

Juveniles Act

(Act No. 168 of July 15, 1948)

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Chapter I General Provisions

(Purpose of this Act)

Article 1 The purpose of this Act is to promote the sound development of juveniles, while correcting character flaws and modifying the environment of delinquent juveniles through disposition for rehabilitation of the adjudicated delinquents, and implementing special measures for juvenile criminal cases.

(Definitions)

Article 2 (1) In this Act, the term "juvenile" refers to a person under 20 years of age.

(2) In this Act, the term "parent or guardian" refers to a person with a statutory obligation to have custody of and provide education to a juvenile, or a person who actually has custody of a juvenile.

Chapter II Juvenile Protection Cases

Section 1 General Rules

(Juveniles Subject to Trial and Decision)

Article 3 (1) A juvenile to whom any of the following items applies is subjected to a trial and decision of the family court:

- (i) a juvenile who has committed a crime;
- (ii) a juvenile under 14 years of age whose actions violate criminal laws or regulations;
- (iii) a juvenile who, due to any of the following reasons and taking into consideration the juvenile's character or environment, is likely to commit a crime or violate criminal laws or regulations:
 - (a) has a tendency not to abide by their parent or guardian's proper supervision;
 - (b) stays away from home without just cause;
 - (c) associates with persons of a criminal nature or who are immoral, or frequent questionable places;
 - (d) has a tendency to act in way that harms one's own moral character or that of others.

(2) The family court may subject a juvenile, as prescribed in item (ii) of the preceding paragraph or a juvenile as prescribed in item (iii) of that paragraph, who is under 14 years of age to a trial and decision only when a prefectural governor or a director of a child guidance center refers the juvenile to the family court.

(Assistant Judge's Authority)

Article 4 An assistant judge may give a judicial decision, other than the ruling prescribed in Article 20, paragraph (1), by themselves.

(Jurisdiction)

Article 5 (1) Jurisdiction for protection cases is based on the place where the juvenile committed the act, their domicile or residence, or current location.

- (2) The family court, by a ruling, may transfer a case to another family court with jurisdiction if the court finds it particularly necessary to ensure appropriate protection of the juvenile.
- (3) If the family court finds that a case is not under its jurisdiction, by a ruling, it must transfer the case to a family court that does have jurisdiction.

(Inspection and Copying of Records by the Victim)

Article 5-2 (1) If, after the ruling prescribed by Article 21 is made, the victim, etc. of the protection case (meaning the victim, the victim's statutory agent or their spouse, lineal relative or sibling, if the victim has died or suffers serious

mental or physical conditions; this also applies below) or the attorney appointed by the victim, etc. requests pursuant to the Rules of the Supreme Court to inspect or copy the records retained by the court on the relevant protection case as specified in Article 3, paragraph (1), item (i) or (ii) (except those collected by the family court exclusively for its determination on the need for protection of the juvenile, and those created or collected by a family court investigating officer that contribute to the family court's determination on the need for protection of the juvenile) , the court authorizes the applicant to inspect or copy the records, except when the court finds the request for inspection or copying has been filed on unjust grounds or the court finds it inappropriate to permit inspection or copying considering the impact it will have on the sound development of the juvenile, the nature of the case, the status of investigation or trial and decision, or other circumstances.

- (2) The request stated in the preceding paragraph may not be filed, when three years have passed since the ruling to close the protection case on the request had become final and binding.
- (3) The person who inspected or copied the records pursuant to the provisions of paragraph (1) must neither divulge the name or other matters concerning personal circumstances of the juvenile acquired through the inspection or copying without reasonable grounds nor use any matters obtained through the inspection or copying in an unauthorized manner to hinder the sound development of the juvenile, damage the reputation or peaceful existence of any person concerned, or cause impediment to an investigation, or trial and decision.

(Inspection or Copying Fee)

Article 5-3 The provisions of Articles 7 through 10 and row 1 of Appended Table 2 (excluding the phrase "excluding those requested by the party, etc. while the case is pending" in the left-hand column of that row) of the Act on Costs of Civil Proceedings (Act No. 40 of 1971) applies mutatis mutandis to the fee for inspection or copying of the record pursuant to the provisions of paragraph (1) of the preceding Article unless contrary to its nature.

Section 2 Notification, Investigation by Police Officers

(Notification)

- Article 6 (1) A person who has discovered a juvenile who should be subjected to a trial and decision of the family court, must notify the family court of this.
- (2) A police officer or the parent or guardian may directly notify the child guidance center regarding a juvenile, if it is found appropriate to subject the juvenile prescribed in Article 3, paragraph (1), item (iii) to the measures under

the Child Welfare Act (Act No. 164 of 1947) instead of direct referral or notification to the family court.

(Investigation by Police Officers)

- Article 6-2 (1) A police officer may conduct an investigation on a case, if they discover a person that they have reasonable grounds to suspect, based on objective circumstances and in a reasonable manner, is a juvenile as specified in Article 3, paragraph (1), item (ii), if necessary.
- (2) The investigation stated in the preceding paragraph is to be conducted to clarify the facts of the case, while taking into consideration the protection of the juvenile's emotional stability, and as a result contributing to the measures for the juvenile's sound development.
- (3) A police officer may have police personnel (other than police officers) with expertise in juvenile psychology and other characteristics to conduct an investigation (excluding the dispositions prescribed in Article 6-5, paragraph (1)) pursuant to the Rules of the National Public Safety Commission.

(Attendant During Investigation)

- Article 6-3 The juvenile and parent or guardian may, at any time, appoint an attendant who is an attorney-at-law for the investigation as prescribed in paragraph (1) of the preceding Article.

(Summons, Questioning and Report Request)

- Article 6-4 (1) A police officer may summon the juvenile, the parent or guardian, or person of reference for questioning, if necessary for the investigation.
- (2) The questioning stated in the preceding paragraph must not be conducted forcibly.
- (3) A police officer may inquire to public offices, or public or private organizations, about reporting any necessary matters relating to the investigation.

(Seizure, Search, Inspection and Expert Examination Request)

- Article 6-5 (1) A police officer may conduct a seizure, search, inspection, or request an expert examination, if it is necessary for the investigation related to the case of a juvenile as prescribed in Article 3, paragraph (1), item (ii).
- (2) The provisions in the Code of Criminal Procedure (Act No. 131 of 1948) for seizure, search, inspection, and request for an expert examination to be conducted by judicial police officer (excluding Article 224 of that Code) apply mutatis mutandis to the case referred to in the preceding paragraph. In this case, the term "judicial police officer" in these provisions is deemed to be replaced with "police officer who is a judicial police officer" and the term

"judicial constable" with "police officer who is a judicial constable"; in Article 499, paragraph (1) of that Code, the term "public prosecutor" is deemed to be replaced with "Superintendent General of the Tokyo Metropolitan Police Department, Chief of Prefectural Police Headquarters, or Police Station Chief" and the term "Cabinet Order" with "the Rules of the National Public Safety Commission"; and in paragraph (3) of that Article, the term "national treasury" is deemed to be replaced with "prefecture where the relevant prefectural police or police station is located".

(Referral by Police Officer)

Article 6-6 (1) A police officer must refer the case, together with the documents on the investigation, to the director of a child guidance center, if the case falls under any of the following items as a result of the investigation:

- (i) a case concerning a juvenile as prescribed in Article 3, paragraph (1), item (ii), in which they are considered to have committed a violation of criminal laws and regulations concerning the following crimes:
 - (a) an intentional criminal act which caused the death of a victim
 - (b) beyond what is stated in item (a), any crime punishable by death penalty, imprisonment, with or without work, for life, or for a short term of more than two years
 - (ii) any case, in addition to what is prescribed in the preceding item, when it is considered appropriate to refer a case involving a juvenile as prescribed in Article 3, paragraph (1), item (ii), to a family court for trial and decision.
- (2) The police officer must send the family court any evidence obtained in relation to a case referred to the director of a child guidance center pursuant to the provisions of the preceding paragraph if the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act have been implemented.
- (3) If a police officer notifies a child guidance center of a juvenile subject to investigation pursuant to the provisions of Article 25, paragraph (1) of the Child Welfare Act, except when the case is referred pursuant to the provisions of paragraph (1), then the police officer is to provide the child guidance center with the outline and results of the investigation which will serve as a reference for the implementation of measures under that Act, pursuant to the provisions of the Rules of the National Public Safety Commission.

(Referral by a Prefectural Governor or Director of a Child Guidance Center)

Article 6-7 (1) A prefectural governor or a director of a child guidance center must implement the measures prescribed in Article 27, paragraph (1), item (iv) of the Child Welfare Act in a case referred to the governor or the director pursuant to the provisions of paragraph (1) of the preceding Article (limited to the part concerning item (i)); provided, however, that this does not apply when

it is found unnecessary to do so as a result of the investigation.

