act)

Article 11 The provisions of the preceding three Articles apply mutatis mutandis to the disqualification of, the challenge to, and the recusal of a court clerk.

(Disqualification and Recusal of the Family Court Research Law Clerk; Article 42 of the Act)

Article 12 The provisions of Articles 8 through 10 (except for the part concerning a challenge) apply mutatis mutandis to the disqualification and the Recusal of the family court research law clerk.

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

(Submission of Materials for Determining Capacity to Be a Party of Unincorporated Association or Foundation; Article 43 of the Act)

Article 13 The provisions of Article 14 of the Rules of Civil Procedure apply mutatis mutandis to the submission of materials for determining the capacity to be a party of an unincorporated association or foundation in the proceedings of a case seeking the return of a child; the provisions of the first sentence of Article 15 of those Rules apply mutatis mutandis to proof of the authority of statutory representation and the delegation of powers necessary for performing procedural acts in the proceedings of a case seeking the return of a child; and the provisions of the first sentence of Article 17 of those Rules apply mutatis mutandis to the notification of extinction of the authority of statutory representation in the proceedings of a case seeking the return of a child.

(Application Mutatis Mutandis to Representative of Corporation; Article 46 of the Act)

Article 14 In these Rules, the provisions concerning statutory representation and a statutory agent apply mutatis mutandis to the representative of a corporation and the representative or administrator of an unincorporated association or foundation that has the capacity to be a party.

Division 4 Intervention

(Method of Filing Application for Intervention; Article 47 of the Act)

Article 15 (1) The materials clarifying that the person intervening in the proceedings of a case seeking the return of a child is qualified to be a party must be attached to the document referred to in Article 47, paragraph (3) of the Act.

(2) When an application for intervention under the provisions of Article 47, paragraph (1) of the Act has been filed, a court clerk must notify the parties and the intervening child to that effect, unless a judicial decision has been made to dismiss the relevant application without prejudice.

(3) When a judicial decision on intervention under the provisions of Article 47, paragraph (2) of the Act has been made, a court clerk must notify the parties and the intervening child to that effect.

(4) The provisions of paragraph (2) apply mutatis mutandis when an application for intervention under the provisions of Article 48, paragraph (1) of the Act has been filed; and the provisions of the preceding paragraph apply mutatis mutandis when a judicial decision on intervention under the provisions of paragraph (2) of that Article has been made.

(Notice of Exclusion from Proceedings; Article 49 of the Act)

Article 16 When a judicial decision on exclusion under the provisions of Article 49, paragraph (1) of the Act has been made, a court clerk must notify the

parties and the intervening child to that effect.

Division 5 Counsel

(Proof of Authority of Representation of Counsel; Article 50 of the Act)

Article 17 The provisions of Article 23 of the Rules of Civil Procedure apply mutatis mutandis to the proof of and notification of the extinction of powers of counsel.

Division 6 Procedural Costs

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning Procedural Costs; Article 58 of the Act)

Article 18 The provisions of Part I, Chapter IV, Section 1 of the Rules of Civil Procedure apply mutatis mutandis to the burden of costs in the proceedings of a case seeking the return of a child. In this case, the term "paragraph (1) of Article 47 (Sending of Documents)" in Article 24, paragraph (2) of those Rules is deemed to be replaced with "Article 33, paragraph (1) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction (Rules of the Supreme Court No. 5 of 2013)."

(Method of Filing Petition for Procedural Aid; Article 59 of the Act)

Article 19 (1) A petition for procedural aid must be filed in writing.
(2) A prima facie showing of the grounds for procedural aid must be made.

Division 7 Proceedings of Cases Seeking the Return of a Child

(Designation of Authorized Judge and Commissioning Procedures of Court)

Article 20 The provisions of Article 31 of the Rules of Civil Procedure apply mutatis mutandis to the designation of an authorized judge and the commissioning procedures of the court in the proceedings of a case seeking the return of a child.

(Formal Particulars to Be Stated in a Record of the Date of Proceedings; Article 61 of the Act)

Article 21 (1) The following particulars must be stated in the record referred to in Article 61 of the Act (hereinafter referred to as a "record of the date of proceedings"):

- (i) an indication of the case;
- (ii) the names of the judges and the court clerk;

- (iii) the names of the parties, the intervening child, the agent, the assistant in court and the interpreter and any other persons concerned who appeared;
and
 - (iv) the date, time, and place of the proceedings.
- (2) The court clerk must affix their name and seal to the record of the date of proceedings and the presiding judge must affix a seal of approval thereto.
- (3) In the case referred to in the preceding paragraph, if the presiding judge has difficulty affixing a seal of approval, an associate judge must affix the seal of approval and append a supplementary note about the grounds thereof. If any other judges have difficulty in affixing a seal of approval, it is sufficient for the court clerk to state this in the record of the date of proceedings.

(Substantial Particulars to Be Stated in a Record of the Date of Proceedings:
Article 61 of the Act)

Article 22 (1) A record of the date of proceedings must contain statements of the summary of the proceedings, while clarifying, in particular, the following particulars:

- (i) any amendment of the object of the petition, withdrawal of the petition or settlement;
 - (ii) statements by witnesses, the parties themselves and experts;
 - (iii) whether the witnesses, the parties themselves and experts swore under oath, and the reasons for not having witnesses or experts swear under oath;
 - (iv) the results of the observation;
 - (v) particulars that the presiding judge directed to be stated and particulars that the presiding judge allowed to be stated upon the request of a party; and
 - (vi) any judicial decision made without preparing a document thereof.
- (2) Notwithstanding the provisions of the preceding paragraph, if the proceedings of a case seeking the return of a child have been concluded other than by a judicial decision, the statements of the witnesses, the parties themselves and experts and the results of the observation may be omitted from the statements in the record of the date of proceedings, with the permission of the presiding judge; provided, however, that this does not apply if a party has requested that such particulars be stated in the record within one week from the day on which the party came to know of the conclusion of the proceedings of the case seeking the return of the child.
- (3) In addition to a summary of the proceedings, a record of the date of proceedings may contain a statement of the schedule of submission of documents submitted by the parties and the intervening child and other particulars concerning the progress of the proceedings.

(Application Mutatis Mutandis of the Rules of Civil Procedure Concerning

Dates and Records of the Dates of Proceedings; Article 61 of the Act)
Article 23 The provisions of Articles 68 through 77 of the Rules of Civil Procedure apply mutatis mutandis to a date for the proceedings of a case seeking the return of a child and the record of the date of proceedings. In this case, the term "paragraph (1) of the preceding Article (Substantial Particulars to Be Stated in Record of Oral Argument)" in Article 68, paragraph (1) of those Rules is deemed to be replaced with "Article 22, paragraph (1) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction"; the term "an appeal has been filed or a petition for acceptance of final appeal has been filed" in Article 74, paragraph (1), item (iii) of those Rules is deemed to be replaced with "an immediate appeal or special appeal against a final order is filed or a petition under Article 111, paragraph (2) of the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013) is filed"; and the term "in court" in Article 77 of those Rules is deemed to be replaced with "on an appearance date in the proceedings of a case seeking the return of a child".

