

Act on Childcare Leave for Judges

(Act No. 111 of December 24, 1991)

(Purpose)

Article 1 The purpose of this Act is to promote the continuous service of judges who are raising children by establishing a system concerning childcare leave, thereby promoting the welfare of judges and contributing to the smooth operation of court functions, etc.

(Approval for Childcare Leave)

Article 2 (1) With the approval of the Supreme Court, a judge may be granted childcare leave (meaning a judge, pursuant to the provisions of this Act, who does not engage in duties in order to take care of a child under the age of three (a person for whom a special adoption prescribed in the provisions of paragraph (1) of Article 817-2 of the Civil Code (Act No. 89 of 1896) has been requested by a judge to the family court pursuant to the relevant paragraph (limited to where a case for adjudication of domestic relations subject to the relevant request is pending before the court) and is currently under the custody of the relevant judge; a child who is entrusted to an adoptive foster parent prescribed in Article 6, paragraph (4), item (ii) of the Child Welfare Act (Act No. 164 of 1947) pursuant to the provisions of Article 27, paragraph (1), item (iii) of the relevant Act; or any other person specified by the Rules of the Supreme Court as having a equivalent relationship; the same applies hereinafter) until the child reaches the age of three; the same applies hereinafter). Provided however, this does not apply for cases where the judge has already taken childcare leave twice (excluding the first childcare leave and the second childcare leave taken by a judge (excluding a judge who took leave after childbirth due to the birth of the relevant child within the relevant period) with respect to the relevant child within the period prescribed by the Rules of the Supreme Court, taking into consideration the period during which a judge may take leave after childbirth from the date of the birth of the relevant child) for a child subject to the request for approval of childcare leave (except if there are special circumstances specified by the Rules of the Supreme Court).

(2) A judge who wishes to obtain approval for childcare leave is to request the Supreme Court for that approval, clarifying the first day and the last day of the period for which the childcare leave is to be taken.

(3) When a request is made pursuant to the provisions of the preceding paragraph, the Supreme Court must approve it, except in cases where it is extremely difficult to take measures to deal with the duties of the judge who

made the request for the period subject to the relevant request.

(Extension of the Period for Childcare Leave)

Article 3 (1) A judge who is on childcare leave may request the Supreme Court to extend the period of the relevant childcare leave.

(2) The extension for the period of childcare leave is only allowed once, except in cases with special circumstances specified by the Rules of the Supreme Court.

(3) The provisions of paragraphs (2) and (3) of the preceding Article applies mutatis mutandis to the extension of the period of childcare leave.

(Effects of Childcare Leave)

Article 4 A judge on childcare leave retains their status as a judge but does not receive remuneration or other salary for the duration of their childcare leave.

(Expiration of Approval for Childcare Leave)

Article 5 (1) Approval for childcare leave ceases to be effective in the following cases:

(i) if a judge who is on childcare leave starts maternity leave or gives birth.

(ii) if a judge who is on childcare leave is suspended from their duties pursuant to the provisions of Article 39 of the Act on Impeachment of Judges (Act No. 137 of 1947).

(iii) if a child subject to the relevant childcare leave dies or ceases to be the child of the judge taking the relevant childcare leave.

(2) The Supreme Court revokes the approval for childcare leave in the following cases:

(i) if a judge who is on the relevant childcare leave requests the cancellation of the approval for childcare leave.

(ii) if a judge who is on the relevant childcare leave ceases to take care of the child subject to the relevant childcare leave.

(iii) other cases specified by the Rules of the Supreme Court.

(Payment of End-of-Term Allowances)

Article 5-2 Notwithstanding the provisions of Article 4, a judge on childcare leave is granted an end-of-term allowance or bonus pursuant to the provisions of the Supreme Court, in accordance with the provisions for officials to whom the Act on Childcare Leave of National Public Employees (Act No. 109 of 1991) applies.

(Prohibition of Disadvantageous Treatment)

Article 6 Judges must not be treated in a disadvantageous manner on the grounds of childcare leave.

(Handling of the Period of Childcare Leave Related to Retirement Allowance)

Article 7 (1) With regard to the application of provisions of Article 6-4, paragraph (1) and Article 7, paragraph (4) of the Act on the National Public Servants Retirement Allowance (Act No. 182 of 1953), (including as applied mutatis mutandis pursuant to Article 3, paragraph (2) of the Act on Special Provisions for Retirement Allowance for Supreme Court Judges (Act No. 52 of 1966); the same applies in the following paragraph), the period during which the childcare leave was taken falls under the period during which no actual duties were required to be performed as provided in Article 6-4, paragraph (1) of the National Public Servants Retirement Allowance Act.

(2) With respect to the application of the provisions of paragraph (4) of Article 7 of the Act on the National Public Servants Retirement Allowance, the period of childcare leave (limited to the period until the month that includes the day on which the child subject to the relevant childcare leave has reached one year of age), the term "the number of months equivalent to half of the number of months" in that paragraph is deemed to be replaced with "the number of months equivalent to one third of the number of months."

(Rules of the Supreme Court)

Article 8 (1) Particulars necessary for the implementation of this Act is prescribed by the Rules of the Supreme Court.

最高裁確認依頼版