- (2) If it is necessary to take a compulsory measure, that may unintentionally restrict or deprive the child's freedom, to a juvenile to whom the Child Welfare Act applies, a prefectural governor or a director of a child guidance center must refer the case to the family court, except when it is found to be permitted to take the measures pursuant to the provisions of Articles 33, 33-2 and 47 of that Act.

(Family Court Investigating Officer's Report)

- Article 7 (1) If any juvenile subject to trial and decision of the family court is found, then a family court investigating officer must report this to a judge.
- (2) A family court investigating officer may investigate the circumstances surrounding the juvenile and the parent or guardian before the reporting stated in the preceding paragraph.

Section 3 Investigation, and Trial and Decision

(Investigation of Cases)

- Article 8 (1) When the family court considers that a juvenile should be subject to trial and decision following the notification prescribed in Article 6, paragraph (1) or the reporting prescribed in paragraph (1) of the preceding Article, it must investigate the case involving the juvenile. This also applies when a public prosecutor, a judicial police officer, a police officer, a prefectural governor or a child guidance center's director sends a juvenile case to be referred to a trial and decision by the family court.
- (2) The family court may order a family court investigating officer to interview a juvenile, parent or guardian, or person of reference, and to carry out other necessary investigation.

(Investigation Policy)

- Article 9 The investigation prescribed in the preceding Article must be carried out by making use of medical, psychological, pedagogical, sociological and any other specialized knowledge as much as possible, regarding conduct, background, temperament, and environment of the juvenile, the parent or guardian, and other concerned persons, and in particular, the results of classifications conducted by the juvenile classification home.

(Hearing of Opinions by Victims upon Request)

- Article 9-2 The family court is to hear by itself, or order a family court investigating officer to hear from the victim, etc. of a juvenile case, as prescribed in Article 3, paragraph (1), item (i) or (ii) about their feelings and

other opinions on the case upon their request pursuant to the Rules of the Supreme Court; provided, however, that this does not apply if it is found inappropriate considering the nature of the case, the state of investigation or trial and decision of the family court, or other circumstances.

(Attendant)

Article 10 (1) A juvenile or a parent or guardian, legal representative, curator, spouse, lineal relative, or sibling of a juvenile may, with the family court's permission, appoint an attendant; provided, however, that no permission is needed to appoint an attorney-at-law as the attendant.

(2) A parent or guardian may serve as attendant if permitted by the family court.

(Summons and Escort)

Article 11 (1) The family court may issue a summons to a juvenile or parent or guardian and summon them when it is found necessary for the investigation or trial and decision of the case.

(2) The family court may issue an escort warrant for a juvenile or a parent or guardian and escort them if they fail to comply with, or are likely to fail to comply with, the summons provided in the preceding paragraph without reasonable grounds.

(Escort in Case of Emergency)

Article 12 (1) Notwithstanding the provisions of paragraph (2) of the preceding Article, the family court may issue an escort warrant for a juvenile and escort them in case of an emergency need of protection, and if it is found necessary for their welfare.

(2) In urgent cases the presiding judge may take the measures stated in the preceding paragraph or have a member of the panel of judges do this.

(Execution of an Escort Warrant)

Article 13 (1) An escort warrant is executed by a family court investigating officer.

(2) The family court may have a police officer, a probation officer, or a court clerk execute an escort warrant.

(3) In urgent cases, the presiding judge may take the measures stated in the preceding paragraph or have a member of the panel of judges do this.

(Witness Examination, Expert Opinion, Interpretation, and Translation)

Article 14 (1) The family court may examine a witness, or order an expert opinion, interpretation, or translation.

(2) The provisions of the Code of Criminal Procedure concerning examination of a

witness, or ordering of an expert opinion, interpretation, and translation to be conducted by the court apply mutatis mutandis to the case stated in the preceding paragraph unless contrary to the nature of the protection case.

(Inspection, Seizure, and Search)

Article 15 (1) The family court may conduct an inspection, seizure, or search.

(2) The provisions of the Code of Criminal Procedure concerning inspection, seizure, and search to be conducted by the court, apply mutatis mutandis to the case stated in the preceding paragraph, unless contrary to the nature of the protection case.

(Assistance and Cooperation)

Article 16 (1) The family court may have a police officer, a probation officer, a volunteer probation officer, a child welfare officer (which means a child welfare officer as prescribed in Article 12-3, paragraph (2), item (vi) of the Child Welfare Act; this also applies in Article 26, paragraph (1) of this Act), or a commissioned child welfare volunteer provide necessary assistance in investigation and observation.

(2) The family court may request the necessary cooperation from public offices, public and private organizations, schools, hospitals and others in performing their duties.

(Measure for Observation and Protection)

Article 17 (1) A family court may implement measures for observation and protection listed in the following items by a ruling if the measures are needed for its trial and decision:

(i) to put under the observation and protection of a family court investigating officer;

(ii) to refer to a juvenile classification home.

(2) Measures for observation and protection regarding an escorted juvenile must be implemented within 24 hours, at the latest, from the time of the arrival. This also applies to the measures regarding a juvenile who has been detained or arrested, and is referred to the court by a public prosecutor or a judicial police officer.

(3) If the measures prescribed in item (ii) of paragraph (1) are implemented, then the period of detention of the juvenile at the juvenile classification home may not exceed two weeks; provided, however, that the period may be renewed by the court's ruling if continued custody is particularly needed.

(4) The renewal pursuant to the proviso of the preceding paragraph is not to take place more than once; provided, however, that the renewal may take place with a limit of up to two additional times if the family court has decided to conduct

an examination of a witness, seek an expert's opinion, or conduct an inspection or has implemented these measures to find out the facts of the delinquent act (including motive for the offense, the manner and impact of the crime, or other important facts closely related to the crime; this also applies below) punishable by death penalty, or imprisonment, with or without work, concerning a juvenile as prescribed in Article 3, paragraph (1), item (i), and if there are reasonable grounds to suspect that a family court trial and decision would be severely hindered without detaining the juvenile.

- (5) Notwithstanding the proviso of paragraph (3), the period of detention in a case once again referred by a public prosecutor may not be renewed if the measures prescribed in item (ii) of paragraph (1) have already been implemented or a detention warrant has already been issued regarding the case.
- (6) If the judge implements the measures prescribed in paragraph (1), item (i) of this Article upon request pursuant to the provisions of Article 43, paragraph (1), the measures are deemed as those prescribed in paragraph (1), item (i) of this Article if the case is subsequently referred to a family court.
- (7) If the judge implements the measures prescribed in item (ii), paragraph (1) of this Article upon request pursuant to the provisions of Article 43, paragraph (1), the measures are deemed to be those prescribed in item (1), paragraph (1) of this Article if the case is subsequently referred to a family court. In this case, the period prescribed in paragraph (3) begins from the day when the case is referred to a family court.
- (8) The measures for observation and protection may be repealed or amended by a ruling.
- (9) Regarding the measures provided in paragraph (1), item (ii), the total period of detention may not exceed eight weeks; provided, however, that no ruling that makes a total custody period longer than four weeks is to be rendered without the grounds prescribed in the proviso of paragraph (4).
- (10) In case of emergency, the presiding judge may take the dispositions prescribed in paragraphs (1) or (8), or have a member of panel of judges do this.

(Filing of Objections)

- Article 17-2 (1) A juvenile, their legal representative, or attendant may file an objection against a ruling as prescribed in paragraph (1), item (ii) of the preceding Article or in the proviso of paragraph (3) of the preceding Article to a family court where the protection case is pending; provided, however, that the attendant may not file an objection that is contrary to the intent clearly indicated by the parent or guardian, who appointed the attendant.
- (2) The objection referred to in the preceding paragraph may not be filed on the reasoning that there are no grounds for referring the case to trial and decision.

- (3) A ruling by the family court, on the objection referred to in paragraph (1), must be made by a panel. In this case, a judge who was involved in the order of prior instance may not participate in giving this ruling.
- (4) The provisions of Articles 32-3, 33 and 34 apply *mutatis mutandis* to a case in which the objection prescribed in paragraph (1) is filed. In this case, the phrase "revoke the ruling given in the prior instance, and remand the case to the court of prior instance, or transfer the case to another family court" in Article 33, paragraph (2) is deemed to be replaced with "revoke the ruling given in the prior instance, and a further judicial decision must be made if it is deemed necessary."