(Form of Authenticated Copy of Record of a Case Seeking the Return of a Child; Article 62 of the Act)

Article 24 An authenticated copy, transcript or extract of a record of a case seeking the return of a child must contain a statement to the effect that it is an authenticated copy, transcript or extract, and the court clerk must affix their name and seal to such document.

(Petition for Permission for Inspection or Reproduction of Part That Indicates Address; Article 62 of the Act)

Article 25 When a party files a petition for permission for inspection, etc. (meaning the inspection, etc. provided for in Article 62, paragraph (1) of the Act; the same applies in the following Article) or reproduction of the part that indicates an address, etc. (meaning the part that indicates an address, etc., which is provided for in Article 62, paragraph (4) of the Act; the same applies in Article 95, paragraph (1)) in the record of a case seeking the return of a child, the party must submit materials that make it clear that paragraph (4), item (i) or item (ii) of that Article is applicable.

(Permission for Inspection, etc. or Reproduction of Record of a Case Seeking the Return of a Child; Article 62 of the Act)

Article 26 A judicial decision on permission under the provisions of Article 62, paragraph (3) or paragraph (6) of the Act must specify the part in the record of the case seeking the return of a child for which inspection, etc. or reproduction

is to be permitted.

(Designation of Dates by Authorized Judge or Commissioned Judge; Article 63 of the Act)

Article 27 Dates for proceedings of a case seeking the return of a child which are to be conducted by an authorized judge or commissioned judge are designated by that judge.

(Restriction on Change of Date; Article 63 of the Act)

Article 28 A date for proceedings of a case seeking the return of a child must not be changed based on any of the following grounds; provided, however, that this does not apply if there are unavoidable grounds thereof:

- (i) either party or the intervening child has multiple counsels, and grounds for a change have occurred with respect to one or any of such counsel; or
- (ii) after a date for proceedings is designated, the same date and time are designated as a date for proceedings of another case.

(Extension and Shortening of Periods Specified by Presiding Judge; Article 63 of the Act)

Article 29 The provisions of Article 38 of the Rules of Civil Procedure apply mutatis mutandis to the extension and shortening of a period specified by the presiding judge, authorized judge or commissioned judge.

(Method of Filing a Petition for Substitution; Article 65 of the Act)

Article 30 (1) A petition for the substitution under the provisions of Article 65, paragraph (1) or paragraph (3) of the Act must be filed in writing.

- (2) The materials clarifying that the person who is substituting for the proceedings of the case seeking the return of a child is the person who is qualified to continue the proceedings of the case pursuant to laws and regulations must be attached to the document referred to in the preceding paragraph.
- (3) When substituting under the provisions of Article 65, paragraph (1) or paragraph (3) of the Act has taken place, a court clerk must notify the parties and the intervening child to that effect.
- (4) The provisions of paragraphs (1) and (2) apply mutatis mutandis to a petition for substitution of an action under the provisions of Article 66, paragraph (1) or paragraph (3) of the Act, and the provisions of the preceding paragraph apply mutatis mutandis when the substitution under paragraph (1) or paragraph (3) of that Article has taken place. In this case, the term "person who is qualified to continue the proceedings of the case pursuant to laws and regulations" in paragraph (2) is deemed to be replaced with "person who has status to be a

petitioner in the proceedings of the relevant case seeking the return of a child or person who takes care of a child after the respondent's death".

(Notification of Party's Death; Article 66 of the Act)

Article 31 If a party has died, the party's counsel must notify the court to that effect in writing.

(Service; Article 67 of the Act)

Article 32 The provisions of Part I, Chapter V, Section 4 of the Rules of Civil Procedure (except for the provisions of Article 41, paragraph (2) and Article 47 of those Rules) apply mutatis mutandis to the service. In this case, the term "district court" in Article 39 of those Rules is deemed to be replaced with "family court."

(Sending Documents)

Article 33 (1) The direct sending (meaning the sending documents by a party or an intervening child (hereinafter referred to as a "party, etc." in this Article and Article 46, paragraph (2)) directly to another party, etc.; hereinafter the same applies in this Article and that paragraph) or other sending of documents is carried out through the delivery of a copy of the document to be sent or by sending that document by facsimile.

(2) The court clerk handles the duties related to the sending of documents which a court is to send to a party, etc. and other persons concerned.

(3) If a court needs to send a document that a party, etc. has submitted thereto to another party, etc. (except if service needs to be made) and the party, etc. has carried out the direct sending of that document, the court is not required to send that document.

(4) If a party, etc. needs to carry out the direct sending of a document and there are grounds that make the direct sending difficult or other grounds that are found to be appropriate, the relevant party, etc. may request the court to have a court clerk send the relevant document to the other party, etc.

**Subsection 2 Proceedings of Cases Seeking the Return of a Child in
Court of First Instance
Division 1 Petition for the Return of a Child**

(Particulars to Be Stated in Written Petition for the Return of a Child; Article 70 of the Act)

Article 34 (1) A written petition for the return of a child must contain statements of the following particulars in addition to a statement of the object of the petition and a statement that the petition is being filed through

proceedings of a case seeking the return of a child:

- (i) the grounds set forth in the items of Article 27 of the Act;
 - (ii) the expected issues and the material facts relevant to the relevant issues;
 - (iii) the evidence for each of the grounds set forth in item (i) and of the expected issues; and
 - (iv) if an adjudication case on the designation or change of a person with parental authority or on a disposition regarding custody of a child (including a case pertaining to a judicial decision on an ancillary disposition provided for in Article 32, paragraph (1) of the Personal Status Litigation Act (Act No. 109 of 2003), and a judicial decision on the designation of a person with parental authority as referred to in paragraph (3) of that Article; the same applies in Article 41, paragraph (1), item (vi)) is pending before the court, the court before which the relevant adjudication case is pending and an indication of the relevant adjudication case.
- (2) When there is documentary evidence of the grounds set forth in item (i) of the preceding paragraph or of the expected issues, a copy thereof must be attached to the written petition for the return of a child.
- (3) When a written petition for the return of a child is submitted, copies of that petition in the same number as the number of respondents must be attached thereto.
- (4) The family court may request a person who has filed a petition for the return of a child to submit materials necessary for ensuring the smooth progress of proceedings of the case seeking the return of a child, in addition to the copies referred to in the preceding two paragraphs.