(Special Appeal)

- Article 17-3 (1) The provisions of Article 35, paragraph (1) apply *mutatis mutandis* to the ruling prescribed in paragraph (3) of the preceding Article. In this case, the term "two weeks" in Article 35, paragraph (1) is deemed to be replaced with "five days."
- (2) The provisions of paragraph (4) of the preceding Article and Article 32-2 apply *mutatis mutandis* if an appeal is filed pursuant to the provisions of the preceding paragraph.

(Provisional Detention in Case of Referral to a Juvenile Classification Home)

- Article 17-4 (1) If there are circumstances under which immediate custody in a juvenile classification home is found extremely difficult, following the implementation of the measures prescribed in Article 17, paragraph (1), item (ii), the family court may, by a ruling, provisionally detain the juvenile to the nearest juvenile training school or to a specially separated place inside the nearest penal institution; provided, however, that the period must not exceed 72 hours from commencement of detention.
- (2) In case of an emergency, the presiding judge may appropriate the dispositions stated in the preceding paragraph or have a member from a panel of judges do it.
 - (3) The period of detention pursuant to the provisions of paragraph (1) is deemed to be the period of detention in a juvenile classification home by the measures prescribed in item (ii) of paragraph (1) of Article 17; the period prescribed in paragraph (3) of that Article is to begin from the day of detention in the juvenile training school or penal institution.
 - (4) If the judge detained a juvenile pursuant to paragraph (1) upon request prescribed in the provisions of Article 43, paragraph (1), the detention is deemed to be the detention prescribed in paragraph (1) if the case is subsequently referred to the family court.

(Child Welfare Act Measures)

Article 18 (1) When it is found appropriate to take measures prescribed in the provisions of the Child Welfare Act as a result of the investigation, the family court, by a ruling, must refer the case to a prefectural governor or director of a child guidance center who has authority over the case.

(2) The family court, by a ruling, may refer the case concerning a juvenile referred by a prefectural governor or director of child guidance center, pursuant to the provisions of Article 6-7, paragraph (2), to the prefectural governor or director of a child guidance center who has authority over the case, with a time limit and instructions as to the means of protection and any other measures to be taken.

(Ruling Not to Commence a Trial)

Article 19 (1) The family court must make a ruling not to commence a trial if it finds, as a result of the investigation, that it is impossible or inappropriate to subject the case to trial and decision.

(2) Notwithstanding the provisions of the preceding paragraph, if it is found, as a result of the investigation, that the person in question is 20 years of age or older, the family court, by a ruling, must refer the case to a public prosecutor at the public prosecutor's office that is the corresponding district court with jurisdiction over the case.

(Referral to a Public Prosecutor)

Article 20 (1) The family court, by a ruling, must refer a case punishable by death penalty or imprisonment, with or without work, to a public prosecutor at the public prosecutor's office that is the corresponding district court with jurisdiction over the case, if the criminal disposition of the case is found appropriate, as a result of the investigation, considering the nature and circumstances of the crime.

(2) Notwithstanding the provisions of the preceding paragraph, the family court must make a ruling as prescribed in that paragraph for a case in which a juvenile who is 16 years of age or older committed an intentional criminal act that caused the death of a victim; provided, however, that this does not apply if the court finds any measures other than the criminal disposition more appropriate, as a result of the investigation, which considers motive for the offense, manner, circumstances or situation after the offense, the juvenile's character, age, conduct, environment and other circumstances.

(Ruling to Commence a Trial)

Article 21 If it is found appropriate to commence a trial as a result of the investigation, the family court must make a ruling to that effect.

(Trial and Decision Procedure)

Article 22 (1) Trial and decision must be conducted cordially and amicably, and encourage the delinquent juvenile to reflect on their delinquency.

(2) The trial and decision are not open to the public.

(3) The presiding judge is to direct the trial and decision.

(Public Prosecutor Participation)

Article 22-2 (1) The family court, by a ruling, may have a public prosecutor participate in a trial and decision for a case involving a juvenile as prescribed in Article 3, paragraph (1), item (i) concerning a crime which is punishable by the death penalty, life imprisonment, or imprisonment, with or without work, for more than three years, when the court finds that the participation of a public prosecutor in the trial and decision is necessary to certify the facts of the delinquent act.

(2) The family court must hear the opinion of a public prosecutor, in advance, to give the ruling stated in the preceding paragraph, except for when the public prosecutor requests to attend the hearing.

(3) If a ruling, as prescribed in paragraph (1), is given on the case, the public prosecutor, as provided for by the Rules of the Supreme Court, may inspect and copy the records of the case and articles of evidence, attend the trial and decision (including the announcement of the ruling that closes the case), ask questions to the juvenile, witnesses and other concerned persons, and give opinions to the extent that is necessary to certify the facts of the delinquent act.

(Court-Appointed Attendants)

Article 22-3 (1) If the juvenile has no attendant who is an attorney-at-law when the family court gives a ruling as prescribed in paragraph (1) of the preceding Article, the court must appoint an attendant who is an attorney-at-law.

(2) The family court may appoint an attendant who is an attorney-at-law in a juvenile case as prescribed in Article 3, paragraph (1), item (i) for a crime prescribed in paragraph (1) of the preceding Article, or in a juvenile case as prescribed in Article 3, paragraph (1), item (ii) for an act violating criminal laws and regulations, concerning a crime prescribed in paragraph (1) of the preceding Article, for the juvenile against whom the measures prescribed in Article 17, paragraph (1), item (ii) has been implemented, and who has no attendant who is an attorney-at-law, if the court finds that participation of an attendant who is an attorney-at-law is required for the trial and decision proceedings, considering the nature of the case, presence or absence of the parent or guardian, and other circumstances.

(3) An attendant to be appointed by the family court, pursuant to the provisions

of the preceding two paragraphs, is to be appointed as provided for by the Rules of the Supreme Court.

- (4) An attendant appointed pursuant to the provisions of the preceding paragraph (including when it is applied *mutatis mutandis* pursuant to Article 22-5, paragraph (4)), may claim travel expenses, daily allowances, accommodation fees and remuneration.

(Observation of Trial and Decision by Victims)

Article 22-4 (1) The family court may, pursuant to the Rules of the Supreme Court, permit, upon request, the victim, etc. to observe the trial and decision of a juvenile case on the trial and decision date for a juvenile case as prescribed in Article 3, paragraph (1), item (i) who committed a crime stated in any of the following items, or for a juvenile case as prescribed in item (ii) of that paragraph (excluding any juvenile under 12 years of age who committed an act violating criminal laws and regulations; this also applies in the next paragraph), who committed an act violating criminal laws and regulations concerning crimes stated in any of the following items (limited to any act that caused serious danger to victim's life in either of the relevant cases when the victim was injured), if the victim, etc. requests to observe the trial and decision on the trial and decision date, and the court finds it appropriate and unlikely to hinder the sound development of the juvenile, considering the age of the juvenile, mental or physical state, the nature of the case, status of the trial and decision and other circumstances:

- (i) the crime of committing an intentional criminal act that causes the death of or injury to the victim;
 - (ii) the crime prescribed in Article 211 (Causing Death or Injury Due to Negligence in the Pursuit of Social Activities) of the Penal Code (Act No. 45 of 1907);
 - (iii) the crime prescribed in Article 4, Article 5 or paragraph (3) or paragraph (4) of Article 6 of the Act on Punishment of Acts Inflicting Death or Injury on Others by Driving a Motor Vehicle, etc. (Act No. 86 of 2013).
- (2) When deciding whether or not to permit the victim, etc. of a juvenile case as prescribed in Article 3, paragraph (1), item (ii), to observe the trial and decision pursuant to the provisions of the preceding paragraph, the family court must give full consideration to the fact that, in general, the juvenile, as prescribed in that item, is highly emotionally immature.
- (3) When permitting observation of the trial and decision pursuant to the provisions of paragraph (1), the family court may allow a person who can ease the anxiety or the tension of the observer appropriately and is unlikely to disrupt the trial and decision, or have undue impact on it, to accompany the observer, if it finds that the observer is likely to feel severe anxiety or tension

in consideration of age, mental or physical state of the observer and other circumstances.

- (4) When determining the seating arrangements for the person observing the trial and decision pursuant to the provisions of paragraph (1), and the person accompanying that person, pursuant to the preceding paragraph, and the seating arrangements for court officials where the trial and decision takes place, the presiding judge must consider the impact it will have on the mental and physical state of the juvenile.
- (5) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the person observing the trial and decision pursuant to the provisions of paragraph (1) and to the person accompanying that person pursuant to the provisions of paragraph (3).

(Hearing of Opinions from the Attendant Who is an Attorney-at-Law)

- Article 22-5 (1) Before permitting observation of the trial and decision pursuant to the provisions of paragraph (1) of the preceding Article, the family court must hear opinions from the attendant who is an attorney-at-law.
- (2) In the case of the preceding paragraph, the family court must appoint an attendant who is an attorney-at-law, if the juvenile does not have such an attendantone.
 - (3) If the juvenile does not have an attendant who is an attorney-at-law, then the provisions in the preceding two paragraphs do not apply if the juvenile and the parent or guardian clearly indicate that they do not require an attendant pursuant to the Rules of the Supreme Court.
 - (4) The provisions of Article 22-3, paragraph (3) apply mutatis mutandis to the attendant who must be appointed by the family court pursuant to the provisions of paragraph (2).

(Explanations to the Victims)

- Article 22-6 (1) Upon request from the victim, etc., of the case involving a juvenile as stated in Article 3, paragraph (1), item (i) or (ii) pursuant to the Rules of the Supreme Court, the family court is to give the victim, etc. an explanation on the status of the trial and decision on the trial and decision date as provided for by the Rules of the Supreme Court, if it is found appropriate and unlikely to hinder the sound development of the juvenile.
- (2) The request stated in the preceding paragraph may not be filed when three years have passed since the ruling to close the case related to that request had become final and binding.
 - (3) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the person who is given the explanations pursuant to the provisions of paragraph (1).

(Cases that Do Not Follow the Disposition for Rehabilitation of an Adjudicated Delinquent After Commencement of Trial and Decision)

Article 23 (1) When a case is found to fall under Article 18 or 20 as a result of the trial and decision, the family court must give a ruling as prescribed in these Articles accordingly.

- (2) If it is found that as a result of the trial and decision, the disposition for rehabilitation of an adjudicate delinquent cannot be carried out, or it is unnecessary, the family court must make a ruling to that effect.
- (3) The provisions of Article 19, paragraph (2) apply mutatis mutandis when the person in question is found to be 20 years of age or older as a result of the family court trial and decision.

(Ruling on Disposition for Rehabilitation of an Adjudicated Delinquent)

Article 24 (1) Except for the case of the preceding Article, the family court, by a ruling, must conduct the disposition for rehabilitation of an adjudicated delinquent as stated in the following items; provided, however, that the disposition for rehabilitation of an adjudicated delinquent prescribed in item (iii) may be conducted with respect to a case involving a juvenile under 14 years of age at the time of the ruling, only when it is found as particularly necessary:

- (i) place on probation at the probation office;
 - (ii) refer to a children's self-reliance support facility or foster home;
 - (iii) refer to a juvenile training school.
- (2) With respect to disposition for rehabilitation of an adjudicate delinquent prescribed in items (i) and (iii) of the preceding paragraph, the family court may have the chief probation officer conduct measures for the modification of the home and other environments.

(Confiscation)

Article 24-2 (1) When making a ruling as prescribed in Article 18, Article 19, Article 23, paragraph (2), or paragraph (1) of the preceding Article, the family court, by a ruling, may confiscate the possessed objects stated in the following items from a juvenile listed in Article 3, paragraph (1), items (i) and (ii):

- (i) an object that constitutes an act violating criminal laws and regulations;
- (ii) an object which is used or intended for use in committing an act violating criminal laws and regulations;
- (iii) an object which is generated or acquired by committing an act violating criminal laws and regulations, or acquired as a reward for committing an act violating criminal laws and regulations;
- (iv) An object obtained in exchange for the object prescribed in the preceding

item.

- (2) Any object may be confiscated as long as it belongs to no one other than the juvenile in question; provided, however, that if, after an act violating criminal laws and regulations, a person other than the juvenile in question acquires it with knowledge of the circumstances, it may be confiscated, even if it belongs to a person other than the juvenile in question.

(Observation by a Family Court Investigating Officer)

Article 25 (1) The family court may, by a ruling, keep a juvenile under observation by a family court investigating officer for a reasonable period if it is found necessary to give a ruling on the disposition for rehabilitation of an adjudicated delinquent as prescribed in Article 24, paragraph (1).

- (2) In combination with the observation referred to in the preceding paragraph, the family court may conduct the measures stated in the following items:
- (i) establishment of rules to be observed and the order to perform them;
 - (ii) hand over of a juvenile to the parent or guardian by attaching conditions;
 - (iii) entrustment of correctional guidance to an appropriate institution, organization, or individual.

(Measures for the Parent or Guardian)

Article 25-2 The family court may give direct admonition or guidance to, or take other appropriate measures with the parent or guardian during an investigation or hearing and decision, if it is found necessary, to make them aware of their responsibility for the custody of the juvenile, preventing the juvenile from committing further acts of delinquency, or may order a family court investigating officer to take these measures.

(Execution of a Ruling)

Article 26 (1) The family court may have a family court investigating officer, court clerk, official at the Ministry of Justice, instructor at a correctional facility, police officer, probation officer or child welfare officer enforce a ruling given pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), and Article 24, paragraph (1), items (ii) and (iii).

- (2) The family court may issue a writ of summons to summon a juvenile, if it is necessary to enforce a ruling given pursuant to the provisions of Article 17, paragraph (1), item (ii), Article 17-4, paragraph (1), and Article 24, paragraph (1), items (ii) and (iii).
- (3) The family court may issue an escort warrant for a juvenile and escort them if they fail to comply with or are likely to fail to comply with the summons under the provisions of the preceding paragraph without reasonable grounds.
- (4) Notwithstanding the provisions of the preceding paragraph, when it is found

that a juvenile urgently is in need of protection, and is necessary for the juvenile's welfare, the family court may issue an escort warrant to that juvenile and escort them.

- (5) The provisions of Article 13 apply *mutatis mutandis* to the escort warrant prescribed in the preceding two paragraphs.
- (6) In urgent cases, the presiding judge may impose the disposition stated in paragraphs (1) and (4), or have a member of the panel of judges do this.

(Temporary Continuation of Detention at a Juvenile Classification Home)

Article 26-2 When making a ruling as prescribed in the provisions of Article 18, Article 19, Article 20, paragraph (1), Article 23, paragraph (2) or Article 24, paragraph (1) for the case for which the measures prescribed in the provisions of Article 17, paragraph (1), item (ii) are conducted, the family court may, by a ruling, continue to detain the juvenile to a juvenile classification home, for a reasonable period, if it is found to be necessary; provided, however, that the period is not to exceed seven days.

(Provisional Detention in the Case of Execution of an Escort Warrant)

Article 26-3 When the escort warrant prescribed in Article 26, paragraph (3) or (4) is enforced against a juvenile to whom a ruling as prescribed in Article 24, paragraph (1), item (iii) has been given, the family court may provisionally detain the juvenile at a nearby juvenile classification home if necessary.

(Measures for a Person Under Probation)

Article 26-4 (1) For cases in which an application pursuant to the provisions of Article 67, paragraph (2) of the Offenders Rehabilitation Act (Act No. 88 of 2007) is filed, the family court, by a ruling, must conduct the disposition for rehabilitation of an adjudicated delinquent prescribed in Article 24, paragraph (1), item (ii) or (iii), if the court, as a result of the trial and decision, finds that the person who is subject to the disposition for rehabilitation of an adjudicated delinquent prescribed in Article 24, paragraph (1), item (i), failed to comply with the matters to be complied, and there are grounds that the person has continued to fail to comply to the matters to be complied despite being admonished as prescribed in Article 67, paragraph (1) of that Act, and finds that the failure is so serious that the disposition for rehabilitation of an adjudicated delinquent are not sufficient enough to improve or rehabilitate that person.

- (2) When subjecting a person of 20 years of age or above to the disposition for rehabilitation of an adjudicated delinquent prescribed in Article 24, paragraph (1), item (iii) pursuant to the provisions of the preceding paragraph, the family court must specify, concurrently with the decision, the period of detention in a

juvenile training school before they reach 23 years of age.

- (3) Beyond what is stated in the preceding paragraph, the procedure of a case on disposition for rehabilitation of an adjudicated delinquent pursuant to the provisions of paragraph (1), is to be governed by the procedure of the case concerned with the disposition for rehabilitation of an adjudicated delinquent pursuant to the provisions of Article 24, paragraph (1), unless it contradicts its nature.

(Coordination of Conflicting Measures)

Article 27 (1) When a criminal conviction against a person becomes final and binding while the disposition for rehabilitation of an adjudicated delinquent are in place, the family court that implemented the disposition may, by a ruling, revoke those measures when it is found to be appropriate.