(Notice of a Petition)

Article 35 When a petition for the return of a child has been filed, the court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(Urging Correction of a Written Petition for the Return of a Child; Article 70 of the Act)

Article 36 The presiding judge, in case of urging the petitioner to make the necessary corrections to a statement in a written petition for the return of a child, may direct a court clerk to urge the petitioner.

(Immediate Appeal Against Direction to Dismiss Written Petition for the Return of a Child Without Prejudice; Article 70 of the Act)

Article 37 When filing an immediate appeal against a direction to dismiss a written petition for the return of a child without prejudice, the dismissed written petition for the return of a child must be attached to the written petition for appeal.

(Hearing of Particulars for Reference; Article 70 of the Act)

- Article 38 (1) When a petition for the return of a child has been filed, the presiding judge may hear the opinions from the parties on the process of the proceedings of the case seeking the return of a child and other particulars that are to serve as reference with regard to the process of the proceedings.
- (2) The presiding judge may direct a court clerk to conduct the hearing referred to in the preceding paragraph.

(Notice of Amendment to Petition; Article 71 of the Act)

- Article 39 If a petitioner has amended the object of the petition pursuant to the provisions of Article 71, paragraph (1) of the Act, a court clerk must notify the parties and the intervening child to that effect, except when the judicial decision under the provisions of paragraph (3) or paragraph (4) of that Article has been made.

(Deadline for Submitting a Written Answer)

- Article 40 When a copy of a written petition for the return of a child is to be sent to the respondent pursuant to the provisions of Article 72, paragraph (1) of the Act, the presiding judge must specify the deadline for submitting a written answer.

(Submission of a Written Answer)

- Article 41 (1) The respondent must submit a written answer stating the following particulars by the deadline referred to in the preceding Article:
- (i) the answer to the object of the petition;
 - (ii) admission or denial of the facts stated in the written petition for the return of a child;
 - (iii) any of the grounds set forth in the items of Article 28, paragraph (1) of the Act, which serve as the reasons for the answer;
 - (iv) the expected issues and the material facts relevant to the relevant issues;
 - (v) the evidence for each of the grounds set forth in item (iii) and of the expected issues; and
 - (vi) if an adjudication case on the designation or change of a person with parental authority or on a disposition regarding custody of a child is pending before the court, the court before which the relevant adjudication case is pending and an indication of the relevant adjudication case.
- (2) If there is documentary evidence of the grounds set forth in item (iii) of the preceding paragraph and of the expected issues, a copy thereof must be attached to the written answer.

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

(Proceedings by Method of Communication Through Audio Transmissions;
Article 75 of the Act)

Article 42 (1) If the proceedings (except for an examination of evidence) on a date for proceedings of a case seeking the return of a child are conducted by a method that enables the family court and both parties to communicate simultaneously with one another through audio transmissions, the family court or the authorized judge must confirm the identity of the called party and the location thereof.

(2) When proceedings as referred to in the preceding paragraph have been conducted, an indication of this and the telephone number of the called party must be made clear in the record of the case seeking the return of a child. In this case, the location of the called party may be made clear in addition to the party's telephone number.

(Notice to Prohibit Counsel from Making Statements; Article 76 of the Act)

Article 43 The provisions of Article 65 of the Rules of Civil Procedure apply mutatis mutandis to a notice to prohibit counsel from making statements, etc.

Division 3 Examination of Facts and Examination of Evidence

(Examination of Facts; Article 77 of the Act)

Article 44 (1) Efforts must be made to conduct an examination of facts with regard to the characters, backgrounds, living situations, financial conditions, family environment and other environments of the parties concerned with the case as needed by making use of expert knowledge in medicine, psychology, sociology economics, etc.

(2) The court clerk must clarify the summary of the examination of facts in the record of the case seeking the return of a child.

(Notice of the Hearing Date; Article 85 of the Act)

Article 45 Notice of the hearing date referred to in Article 85, paragraph (2) of the Act must be given to the parties and the intervening child; provided, however, that this does not apply if it is found that the notification would likely hinder the examination of the facts.

(Examination of Evidence; Article 86 of the Act)

Article 46 (1) The provisions of Part II, Chapter III, Sections 1 through 6 of the Rules of Civil Procedure (except for the provisions of Article 99, paragraph (2),

Article 100, Article 101, Article 121 and Article 139 of those Rules) apply mutatis mutandis to the examination of evidence in the proceedings of a case seeking the return of a child. In this case, the term "direct sending" in these provisions is deemed to be replaced with "direct sending referred to in Article 33, paragraph (1) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction"; the term "district court or summary court" in Article 104 of those Rules is deemed to be replaced with "family court"; the term "date for oral argument or preparatory proceedings or on the date for scheduling conference" in Article 129-2 of those Rules is deemed to be replaced with "date for proceedings of a case seeking the return of a child"; and the term "paragraph (2) of Article 99 (Offer of Evidence)" in Article 140, paragraph (3) of those Rules is deemed to be replaced with "Article 46, paragraph (2) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction."

- (2) If a party, etc. is to submit a document offering evidence referred to in Article 99, paragraph (1) of the Rules of Civil Procedure as applied mutatis mutandis pursuant to the preceding paragraph, the party, etc. must carry out direct sending of the relevant document.
- (3) The presiding judge may allow the family court research law clerk or a technical officer who is a physician to directly question a party or expert on a date for the examination of evidence referred to in paragraph (1), if the judge finds this to be necessary.

Division 4 Judicial Decision

(Document Proving That a Final Order Has Become Final and Binding; Article 93 of the Act)

- Article 47 (1) A court clerk of the family court issues a document proving that a final order has become final and binding based on the record of a case seeking the return of a child, upon a request under the provisions of Article 62, paragraph (1) or paragraph (7) of the Act.
- (2) Notwithstanding the provisions of the preceding paragraph, if the case seeking the return of a child is still pending in the appellate instance, the court clerk of the court at which the record of the relevant case seeking the return of a child exists issues the document referred to in that paragraph only for the portion of the final order that has become final and binding.
 - (3) The provisions of the preceding two paragraphs apply mutatis mutandis to a judicial decision other than a final order.

(Notice of Final Order Having Become Final and Binding)

Article 48 When a final order has become final and binding, a court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(Form of Final Order; Article 94 of the Act)

Article 49 (1) A judge who has made a final order must affix their name and seal to the written judicial decision for the final order.

(2) If any of the judges constituting the panel has difficulty in affixing their name and seal to the written final order, another judge must affix their name and seal to the written final order and append a supplementary note giving the reasons thereof.

(3) When notice of a final order has been given, a court clerk must clarify this and the method of the notice in the record of the case seeking the return of a child.

(4) The provisions of the preceding three paragraphs apply mutatis mutandis to a judicial decision other than a final order.

(Petition Seeking Judicial Decision on Bearing of Procedural Costs If This Has Been Omitted; Article 96 of the Act)

Article 50 The provisions of Article 161 of the Rules of Civil Procedure apply mutatis mutandis to a petition seeking a judicial decision on the bearing of procedural costs if such a decision has been omitted.

Division 5 Conclusion of a Case Seeking the Return of a Child Other Than by Judicial Decision

(Notice of Conclusion of a Case Seeking the Return of a Child Other Than by Judicial Decision)

Article 51 If a case seeking the return of a child has been concluded other than by a judicial decision, the court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(Handling If the Petition for the Return of a Child Has Been Withdrawn; Article 99 of the Act)

Article 52 (1) If a petition for the return of a child has been withdrawn, and the consent of the respondent is not required, a court clerk must notify the parties and the intervening child that the petition has been withdrawn.

(2) If the withdrawal of the petition for the return of a child requires the consent of the respondent and the respondent has consented to the withdrawal of the petition (including when the respondent is deemed pursuant to the provisions of Article 99, paragraph (3) of the Act to have consented to the withdrawal), a

court clerk must notify the parties and the intervening child to that effect.

- (3) If the petition in a case seeking the return of a child has been deemed pursuant to the provisions of Article 147 of the Act to have been withdrawn, a court clerk must notify the intervening child (except for one who has participated in the proceedings for conciliation of domestic relations relating to the case seeking the return of a child) to that effect without delay.

(Settlement; Article 100 of the Act)

Article 53 (1) The provisions of Article 32, Article 163 and Article 164 of the Rules of Civil Procedure apply mutatis mutandis to the settlement of a case seeking the return of a child.

- (2) When the parties have entered into a settlement in court, a court clerk must notify the intervening child to that effect without delay.

Subsection 3 Appeals

Division 1 Immediate Appeal Against a Final Order

(Particulars to Be Stated in Written Petition for Appeal; Article 101 of the Act)

Article 54 (1) When an immediate appeal is filed against a final order, the written petition for appeal must contain a specific statement of the grounds for seeking revocation or modification of the order in prior instance.

- (2) When the written petition for appeal referred to in the preceding paragraph is submitted, copies of that petition in the same number as the number of the parties and the intervening child in the prior instance (other than the appellant) must be attached thereto.

(Sending of Cases to Court in Charge of an Appeal)

Article 55 (1) If an immediate appeal is filed against a final order, the court of prior instance must send the case to the court in charge of the appeal without delay, unless an order to dismiss the appeal without prejudice has been issued.

- (2) Regarding the sending of a case under the provisions of the preceding paragraph, a court clerk of the court of prior instance must send the record of the case seeking the return of a child to a court clerk of the court in charge of the appeal.

(Written Counterargument)

Article 56 The presiding judge may direct, by specifying a reasonable period of time, the parties in the prior instance (except for the appellant) to submit a document stating their allegations against the grounds for seeking a revocation or modification of the order in prior instance that are alleged by the appellant.

(Citation of Written Judicial Decision for Final Order of Prior Instance; Article 106 of the Act)

Article 57 Statement of reasons in the written judicial decision for the final order of the appellate instance may be made by citing statements in the written judicial decision for the final order of the prior instance.

(Application Mutatis Mutandis of Provisions on Proceedings in the First Instance and Provisions of the Rules of Civil Procedure; Article 107 of the Act)

Article 58 (1) Unless otherwise provided for, the provisions of the preceding Subsection (except for the provisions of Article 35, Article 37, Article 40, Article 41 and Article 52, paragraph (1)) apply mutatis mutandis to an immediate appeal against a final order and the proceedings in the instance of such an appeal.

(2) The provisions of Articles 173, 177 and 185 of the Rules of Civil Procedure apply mutatis mutandis to an immediate appeal against a final order and the proceedings in the instance of such an appeal. In this case, the term "opponent" in Article 173, paragraph (3) and Article 177, paragraph (2) of those Rules is deemed to be replaced with "parties and the intervening child in the prior instance."

Division 2 Special Appeal Against a Final Order

(Prepayment of Costs When Filing Special Appeal; Article 108 of the Act)

Article 59 When a special appeal is filed, in addition to the costs necessary for sending a copy of the written petition for appeal, the estimated amount of the costs necessary for serving and sending a written notice of filing of appeal, sending a copy of a statement of reasons for an appeal, giving notice of the judicial decision, and giving notice that the court in charge of the appeal has received the sent record of the case seeking the return of a child or appeal case must be prepaid.

(Serving and Sending of Written Notice of Filing of Special Appeal; Article 108 of the Act)

Article 60 When a special appeal has been filed, the court of prior instance must serve the appellant with a written notice of filing of appeal and send the same to the parties and the intervening child in the prior instance (except for the appellant), unless a direction to dismiss the petition for appeal without prejudice or an order to dismiss the appeal without prejudice under the provisions of Article 103, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 110, paragraph (1) of the Act has been issued.

(Period for Submission of Statement of Reasons for Special Appeal; Article 108 of the Act)

Article 61 The period for submission of a statement of reasons for a special appeal is fourteen days from the day on which the appellant received the service of a written notice of filing of appeal under the provisions of the preceding Article.

(Attaching Copies of Document Stating Reasons for Special Appeal; Article 108 of the Act)

Article 62 When a document stating the reasons for special appeal is submitted, copies of that document in the number obtained by adding six to the number of the parties and the intervening child in the prior instance (except for the appellant) must be attached thereto.

(Sending a Case to a Court in Charge of an Appeal; Article 108 of the Act)

Article 63 (1) If a special appeal has been filed, the court of prior instance must send the case to the court in charge of the appeal, unless a direction to dismiss the petition for appeal without prejudice or an order to dismiss the appeal without prejudice has been issued. In this case, the court of prior instance may attach its opinion on the existence or nonexistence of the facts related to the proceedings of the case seeking the return of a child which the appellant has indicated in the reasons for special appeal.

(2) Regarding the sending of a case under the provisions of the preceding paragraph, a court clerk of the court of prior instance must send the record of the case seeking the return of a child to a court clerk of the court in charge of the appeal; provided, however, that if the court of prior instance has found it to be unnecessary to send the record of the case seeking the return of a child, it would be sufficient for the court clerk of the court of prior instance to send only the record of the appeal case to the court clerk of the court in charge of the appeal.

(3) When a court clerk of the court in charge of the appeal has received the record of the case seeking the return of a child or the appeal case sent thereto under the provisions of the preceding paragraph, the court clerk must promptly notify the parties and the intervening child in the prior instance to that effect.

(4) If only the record of the appeal case has been sent pursuant to the provisions of the proviso to paragraph (2), and the court in charge of the appeal has found the record of the case seeking the return of a child referred to in that paragraph to be necessary, the court clerk of the court in charge of the appeal must promptly request the court clerk of the court of prior instance to send that record.