- (2) When a person is subjected to new disposition for rehabilitation of an adjudicated delinquent while the previous disposition for rehabilitation of an adjudicated delinquent are in place, the family court implementing the new disposition may hear the opinion from the family court which has implemented the previous disposition and revoke either of them by a ruling.

(Revocation of Disposition for Rehabilitation of an Adjudicated Delinquent)

Article 27-2 (1) If any new materials are discovered that clearly indicate that the family court had no jurisdiction over the person in question, or that the family court has subjected a juvenile under 14 years of age to disposition for rehabilitation of an adjudicated delinquent without procedure for referral from the prefectural governor or a director or a child guidance center are found while the disposition is in place, the family court implementing the disposition must revoke that disposition by a ruling.

- (2) If any new materials are discovered that clearly indicate that the family court has subjected a person to disposition for rehabilitation of an adjudicated delinquent without any grounds to subject the person to a trial and decision, even after the disposition had been implemented, the preceding paragraph applies; provided, however, that this does not apply if the person has died.
- (3) If the director of a probation office, children's self-reliance support facility, foster home or juvenile training school finds any new materials related to a person who has been subjected to the disposition for rehabilitation of an adjudicated delinquent showing probable grounds of suspicion prescribed in paragraph (1), they must give notice to that effect to the family court that has conducted the measures.
- (4) The provisions of Article 18, paragraph (1) and Article 19, paragraph (2) apply mutatis mutandis if the family court revokes the disposition for rehabilitation of an adjudicated delinquent pursuant to the provisions of

paragraph (1).

- (5) If the family court revokes the disposition for rehabilitation of an adjudicated delinquent against a person detained in a juvenile training school pursuant to the provisions of paragraph (1), the family court, by a ruling, may have the person stay on at the juvenile training school if it is found necessary; provided, however, that this period must not exceed three days.
- (6) Beyond what is stated in the preceding three paragraphs, the procedure in the case of revocation of the disposition for rehabilitation of an adjudicated delinquent referred to in Article 24, paragraph (1) pursuant to the provisions of paragraphs (1) and (2) is governed by the same rules as those applicable to the procedure in the case on the disposition for rehabilitation of an adjudicated delinquent referred to in Article 24, paragraph (1) unless it is contrary to its nature.

(Submission of Reports and Opinions)

Article 28 When the family court has given a ruling prescribed in Article 24 or 25, it may request that the institution, organization, individual, probation office, child welfare institution or juvenile training school to submit reports and opinions concerning the juvenile.

(Payment of Costs for Requested Work)

Article 29 When a family court requests correctional guidance from an appropriate institution, organization or individual as a measure prescribed in Article 25, paragraph (2), item (iii), the family court may pay all or part of the expenses incurred to the institution, organization or individual.

(Costs for Witnesses)

- Article 30 (1) The provisions in laws and regulations concerning the costs of criminal proceedings apply mutatis mutandis to the travel expenses, daily allowances, accommodation fees and other costs payable to witnesses, expert witnesses, translators and interpreters.
- (2) A person of reference may request their travel expenses, daily allowances and accommodation fees.
- (3) The costs payable to the person of reference are deemed as costs payable to the witness, and the provisions of paragraph (1) is to be applied.
- (4) The amounts of travel expenses, daily allowances, accommodation fees and remuneration payable to an attendant pursuant to the provisions of Article 22-3, paragraph (4) is governed by the provisions of Article 38, paragraph (2) of the Code of Criminal Procedure concerning those payable to a defense counsel.

Article 30-2 When the family court has a volunteer probation officer or a

commissioned child welfare volunteer provide assistance in investigation and observation pursuant to the provisions of Article 16, paragraph (1), the family court may pay all or part of its costs as prescribed by the Supreme Court.

(Collection of Costs)

- Article 31 (1) The family court may collect from the juvenile, or the person having a duty to support the juvenile, all or part of the travel expenses, daily allowances, accommodation fees and other costs paid to witnesses, expert witnesses, interpreters, translators, person of reference, attendants appointed pursuant to the provisions of Article 22-3, paragraph (3) (including if it is applied mutatis mutandis pursuant to Article 22-5, paragraph (4)) and those commissioned to give correctional guidance, and the costs incurred by the juvenile classification home and juvenile training school.
- (2) The provisions of Article 121 in the Non-Contentious Case Procedures Act (Act No. 51 of 2011) apply mutatis mutandis to the collection of costs referred to in the preceding paragraph.

(Notice to the Victim)

- Article 31-2 (1) Upon request from the victim, etc. of the case involving a juvenile as prescribed in Article 3, paragraph (1), item (i) or (ii), pursuant to the Rules of the Supreme Court, the family court is to give the following notice of matters to the person that filed the request if the court has given a ruling to close the case; provided, however, that this does not apply if the court finds the giving of that notice is likely to hinder sound development of the juvenile and is inappropriate:
- (i) name and residence of the juvenile and the statutory agent of the juvenile (if the statutory agent is a corporation, its name or trade name and the location of its main office or headquarters);
 - (ii) date of the ruling, the main text and summary of the reasons.
- (2) The request stated in the preceding paragraph may not be filed after three years have passed since the ruling prescribed in that paragraph has become final and binding.
- (3) The provisions of Article 5-2, paragraph (3) apply mutatis mutandis to the person who received the information pursuant to the provisions of paragraph (1).

Section 4 Appeal

(Appeal)

- Article 32 The juvenile, legal representative, or attendant may file an appeal against a ruling imposing disposition for rehabilitation of an adjudicated

delinquent within two weeks, only if the appeal is based on a violation of laws and regulations that affect the ruling, or if a serious inaccuracy of facts or a gross injustice in the disposition is found; provided, however, that the attendant may not file an appeal that is contrary to the intent clearly indicated by the parent or guardian who appointed the attendant.

(Scope of Investigation by the Court in Charge of an Appeal)

- Article 32-2 (1) The court in charge of an appeal is to investigate only the matters included in the reasons for the appeal.
- (2) The court in charge of an appeal, by the court's own authority, may investigate any grounds for the appeal, even if the matters are not included in the reasons for the appeal.

(Examination of Facts by the Court in Charge of an Appeal)

- Article 32-3 (1) The court in charge of an appeal may examine the facts when it is necessary to give a ruling.
- (2) The court in charge of an appeal may have a member of the panel of judges perform the examination prescribed in the preceding paragraph, or delegate it to a judge of a family court.

(Request for Acceptance of an Appeal)

- Article 32-4 (1) If a ruling is made as prescribed in Article 22-2, paragraph (1), a public prosecutor may file a request for acceptance of an appeal which may be filed with the high court within two weeks regarding the ruling to impose or not to impose the disposition for rehabilitation of an adjudicated delinquent by the court of second instance, only if the appeal is based on a violation of laws and regulations that affect the ruling, or if a serious inaccuracy of facts is found concerning the fact finding on the delinquent act, for the case that the ruling prescribed in that paragraph is given.
- (2) The request pursuant to the provisions of the preceding paragraph (referred to as "request for acceptance of an appeal" below) must be filed by a written request to the court of prior instance. In this case, the court of prior instance must promptly transfer it to a high court.
- (3) When a request for acceptance of an appeal is filed, the high court may accept it if it finds it appropriate to accept the case as the court of second instance. In this case, the high court must give a ruling to that effect.
- (4) When making the ruling prescribed in the preceding paragraph, the high court may eliminate any of the reasons from the reasons stated in the request for acceptance of an appeal, if the court finds it unimportant.
- (5) The high court must give the ruling prescribed in paragraph (3) within two weeks from the date on which the court received the written request prescribed

in paragraph (2) from the court of prior instance.

- (6) When the ruling prescribed in paragraph (3) is made, it is deemed that an appeal has been filed. In this case, to apply the provisions of Article 32-2, the reasons for the request for acceptance of an appeal, excluding those eliminated pursuant to the provisions of paragraph (4), are deemed as the reasons for the appeal.

(Court-Appointed Attendants for Second Instance)

Article 32-5 (1) When the ruling prescribed in paragraph (3) of the preceding Article is given, the court in charge of the appeal must appoint an attendant who is an attorney-at-law, if the juvenile does not have an attendant.

- (2) For the case prescribed in Article 22-3, paragraph (2) (limited to the case for which the family court conducted the measures prescribed in Article 17, paragraph (1), item (ii)), the court in charge of the appeal may appoint an attendant who is an attorney-at-law, if the juvenile does not have an attendant, and if the court finds that an attendant who is an attorney-at-law, needs to attend the proceedings of second instance, taking into consideration the nature of the case, presence or absence of the parent or guardian and other circumstances.