(Sending Copies of a Statement of Reasons for a Special Appeal; Article 108 of the Act)

Article 64 When a court in charge of the appeal has received a case that has been sent thereto by the court of prior instance, the court must send copies of the statement of reasons for a special appeal to the parties and the intervening child in the prior instance (except for the appellant), unless the special appeal is unlawful or there are clearly no grounds for special appeal.

(Method of Filing Petitions for Stays of Execution; Article 109 of the Act)

Article 65 (1) The petition referred to in the proviso to Article 109, paragraph (1) of the Act must be filed in writing.

(2) If a judicial decision under the provisions of the proviso to Article 109, paragraph (1) of the Act has been made or if the relevant judicial decision has ceased to be effective, the court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(Notice of Remand)

Article 66 If the court has made a judicial decision under the provisions of the first sentence of Article 325, paragraph (1) of the Code of Civil Procedure (Act No. 109 of 1996), paragraph (2) of that Article, or Article 326 of the relevant Code as applied mutatis mutandis pursuant to Article 110, paragraph (2) of the Act, the court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(Application Mutatis Mutandis of Provisions on Immediate Appeals and Provisions of the Rules of Civil Procedure; Article 110 of the Act)

Article 67 (1) The provisions of Article 54, paragraph (2), Article 57 and Article 58 apply mutatis mutandis to a special appeal and the proceedings in the instance of such an appeal.

(2) The provisions of Article 50-2, Article 190, paragraph (1), Article 192, Article 193, Article 196 and Article 202 of the Rules of Civil Procedure apply mutatis mutandis to a special appeal and the proceedings in the instance of such an appeal. In this case, in Article 196, paragraph (1) of those Rules, the term "Article 194 (Period for Submission of Statement of Reasons for Final Appeal)" is deemed to be replaced with "Article 61 of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction" and the term "Article 190 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (1) and Paragraph (2) of Article 312 of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (3) of

Article 312 of the Code)" is deemed to be replaced with "Article 190, paragraph (1) as applied mutatis mutandis pursuant to Article 67, paragraph (2) of those Rules."

Division 3 Appeal with Permission Against a Final Order

(Application Mutatis Mutandis of Provisions on Immediate Appeals and Provisions of the Rules of Civil Procedure; Article 112 of the Act))

- Article 68 (1) The provisions of Article 54, paragraph (2) and Articles 57 through 66 apply mutatis mutandis to an appeal with permission and the proceedings in the instance of such an appeal. In this case, the term "written petition for appeal referred to in the preceding paragraph" in Article 54, paragraph (2) and the term "written petition for appeal" in Article 59 are deemed to be replaced with "written petition for permission under the provisions of Article 111, paragraph (2) of the Act"; the term "special appeal" in Article 59, Article 60, Article 62 and Article 63, paragraph (1) is deemed to be replaced with "petition referred to in Article 111, paragraph (2) of the Act"; the term "written notice of filing of appeal" in Articles 59 through 61 is deemed to be replaced with "written notice of filing of petition for permission for appeal"; the term "statement of reasons for an appeal" in Article 59 and the term "statement of reasons for a special appeal" in Articles 61 and 64 are deemed to be replaced with "statement of reasons for the petition referred to in Article 111, paragraph (2) of the Act"; the term "dismiss the petition for appeal without prejudice" in Article 60 and Article 63, paragraph (1) is deemed to be replaced with "dismiss the written petition for permission under the provisions of Article 111, paragraph (2) of the Act"; the term "dismiss the appeal without prejudice under the provisions of Article 103, paragraph (3) of the Act as applied mutatis mutandis pursuant to Article 110, paragraph (1) of the Act" in Article 60 and the term "dismiss the appeal without prejudice" in Article 63, paragraph (1) are deemed to be replaced with "dismiss the petition without prejudice or not to grant permission under the provisions of Article 111, paragraph (2) of the Act"; the term "unless the special appeal is unlawful or there are clearly no grounds for special appeal" in Article 64 is deemed to be replaced with "unless the petition referred to in Article 111, paragraph (2) of the Act is unlawful or there are clearly no grounds for the petition referred to in that paragraph"; and the term "Article 110, paragraph (2)" in Article 66 is deemed to be replaced with "Article 112, paragraph (2)."
- (2) The provisions Article 192, Article 193, Article 196 and Article 199, paragraph (1) of the Rules of Civil Procedure apply mutatis mutandis to the petition referred to in Article 111, paragraph (2) of the Act; the provisions of Article 200 of those Rules apply mutatis mutandis if permission under the

provisions of Article 111, paragraph (2) of the Act is granted; and the provisions of Articles 50-2 and 202 of those Rules apply mutatis mutandis to the proceedings of an appeal with permission in the appellate instance. In this case, the term "Article 194 (Period for Submission of Statement of Reasons for Final Appeal)" in Article 196, paragraph (1) of those Rules is deemed to be replaced with "Article 61 of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction as applied mutatis mutandis pursuant to Article 68, paragraph (1) of those Rules following the deemed replacement of terms"; the term "Article 190 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (1) and Paragraph (2) of Article 312 of the Code) or Article 191 (Method of Stating Reasons for Final Appeal Set Forth in Paragraph (3) of Article 312 of the Code)" in that paragraph is deemed to be replaced with "Article 199, paragraph (1) as applied mutatis mutandis pursuant to Article 68, paragraph (2) of those Rules"; the term "dismiss a final appeal without prejudice under the provisions of item (ii) of paragraph (1) of Article 316 (Dismissal of Final Appeal without Prejudice by Court of Prior Instance) of the Code" in Article 196, paragraph (2) of those Rules is deemed to be replaced with "not to grant the permission under the provisions of Article 111, paragraph (2) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction"; and the term "paragraph (2) of Article 315 (Statement of Reasons for Final Appeal) of the Code)" in that paragraph is deemed to be replaced with "Article 199, paragraph (1) as applied mutatis mutandis pursuant to Article 68, paragraph (2) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction."

Division 4 Appeal Against a Judicial Decision Other Than a Final Order

(Sending a Record Upon Filing Immediate Appeal; Article 113 of the Act)
Article 69 (1) Notwithstanding the provisions of Article 55, paragraph (2) as applied mutatis mutandis pursuant to Article 71, if an immediate appeal has been filed against a judicial decision other than a final order (except for an immediate appeal as referred to in paragraph (3)) and the court of prior instance finds it unnecessary to send the record of the case seeking the return of a child, it is sufficient for the court clerk of the court of prior instance to send only the record of the appeal case to the court clerk of the court in charge of the appeal.

(2) If the record of the appeal case has been sent pursuant to the provisions of

the preceding paragraph and the court in charge of the appeal finds the record of the case seeking the return of a child referred to in that paragraph to be necessary, the court clerk of the court in charge of the appeal must promptly request the court clerk of the court of prior instance to send that record.

(3) Notwithstanding the provisions of Article 55, paragraph (2) as applied mutatis mutandis pursuant to Article 71, if an immediate appeal under the provisions of Article 62, paragraph (11) of the Act has been filed, the court clerk of the court of prior instance is to send only the record of the appeal case to the court clerk of the court in charge of the appeal.

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

(Opinion of the Court of Prior Instance)

Article 70 If an immediate appeal has been filed against a judicial decision other than a final order and the court of prior instance sends the case to the court in charge of the appeal, the court of prior instance must attach its opinion on the appeal case.

(Application Mutatis Mutandis of Provisions on Appeal Against a Final Order; Article 116 of the Act)

Article 71 Unless otherwise provided for, the provisions of the preceding Subsection (except for the provisions of Article 35, Article 37, Article 40, Article 41, Article 48, Article 51 and Article 52, paragraph (1)) and the provisions of the preceding three divisions (except for the provisions of Article 54, paragraph (2) and Article 58, paragraph (1) (including as applied mutatis mutandis pursuant to Article 67, paragraph (1) and Article 68, paragraph (1)) and the provisions of Article 62, Article 64, Article 65, paragraph (2) and Article 66 (including as applied mutatis mutandis pursuant to Article 68, paragraph (1))) apply mutatis mutandis to an appeal against a judicial decision other than a final order made by the court, judge or presiding judge.

Subsection 4 Modification of a Final Order

(Proceedings for the Modification of a Final Order; Article 117 of the Act)

Article 72 (1) When a written petition for modification of a final order under the provisions of Article 117, paragraph (1) of the Act (referred to as a "written petition for modification of a final order" in the following paragraph through paragraph (4)) is submitted, a copy of the written judicial decision constituting the final order that the petitioner seeks to modify must be attached thereto.

- (2) The reasons for seeking the modification of a final order which are to be stated in a written petition for modification of a final order must contain specific facts.
- (3) If there is documentary evidence of the specific facts referred to in the preceding paragraph, a copy thereof must be attached to the written petition for modification of a final order.
- (4) When a written petition for modification of a final order is submitted, copies of that petition in the same number as the number of parties (except for the person who has filed the petition referred to in Article 117, paragraph (1) of the Act) and the intervening child must be attached thereto.
- (5) Beyond what is provided for in the preceding paragraphs, the provisions concerning proceedings in their respective instances apply mutatis mutandis to proceedings for the modification of a final order under the provisions of Article 117, paragraph (1) of the Act, unless contrary to the nature thereof.

(Petition Referred to in Article 118, Paragraph (1) of the Act; Article 118 of the Act)

Article 73 The provisions of Article 65, paragraph (1) apply mutatis mutandis to a petition under the provisions of Article 118, paragraph (1) of the Act and the provisions of Article 65, paragraph (2) apply mutatis mutandis when a judicial decision under the provisions of Article 118, paragraph (1) of the Act has been made or if the relevant judicial decision has ceased to be effective.

Subsection 5 Retrial

(Proceedings for Retrial; Article 119 of the Act)

- Article 74 (1) When a written petition for retrial is submitted, a copy of the written judicial decision pertaining to the petitioner's objection must be attached thereto.
- (2) Beyond what is provided for in the preceding paragraph, the provisions concerning proceedings in their respective instances apply mutatis mutandis to proceedings for retrial, unless contrary to the nature thereof.

(Petition Referred to in Article 120, paragraph (1) of the Act; Article 120 of the Act)

Article 75 The provisions of Article 65, paragraph (1) apply mutatis mutandis to a petition under the provisions of Article 120, paragraph (1) of the Act and the provisions of Article 65, paragraph (2) apply mutatis mutandis if a judicial decision under the provisions of Article 120, paragraph (1) of the Act has been made or if the relevant judicial decision has ceased to be effective.

Section 3 Examination on the Status of Performance of Obligation and Recommendation of Performance

(Proceedings for Examination of the Status of Performance of Obligation and Recommendation of Performance; Article 121 of the Act)

- Article 76 (1) If permission under the provisions of Article 121, paragraph (5) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article) has been granted, the court clerk handles the duties related to a request for the inspection, copying or reproduction of the record of a case involving an examination and recommendation under the provisions of Article 121, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to paragraph (7) of that Article; hereinafter the same applies in this Article), for the issuance of an authenticated copy, transcript or extract of such a record, or for the issuance of a document proving the particulars of the relevant case.
- (2) The provisions of Article 26 apply mutatis mutandis to the inspection, copying or reproduction of the record of a case on the examination and recommendation under the provisions of Article 121, paragraph (1) of the Act, and to the issuance of an authenticated copy, transcript or extract of such a record.
- (3) The provisions of Subsection 1 of the preceding Section apply mutatis mutandis to the proceedings for an examination and recommendation under the provisions of Article 121, paragraph (1) of the Act, unless contrary to the nature thereof.

Section 4 Writs of Ne Exeat

(Method of Stating Object of Petition; Article 123 of the Act)

Article 77 The petitioner must state the object of a petition for a judicial decision under the provisions of Article 122, paragraph (2) of the Act by identifying the passport that the petitioner is asking to be surrendered insofar as possible.

(Notice of Withdrawal of Petition for a Writ of Ne Exeat; Article 123 of the Act)

Article 78 If a petition for a writ of ne exeat order has been withdrawn (unless the respondent in a case for a writ of ne exeat has neither been notified that a case for the relevant writ of ne exeat is pending nor been given notice of the writ of ne exeat), a court clerk must notify the parties to the case for the relevant writ of ne exeat and the child intervening in the proceedings of the case for the writ of the relevant writ of ne exeat to that effect.

(Notice of Becoming Effective of the Writ of Ne Exeat)

Article 79 When a writ of ne exeat has become effective, a court clerk must promptly notify the Minister for Foreign Affairs to that effect. The same

applies if a petition for the writ of ne exeat has been withdrawn after the relevant writ of ne exeat becomes effective.

(Petition Referred to in Article 128, Paragraph (1) of the Act; Article 128 of the Act)

Article 80 The provisions of Article 65, paragraph (1) apply mutatis mutandis to a petition under the provisions of Article 128, paragraph (1) of the Act (including as applied mutatis mutandis pursuant to Article 129, paragraph (3) of the Act; hereinafter the same applies in this Article) and the provisions of Article 65, paragraph (2) apply mutatis mutandis when a judicial decision under the provisions of Article 128, paragraph (1) of the Act has been made or if the relevant judicial decision has ceased to be effective.