(Mutatis Mutandis Application)

Article 32-6 Beyond what is provided for in Articles 32-2, 32-3 and the preceding Article, the rules of the family court concerning trial and decision apply mutatis mutandis to proceedings of second instance unless contrary to its nature.

(Judicial Decision of Second Instance)

Article 33 (1) If the procedure for an appeal violates the provisions, or if there are no grounds for an appeal, it must be dismissed by judicial decision.

- (2) If there are grounds for an appeal, the court must issue a ruling, revoke the ruling given in the prior instance, and remand the case to the court of prior instance, or transfer the case to another family court.

(Suspension of Execution)

Article 34 No appeal is to have the effect of suspending execution; provided, however, that the court of prior or second instance may suspend the execution by a ruling.

(Re-appeal From an Appeal From a Ruling)

Article 35 (1) The juvenile, or the statutory agent or attendant of the juvenile, may particularly appeal against the ruling prescribed in Article 33 given by the

court in charge of the appeal to the Supreme Court within two weeks, only on the grounds that the ruling violates the Constitution or the Constitution is misconstrued, or is contrary to the precedents of the Supreme Court or the high court as the court of second instance; provided, however, that the attendant may not file an appeal that goes against the explicit intentions of the parent or guardian who appointed the attendant.

- (2) The provisions of Article 32-2, Article 32-3, Article 32-5, paragraph (2) and Article 32-6 through to the preceding Article apply mutatis mutandis to the case prescribed in the preceding paragraph. In this case, the term "revoke the ruling given in the prior instance, and remand the case to the court of prior instance, or transfer the case to another family court" in Article 33, paragraph (2) is deemed to be replaced with "revoke the ruling. In this case, the ruling given by the family court may be revoked, and remand the case to the family court, or transfer the case to another family court".

(Other Provisions)

Article 36 Beyond what is provided for in this Act, matters necessary for protection cases are prescribed by the Supreme Court.

Article 37 Deleted

Article 38 Deleted

Article 39 Deleted

Chapter III Juvenile Criminal Cases

Section 1 General Rules

(Governing Rules)

Article 40 In addition to what is provided for in this Act, juvenile criminal cases are governed by the same rules as regular criminal cases.

Section 2 Procedure

(Referral by a Judicial Police Officer)

Article 41 If a judicial police officer, as a result of the investigation of a suspected juvenile case, deems that there is a suspicion of a crime punishable by a fine or less, they must refer the case to a family court. This also applies if a judicial police officer deems that there are grounds for referring the case to a family court for trial and decision, even if there is no suspicion of a crime having been committed.

(Referral by a Public Prosecutor)

Article 42 (1) If a public prosecutor, as a result of the investigation of a suspected juvenile case, deems that there is a suspicion of a crime, they must refer the case to a family court, except in the case prescribed in the main clause of Article 45, item (v). The same applies if a public prosecutor deems that there are grounds for referring the case to a family court for trial and decision, even if there is no suspicion of a crime having been committed.

(2) In the case of the preceding paragraph, the appointment of a defense counsel for the suspect by a judge, based on the provisions of the Code of Criminal Procedure, becomes ineffective.

(Measures in Lieu of Detention)

Article 43 (1) A public prosecutor, in a suspected juvenile case, may file a request for the measures prescribed in Article 17, paragraph (1), with a judge, in lieu of a request for detention; provided, however, that the request for measures prescribed in Article 17, paragraph (1), item (i) must be filed with a judge of the family court.

(2) Upon receipt of the request prescribed in the preceding paragraph, the judge also has the authority that the family court does for the measures prescribed in Article 17, paragraph (1).

(3) In a suspected juvenile case, the public prosecutor may not file a request for detention with a judge, unless it is unavoidable.

(Effect of Measures in Lieu of Detention)

Article 44 (1) When a judge conducts the measures prescribed in Article 17, paragraph (1), item (i) based on the request pursuant to the provisions of paragraph (1) of the preceding Article, the public prosecutor must immediately file a request to revoke the measures with a judge, if the prosecutor investigates and decides not to refer the case to a family court.

(2) When conducting the measures prescribed in Article 17, paragraph (1), item (ii) upon request pursuant to the provisions of paragraph (1) of the preceding Article, the judge must issue a warrant to do this.

(3) The measures prescribed in the preceding paragraph remains in effect for ten days from the date on which the request is filed.

(Treatment After Referral to a Public Prosecutor)

Article 45 The following provisions apply when a family court refers a case to a public prosecutor, pursuant to the provisions of Article 20, paragraph (1):

(i) unless the juvenile is referred to a family court again, the measures prescribed in Article 17, paragraph (1), item (i) becomes ineffective if no

prosecution is instituted within ten days of the referral of the case to the public prosecutor. If the prosecution is instituted, the court, by its own authority or by request from a public prosecutor, may revoke the measures at any time;

- (ii) if a detention warrant is issued in the course of the measure prescribed in the preceding item, the measure becomes ineffective by this;
- (iii) the measure prescribed in item (i) remains effective after the juvenile reaches 20 years of age;
- (iv) the measure prescribed in Article 17, paragraph (1), item (ii) is deemed as detention conducted by a judge, and its period begins from the day of referral to a public prosecutor. In this case, this period may not be extended if a detention warrant has already been issued for the case;
- (v) if the public prosecutor deems that there is enough suspicion of a crime to institute a prosecution for a case referred to them by a family court, they must institute a prosecution; provided, however, that this does not apply where suspicion of a crime is not sufficient enough to institute a prosecution in part of the referred case, or a new fact that can affect the circumstances of the crime etc. is found, so that prosecution is considered inappropriate. This also applies to when prosecution is considered inappropriate due to the circumstances after the referral;
- (vi) the attendant who is an attorney-at-law appointed pursuant to the provisions of Article 10, paragraph (1) is deemed to be the defense counsel;
- (vii) if the measures prescribed in Article 17, paragraph (1), item (ii) are deemed as detention, conducted by a judge pursuant to the provisions of item (iv), a detention warrant is deemed as having been issued and the provisions in the Code of Criminal Procedure for appointment of a defense counsel for the suspect by a judge apply to the case.

Article 45-2 The provisions of items (i) through (iv), and (vii) of the preceding Article apply mutatis mutandis to when a family court refers the case to a public prosecutor pursuant to the provisions in Article 19, paragraph (2) or in Article 23 paragraph (3).

(Bearing of Court Costs)

Article 45-3 (1) If a family court makes the ruling prescribed in Article 23, paragraph (2), or in Article 24, paragraph (1), regarding a case in which a judge assigns a defense counsel, in advance, for the suspect, the provisions of the Code of Criminal Procedure concerning the bearing of court costs apply mutatis mutandis. In this case, the term "render a sentence" in Article 181, paragraphs (1) and (2) in that Code is replaced by "give a ruling on disposition for rehabilitation of an adjudicated delinquent".

- (2) In a case in which a family court decides to order the juvenile to bear the court costs, a public prosecutor may inspect and copy the records and evidence of the case to the extent that is necessary to enforce the court decision, as prescribed by the Rules of the Supreme Court.

(Effect of Disposition for Rehabilitation of an Adjudicated Delinquent)

Article 46 (1) If a disposition for rehabilitation of an adjudicated delinquent, as prescribed in Article 24, paragraph (1), has been made against a juvenile who has committed a crime, the case for which a trial and decision have been concluded may not be criminally prosecuted or be subjected to a trial and decision in a family court.

- (2) If a ruling referred to in Article 22-2, paragraph (1) has been given to a case, and the ruling not to subject a juvenile to disposition for rehabilitation of an adjudicated delinquent becomes final and binding on the case on which the ruling referred to in that paragraph has been given, on the ground that there are no grounds to subject the juvenile to a trial and decision, or that it is not necessary to subject the juvenile to the disposition for rehabilitation of an adjudicated delinquent, the provisions of the preceding paragraph apply.
- (3) The provisions of paragraph (1) do not apply to the case in which a ruling to revoke a disposition for rehabilitation of an adjudicated delinquent pursuant to the provisions of Article 27-2, paragraph (1) has become final and binding; provided, however, that this does not apply to the case, if a ruling as prescribed in Article 22-2, paragraph (1) that is to be governed by the provisions of Article 27-2, paragraph (6) is given, and the disposition is revoked on the grounds that there are no reason to subject a juvenile to a hearing and decision.

(Suspension of Statute of Limitations)

Article 47 (1) The statute of limitations for prosecution is suspended during the period from the date on which the ruling prescribed in Article 21 is given on the case prescribed in the first sentence of Article 8, paragraph (1), or from the date on which the case prescribed in the second sentence of Article 8, paragraph (1) was referred to a family court, to the date on which the ruling to subject disposition for rehabilitation of an adjudicated delinquent becomes final and binding.