(Proceedings of a Case on Revocation of a Writ of Ne Exeat Order; Article 129 of the Act)

Article 81 (1) The provisions of Article 78 apply mutatis mutandis when a petition in a case for revocation of a writ of ne exeat has been withdrawn.
(2) The provisions of the first sentence of Article 79 apply mutatis mutandis when a judicial decision to revoke a writ of ne exeat has become effective.
(3) The provisions of Article 27, paragraph (1) of the Rules of Civil Provisional Remedies (Rules of the Supreme Court No. 3 of 1990) apply mutatis mutandis to a petition in a case for revocation of a writ of ne exeat. In this case, in that paragraph, the term "Article 9, paragraph (2), item (ii) or item (vi)" is deemed to be replaced with "Article 94, paragraph (2), item (ii) or item (iii) of the Act for the Implementation of the Convention on the Civil Aspects of International Child Abduction (Act No. 48 of 2013) as applied mutatis mutandis pursuant to Article 133 of that Act following the deemed replacement of terms," and the term "order for provisional remedy" is deemed to be replaced with "judicial decision under the provisions of Article 122, paragraph (1) of that Act."

(Notice of the Surrender of Passport; Article 131 of the Act)

Article 82 When the Minister for Foreign Affairs has received a passport subject to a judicial decision under the provisions of Article 122, paragraph (2) which is surrendered by the person subject to the relevant judicial decision, the Minister must notify the court that issued the writ of ne exeat to that effect.

(Application Mutatis Mutandis of Provisions on Proceedings of a Case Seeking the Return of a Child; Article 133 of the Act)

Article 83 Unless otherwise provided for, the provisions of Section 2, Subsections 1 through 3 and Subsection 5 (except for the provisions of Articles 34, 35, 38, 40, 41, 45, 48, 51 and 53) apply mutatis mutandis to the proceedings of a case

on a writ of ne exeat and a case on revocation of a writ of ne exeat. In this case, the term "Article 61" in Article 21, paragraph (1) is deemed to be replaced with "Article 130."

Chapter II Special Provisions of the Rules of Civil Execution Regarding the Procedure for Executing the Return of a Child

(Particulars to Be Stated in Written Petition for Compulsory Execution of Return of Child and Documents to Be Attached to That Petition; Article 134 of the Act)

Article 84 (1) A written petition for compulsory execution of the return of a child (meaning the compulsory execution of the return of a child prescribed in Article 134, paragraph (1) of the Act; the same applies in Article 90) must contain a statement of the following particulars in addition to the particulars set forth in Article 21, items (i) and (v) of the Rules of Civil Execution (Rules of the Supreme Court No. 5 of 1979):

- (i) the name and date of birth of the child;
- (ii) an indication of the final and binding order which orders the return of a child (including those having the same effect as the final and binding order which orders the return of a child; the same applies in the following paragraph); and
- (iii) when seeking execution by substitute of the return of a child (meaning the execution by substitute of the return of a child as prescribed in Article 135, paragraph (1) of the Act; the same applies in this item, items (ii) and (iii) of the following paragraph, and Article 86, paragraph (1)): the following particulars:
 - (a) the name and address of the person who is to be the return implementer (meaning the return implementer prescribed in Article 137 of the Act; the same applies hereinafter);
 - (b) if the person who is to be the return implementer differs from the obligee, the particulars concerning the appropriateness of designating that person as the return implementer, including the relationship between that person and the child;
 - (c) the address of the child;
 - (d) the reasons for seeking execution by substitute of the return of a child; and
 - (e) when seeking execution by substitute of the return of a child on the grounds that the petition falls under Article 136, item (ii) or item (iii) of the Act: the specific facts that correspond to the grounds set forth in these items.

(2) The written petition referred to in the preceding paragraph must have the

following documents attached in addition to an authenticated copy of the final and binding order which orders the return of a child:

- (i) a copy of a document proving the date of birth of the child;
- (ii) when seeking execution by substitute of the return of a child: a copy of documentary evidence of the particulars set forth in item (iii), (b) of the preceding paragraph; and
- (iii) when seeking execution by substitute of the return of a child on the grounds that the petition falls under Article 136, item (i) of the Act: a transcript of an order under the provisions of Article 172, paragraph (1) of the Civil Execution Act (Act No. 4 of 1979) and a document proving that the order has become final and binding.

Article 85 Deleted

(Notice of Execution by Substitute of the Return of a Child)

Article 86 (1) When an order under the provisions of Article 171, paragraph (1) of the Civil Execution Act has been issued in the procedure of execution by substitute of the return of a child, the court clerk must promptly notify the Minister for Foreign Affairs to that effect.

(2) When a petition seeking the necessary acts for releasing a child from the custody of the obligor prescribed in Article 175, paragraph (1) or paragraph (2) of the Civil Execution Act as applied mutatis mutandis pursuant to Article 140, paragraph (1) of the Act (hereinafter referred to as "release") has been filed, the court execution officer must promptly notify the Minister for Foreign Affairs to that effect.

(Consultation with Minister for Foreign Affairs for Release)

Article 87 The court execution officer may consult with the Minister for Foreign Affairs in advance with regard to the method by which the Minister for Foreign Affairs will be present at the place where the release is to be implemented and other particulars necessary for ensuring smooth progress in the process for the release.

(Requirements for Implementing the Return of a Child)

Article 88 (1) The return implementer may not delegate to a third party the authority to carry out the acts prescribed in Article 141, paragraph (1) of the Act.

(2) The release may be carried out only when the return implementer has appeared at the place where the release is to be implemented.

(3) The return implementer may carry out the acts prescribed in Article 141, paragraph (1) of the Act only when the court execution officer has released the

child from the custody of the obligor by the release.

Article 89 Deleted:

(Form of Authenticated Copies of Record of Execution Case and Inspection Thereof; Article 143 of the Act)

Article 90 The provisions of Articles 24 through 26 apply mutatis mutandis to the form of an authenticated copy, transcript or extract of the record of a case involving compulsory execution of the return of a child, and to the inspection, copying or reproduction of the record of the relevant case or the issuance of an authenticated copy, transcript or extract thereof.

(Application Mutatis Mutandis of the Rules of Civil Execution)