- (2) The provisions of the preceding paragraph apply to cases in which the juvenile has reached 20 years of age, after the ruling or referral prescribed in Article 21.

(Detention)

Article 48 (1) A detention warrant may not be issued against a juvenile unless it is unavoidable.

- (2) If a juvenile is detained, then the juvenile may be detained in a juvenile classification home.
- (3) The provisions of the preceding paragraph remain applicable even after the juvenile reaches 20 years of age.

(Separate Treatment)

Article 49 (1) A juvenile suspect or defendant must be separated from other suspects or defendants to avoid contact with them as much as possible.

- (2) The proceedings against the juvenile defendant must be separated, even if related to other defendant cases, as long as the proceedings are not obstructed.
- (3) At a penal institution, detention facility or coast guard detention facility, a juvenile, (other than a sentenced person as prescribed in Article 2, item (iv) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees (Act No. 50 of 2005) (excluding any person with the status of detainee awaiting a judicial decision as prescribed in item (viii) of that Article)), must be detained separately from persons of 20 years of age or older.

(Proceedings Policy)

Article 50 The proceedings of a juvenile criminal case must be conducted in compliance with the purport of Article 9.

Section 3 Dispositions

(Mitigation of Death Penalty and Life Imprisonment)

- Article 51 (1) If a person is under 18 years of age when the crime was committed, then they will be sentenced to life imprisonment, if the punishment would otherwise be the death penalty.
- (2) If a person is under 18 years of age when the crime was committed, they may be sentenced to imprisonment, with or without work, for a fixed term, if the punishment would otherwise be life imprisonment. In this case, the punishment will be a sentence of 10 years or more to no more than 20 years.

(Indeterminate Sentences)

Article 52 (1) If a juvenile is to be sentenced to imprisonment, with or without work, for a fixed term, a sentence for the maximum term of imprisonment is determined within the range of the punishment to be imposed, with the minimum term of imprisonment being at least one-half of the maximum term of imprisonment (if the maximum term of imprisonment is less than 10 years; 5 years less than the maximum term of imprisonment; this also applies in the following paragraph). In this case, the maximum term of imprisonment may not exceed 15 years, and the minimum term of imprisonment may not exceed

10 years.

- (2) Notwithstanding the provisions of the preceding paragraph, if it is found particularly necessary, taking into consideration the possibility of improvement and rehabilitation of the juvenile and other circumstances, the minimum term of imprisonment prescribed in that paragraph may be determined within not less than one-half of the minimum term of imprisonment of the punishment to be imposed, and not less than one-half of the maximum term of imprisonment. In this case, the provisions of Article 14, paragraph (2) of the Penal Code apply *mutatis mutandis*.
- (3) The provisions of the preceding two paragraphs do not apply in the case when suspension of execution of sentence is rendered.

(Number of Days of Detention at a Juvenile Classification Home)

Article 53 When the measures prescribed in Article 17, paragraph (1), item (ii) are implemented, the number of days of detention at a juvenile classification home is deemed as the number of days of pre-sentencing detention.

(Prohibition on Disposition in Lieu of Punishment)

Article 54 No juvenile is to be sentenced to detention in a workhouse.

(Transfer to a Family Court)

Article 55 A court, by a ruling, must transfer a case to a family court if it finds it appropriate to subject the juvenile defendant to disposition for rehabilitation of an adjudicated delinquent as a result of an examination of the facts.

(Execution of Imprisonment, With or Without Work)

Article 56 (1) Regarding a juvenile sentenced to imprisonment, with or without work, (excluding a person serving their sentence at a juvenile training school pursuant to the provisions of paragraph (3)), the sentence is executed in a specially established penal institution or a specially partitioned area in a penal institution or detention facility.

- (2) The execution pursuant to the provisions of the preceding paragraph may be continued until the juvenile in question reaches 26 years of age.
- (3) Notwithstanding the provisions in Article 12, paragraph (2) of the Penal Code or in Article 13, paragraph (2) of that Code, a juvenile under 16 years of age sentenced to imprisonment, with or without work, may serve their sentence at a juvenile training school until they reach 16 years of age. In this case, correctional education is given to the juvenile.

(Execution of Sentence and Disposition for Rehabilitation of an Adjudicated Delinquent)

Article 57 If a sentence of imprisonment, with or without work, or penal detention, becomes final and binding in the course of the disposition for rehabilitation of an adjudicated delinquent, the sentence is executed first. The same applies if a juvenile is subjected to the disposition for rehabilitation of an adjudicated delinquent before the execution of a sentence of imprisonment, with or without work, or penal detention, has become final and binding.

(Parole)

Article 58 (1) A person sentenced to imprisonment, with or without work, as a juvenile may be paroled after the following periods have passed:

- (i) seven years in the case of life imprisonment;
 - (ii) one-third of a term of sentence in the case of imprisonment for a fixed term rendered pursuant to the provisions of Article 51, paragraph (2);
 - (iii) one-third of a minimum imprisonment term in the case of a punishment rendered pursuant to the provisions of Article 52, paragraph (1), or pursuant to the provisions of paragraphs (1) and (2) of that Article.
- (2) The provisions of item (i) in the preceding paragraph do not apply to a person sentenced to life imprisonment pursuant to the provisions of Article 51, paragraph (1).

(Termination of the Parole Period)

Article 59 (1) If a person who has been sentenced to life imprisonment as a juvenile has been paroled, and ten years have passed without revocation of the parole, then the person is deemed to have served their full sentence.

- (2) If a person who has been sentenced to imprisonment for a fixed term as a juvenile, pursuant to the provisions of Article 51, paragraph (2), or pursuant to the provisions of Article 52, paragraph (1) or paragraphs (1) and (2) of that Article, is released on parole and, without the disposition being revoked, serves that period of time as the period during which the person served the sentence before being paroled, or serves the term of sentence prescribed in Article 51, paragraph (2) or the maximum prison term prescribed in Article 52, paragraph (1), whichever comes first, is considered to have served the sentence.

(Application of Laws and Regulations Concerning Personal Qualification)

Article 60 (1) With respect to application of laws and regulations regarding personal qualification, a person who had been sentenced for an offense committed as a juvenile and has served their sentence or who has been exempted from execution of the sentence is deemed not to have been sentenced from that point on.

- (2) When a person has been sentenced for an offense committed as a juvenile, but the execution of the sentence has been suspended, the person is deemed to

have served their sentence during that suspension period, and the provisions of the preceding paragraph apply.

- (3) In the case of the preceding paragraph, if the suspension of execution of the sentence is revoked, the person is deemed to have been sentenced when it is revoked, with respect to the application of laws and regulations regarding personal qualifications.

Chapter IV Prohibition on Publication of News Articles

Article 61 No newspaper or other publication may publish any news article or photograph from which a person subject to a trial and decision of a family court, or who has been prosecuted for a crime committed as a juvenile, could have their identity be inferred from the name, age, occupation, residence, appearance, etc.

Chapter V Special Provisions for Specified Juveniles

Section 1 Special Provisions for Protection Cases

(Special Provisions on Referral to a Public Prosecutor)

Article 62 (1) Notwithstanding the provisions of Article 20, the family court, by a ruling, must refer a case of a specified juvenile (meaning a juvenile of 18 years of age or older; the same applies below) to a public prosecutor at the public prosecutor's office, which is the counterpart of the district court that has jurisdiction over the case, if a criminal disposition is found appropriate as a result of the investigation, considering the nature and circumstances of the crime.

- (2) Notwithstanding the provisions of the preceding paragraph, the family court must give the ruling referred to in that paragraph for a case of a specified juvenile stated in the following; provided, however, this does not apply if the court finds any measures other than criminal disposition as more appropriate, as a result of the investigation, which considers motive for the , manner and results of the crime, situation after the crime, the specified juvenile's personality traits, age, conduct, environment and other circumstances:

- (i) a case involving a crime causing the death of a victim through an intentional criminal act, in which the specified juvenile was 16 years of age or older when they committed the crime;
- (ii) a case involving a crime punishable by the death penalty, life imprisonment, or imprisonment, with or without work, for no less than one year, in which the specified juvenile was a specified juvenile at the time that crime was committed (excluding a case that falls under the preceding item).

Article 63 (1) In deciding whether or not to refer the case to a public prosecutor pursuant to the provisions of paragraph (1) of the preceding Article, in relation to any of the crimes prescribed in the Public Offices Election Act (Act No. 100 of 1950; including as applied *mutatis mutandis* pursuant to other laws) and the Political Funds Control Act (Act No. 194 of 1948) (excluding cases involving the crime prescribed in the following paragraph, that fall under that paragraph), which involved someone who was a specified juvenile when they committed the relevant crime, when the family court must take into consideration for ensuring, etc. of fairness in elections.

(2) Notwithstanding the provisions of paragraph (1) of the preceding Article, in a case of a specified juvenile involved in the crime referred to in Article 247 of the Public Offices Election Act, or the crime prescribed in Article 251-2, paragraph (1) of that Act which is committed by any of the persons stated in the any of the items in that paragraph, the crime prescribed in Article 251-3, paragraph (1) of that Act which is committed by the organizational election campaign manager, etc. referred to in that paragraph or in case of a crime prescribed in Article 251-4, paragraph(1) of that Act which is committed by any of the persons stated in the any of the items in that paragraph, in which the specified juvenile was a specified juvenile when they committed the crime, the family court must give the ruling referred to in paragraph (1) of the preceding Article if it finds that the nature of the crime is seriously prejudicial to ensuring fairness in elections. In this case, the provisions of the proviso to paragraph (2) of the preceding Article apply *mutatis mutandis*.

(Special Provisions on Disposition for Rehabilitation of an Adjudicated Delinquent)

Article 64 (1) Notwithstanding the provisions of Article 24, paragraph (1), except for the case referred to in Article 23, the family court, in a juvenile case for which it has commenced a trial and decision, must subject a juvenile to any of the disposition for rehabilitation of an adjudicated delinquent stated in the following items by a ruling within a reasonable extent, in consideration of the seriousness of the circumstances of the crime, if the juvenile is a specified juvenile; provided, however, that only the dispositions referred to in item (i) may be implemented for a case of a crime punishable by a fine or lighter punishment:

- (i) placing the juvenile on probation at the probation office for six months;
- (ii) placing the juvenile on probation at the probation office for two years;
- (iii) referring the juvenile to a juvenile training school.

(2) For the probation as referred to in item (ii) of the preceding paragraph, in the case prescribed in Article 66, paragraph (1), the family court may detain the juvenile to a juvenile training school by the ruling referred to in that

paragraph, and when implementing the disposition for rehabilitation of an adjudicated delinquent referred to in that item, the family court must specify, concurrently with the ruling imposing the disposition, the period during which the juvenile may be detained at a juvenile training school by the ruling referred to in Article 66, paragraph (1), within a range of not exceeding one year, in consideration of the seriousness of the circumstances of the crime.

- (3) When conducting the disposition for rehabilitation of an adjudicated delinquent referred to in paragraph (1), item (iii), the family court must specify, concurrently with the ruling imposing the disposition, the period during which the juvenile is to be detained at a juvenile training school, within a range of not exceeding three years, in consideration of the seriousness of the circumstances of the crime.
- (4) For a specified juvenile who has been placed under detention or subjected to the measures referred to in Article 17, paragraph (1), item (ii), the days spent in pre-sentencing detention may be included in whole or in part into the period to be prescribed pursuant to the provisions of the preceding two paragraphs.
- (5) With respect to the disposition for rehabilitation of an adjudicated delinquent referred to in paragraph (1), the family court may have the chief probation officer conduct measures for modification of the family and other environments.

(Application Relating to This Act)

Article 65 (1) The provisions of Article 3, paragraph (1), (limited to the part concerning item (iii)) do not apply to a specified juvenile.

- (2) The provisions of Article 12, Article 26, paragraph (4), and Article 26-2 do not apply to a juvenile protection case for a specified juvenile (excluding the case relating to the disposition for rehabilitation of an adjudicated delinquent provided in Article 26-4, paragraph (1)).
- (3) The provisions of Article 27-2, paragraph (5) do not apply to a person detained at a juvenile training school if the family court revokes the disposition for rehabilitation of an adjudicated delinquent referred to paragraph (1), item (ii) or (iii) of the preceding Article.
- (4) To apply the provisions of this Act listed in the left-hand column of the following Table to a juvenile protection case for a specified juvenile, the terms in these provisions listed in the middle column of the Table are to be replaced with the terms listed in the right-hand column of the Table.

Article 4	Article 20, paragraph (1)	Article 62, paragraph (1)
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The proviso to Article 17-2, paragraph (1), the proviso of Article 32, and the proviso to Article 35, paragraph (1) (including as applied mutatis mutandis pursuant to Article 17-3, paragraph (1), following the deemed replacement of terms)	the parent or guardian who appointed the attendant	the specified juvenile referred to in Article 62, paragraph (1)
Article 23, paragraph (1)	or Article 20	, Article 62, or Article 63, paragraph (2)
Article 24-2, paragraph (1)	paragraph (1) of the preceding Article	Article 64, paragraph (1)
Article 25, paragraph (1) and Article 27-2, paragraph (6)	Article 24, paragraph (1)	Article 64, paragraph (1)
Article 26, paragraphs (1) and (2)	And Article 24, paragraph (1), items (ii) and (iii)	and Article 64, paragraph (1), item (iii)
Article 26-3	Article 24, paragraph (1), item (iii)	Article 64, paragraph (1), item (iii)
Article 28	Article 24 or Article 25	Article 25 or Article 64

(Ruling of Detention of a Person Under Probation to a Juvenile Training School)

- Article 66 (1) If the application referred to in Article 68-2 of the Offender Rehabilitation Act is filed, the family court, by a ruling, must detain a juvenile at a juvenile training school when the family court, as a result of the trial and decision, has reasonable grounds to show that the juvenile who is subject to the disposition for rehabilitation of an adjudicated delinquent referred to in Article 64, paragraph (1), item (ii) failed to comply with the matters to be observed, and the family court finds that the failure is so serious, and that it is impossible to improve or rehabilitate the juvenile without treating the juvenile at a juvenile training school; provided, however, that this does not apply if the total period during which the juvenile has already been detained at a juvenile training school by the ruling referred to in this paragraph reaches the period specified pursuant to the provisions of Article 64, paragraph (2).
- (2) Beyond what is provided for in the following paragraph, the procedure in the case on the ruling referred to in the preceding paragraph is governed by the same rules as those applicable to the procedure for a juvenile protection case of a specified juvenile provided for in this Act (excluding this paragraph), unless

it is contrary to its nature.

- (3) When making the ruling referred to in paragraph (1), the days spent under detention, with respect to the measures referred to in Article 17, paragraph (1), item (ii), or the detention provided for in Article 68-3, paragraph (1) of the Offender Rehabilitation Act, which is governed by the same rules as those applicable under these provisions pursuant to the provisions of the preceding paragraph, may be included in whole, or in part, to the period specified pursuant to the provisions of Article 64, paragraph (2).

Section 2 Special Provisions for Criminal Cases

- Article 67 (1) The provisions of Article 41, and Article 43, paragraph (3) do not apply to a suspected case against a specified juvenile (regarding the provisions of Article 43, paragraph (3), limited to the case for which the ruling referred to in Article 20, paragraph (1) or Article 62, paragraph (1), is given).
- (2) The provisions of Article 48, paragraph (1) and Article 49, paragraphs (1) and (3) do not apply to a suspected case against a specified juvenile (limited to cases in which the ruling referred to in Article 20, paragraph (1) or Article 62, paragraph (1) is given) or the defendant who is a specified juvenile.
- (3) The provisions of Article 49, paragraph (2) do not apply to a case in which a specified juvenile is the defendant.
- (4) The provisions of Article 52, Article 54, and Article 56, paragraphs (1) and (2) do not apply to a specified juvenile.
- (5) The provisions of Articles 58 and 59 do not apply to a person who is sentenced as a specified juvenile.
- (6) The provisions of Article 60 do not apply to a person who is sentenced for a crime committed as a specified juvenile.
- (7) To apply the provisions of this Act listed in the left-hand column of the following Table to a juvenile protection case of a specified juvenile, the terms and phrases in these provisions listed in the middle column of the table are deemed to be replaced with the terms and phrase listed in the right-hand column of the table.

Article 45	Article 20, paragraph (1)	Article 62, paragraph (1)
Article 45-3, paragraph (1) and Article 46, paragraph (1)	Article 24, paragraph (1)	Article 64, paragraph (1)

Section 3 Special Provisions for Prohibition of Publication of News

Articles

Article 68 The provisions of Article 61 do not apply to any news article or photograph referred to in that Article for cases in which a prosecution is brought for a crime committed by a specified juvenile; provided, however, that this does not apply if the request referred to in Article 461 of the Code of Criminal Procedure is filed for the case of that crime (except when the case is tried based on regular provisions pursuant to the provisions of Article 463, paragraph (1) or (2), or Article 468, paragraph (2) of that Code).