Article 91 (1) The provisions of Article 158 of the Rules of Civil Execution apply mutatis mutandis to a written petition seeking the release; the provisions of Article 159 of those Rules apply mutatis mutandis to the petition referred to in Article 175, paragraph (3) of the Civil Execution Act as applied mutatis mutandis pursuant to Article 140, paragraph (1) of the Act; the provisions of Article 160 of those Rules apply mutatis mutandis to the petition referred to in Article 175, paragraph (6) of the Civil Execution Act as applied mutatis mutandis pursuant to Article 140, paragraph (1) of the Act; and the provisions of Articles 161 to 164 of those Rules apply mutatis mutandis to the release. In this case: the term "Article 175, paragraph (3) of the Act" in Article 158, paragraph (1), item (v) of those Rules is deemed to be replaced with "Article 175, paragraph (3) of the Act 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 (Act No. 48 of 2013)"; the term "Article 175, paragraph (6) of the Act" in item (vi) of that paragraph and paragraph (2), item (iv), and Article 160, paragraph (1) of those Rules is deemed to be replaced with "Article 175, paragraph (6) of the Act 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"; the term "Article 174, paragraph (1), item (i) of the Act" in Article 158, paragraph (2) of those Rules is deemed to be replaced with "Article 171, paragraph (1) of the Act in the procedure of execution by substitute of the return of a child prescribed in Article 135, paragraph (1) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction"; the term "Article 175, paragraph (3) of the Act" in item (iii) of that paragraph and Article 159, paragraph (1) of those Rules is deemed to be replaced with "Article 175, paragraph (3) of the Act 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"; the term "obligee and" in Article 161, paragraph (1) of those Rules is deemed to be replaced with "return implementer, the obligee, and... 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"; in paragraph (3) of that Article, the term "Article 34, paragraph (1) or paragraph (2) of the Personal Status Litigation Act (Act No. 109 of 2003) or Article 58, paragraph (1) or (2) of the Domestic Relations Case Procedure Act (Act No. 52 of 2011) (including as applied mutatis mutandis pursuant to Article 93, paragraph (1) and Article 258, paragraph (1) of that Act)" is deemed to be replaced with "Article 79, paragraph (1) or paragraph (2) of the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (including as applied mutatis mutandis pursuant to Article 107, paragraph (1) of that Act)"; the term "Article 60, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 93, paragraph (1) and Article 258, paragraph (1) of that Act)" is deemed to be replaced with "Article 81, paragraph (1) of that Act (including as applied mutatis mutandis pursuant to Article 107, paragraph (1) of that Act)"; the term "cooperation" in paragraph (4) of that Article is deemed to be replaced with "consultation under the provisions of Article 87 of the Rules of Procedures for Cases relating to the Return of a Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (Rules of the Supreme Court No. 5 of 2013)"; the term "the following Article" in Article 162 of those Rules is deemed to be replaced with "Article 163 as applied mutatis mutandis pursuant to Article 91, paragraph (1) of the Rules of Procedures for Cases relating to the Return of a Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction"; and the term "obligee or the obligee's agent...Article 175, paragraph (9) of the Act" in Article 163, item (iii) of those Rules is deemed to be replaced with "return implementer, the obligee, or the agent set forth in Article 175, paragraph (6) of the Act 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...Article 175, paragraph (9) of the Act 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 written petition seeking the release must contain the name, date of birth, and address of the return implementer, and the return implementer's residence and contact address in Japan, and a copy of a document proving the date of birth of the child must be attached thereto.

Chapter III Special Provisions Regarding Proceedings in Domestic

Relations Case

Section 1 Domestic Relations Conciliation Proceedings in the Matter of a Petition for the Return of a Child

(Notice of a Deemed Withdrawal of Petition for the Return of a Child; Article 147 of the Act)

Article 92 When it has been deemed pursuant to the provisions of Article 147 of the Act that a petition in a case seeking the return of a child has been withdrawn, a court clerk must notify the court before which the relevant case seeking the return of the child has been pending to that effect without delay.

Section 2 Special Provisions Regarding Procedures for Adjudication of Domestic Relations and Conciliation of Domestic Relations in Respect of Visitation or Other Contacts

(Special Provisions for Particulars to Be Stated in a Written Petition)

Article 93 If a person subject to a decision to provide assistance in a child's return to a foreign state provided for in Article 6, paragraph (1) of the Act or a decision to provide assistance in visitation or other contacts with a child in Japan provided for in Article 17, paragraph (1) of the Act, or a person having filed a petition for the return of a child, files a petition for adjudication of domestic relations or conciliation of domestic relations seeking to provide for visitation or other contacts with a child or to change such provisions, that person must indicate that the person is subject to that decision or has filed a petition for the return of a child in the relevant written petition for adjudication of domestic relations or conciliation of domestic relations.

(Notice of Petition)

Article 94 When a petition for adjudication of domestic relations or conciliation of domestic relations referred to in the preceding Article has been filed, a court clerk must promptly notify the Minister for Foreign Affairs to that effect without delay. The same applies if the ruling (if an immediate appeal against a ruling has been filed, the judicial decision in lieu of a ruling referred to in Article 91, paragraph (2) the Domestic Relations Case Procedure Act (Act No. 52 of 2011)) pertaining to the relevant petition (if it has been deemed pursuant to the provisions of Article 272, paragraph (4) or Article 286, paragraph (7) of that Act that a petition for adjudication of domestic relations has been filed, that petition; hereinafter the same applies in this Article) has become final and binding or if a case for adjudication of domestic relations or a case for conciliation of domestic relations pertaining to the relevant petition has been concluded other than by a judicial decision.

(Application Mutatis Mutandis of Provisions Concerning Inspection of Part of a Record That Indicates Address; Article 149 of the Act)

Article 95 (1) The provisions of Article 25 apply mutatis mutandis to the petition referred to in Article 47, paragraph (3) of the Domestic Relations Case Procedure Act with Regard to a Part of the Record That Indicates the Address, etc. in the record of the case pertaining to a petition for adjudication of domestic relations seeking to provide for visitation or other contacts with a child or to change such provisions.

(2) If there is a part of the record of a case pertaining to a petition for compulsory execution based on an authenticated copy of a written ruling or record of conciliation providing for visitation or other contacts with a child or changing such provisions, in which the information provided by the Minister for Foreign Affairs pursuant to the provisions of Article 5, paragraph (4) of the Act (limited to the part pertaining to item (ii)) has been entered or recorded, the provisions of Articles 24 through 26 apply mutatis mutandis to the form of the authenticated copy, transcript or extract of the record of the relevant case, to the inspection, copying or reproduction of the record of the relevant case, and to the issuance of an authenticated copy, transcript or extract thereof.

Chapter IV Miscellaneous Provisions

(Method of Requesting Explanation Concerning Status of Proceedings; Article 151 of the Act)

Article 96 A request for explanation under the provisions of Article 151 of the Act must be filed in writing.

(Notice to Court Before Which a Case on Merits is Pending; Article 152 of the Act)

Article 97 (1) A court clerk of the court before which a case seeking the return of a child is pending must notify, without delay, the court before which an adjudication case on the designation or change of a person with parental authority or on a disposition regarding custody of a child (including a case pertaining to a judicial decision on an ancillary disposition provided for in Article 32, paragraph (1) of the Personal Status Litigation Act, and a judicial decision on the designation of a person with parental authority as referred to in paragraph (3) of that Article) with respect to the child in question in the relevant case of seeking the return of the child is pending (limited to the court which is identified in the record of the relevant case seeking the return of the child; referred to as the "court before which the case on the merit is pending" in the following paragraph), that the case seeking the return of the child has

become pending.

- (2) When a case seeking the return of a child has been concluded, a court clerk must notify the court before which the case on the merit is pending to that effect without delay.