

**Proposed Rules on Determination of Matters Relating to a Child after
Divorce of Parents, etc.
(Interim Draft)**

**Family Law Subcommittee of the Private Sector Legislative Council
May 31, 2022**

(1) Introduction

The Family Legislation Subcommittee of the Legislative Council of the Ministry of Justice was established in March of last year (see note1) in response to a consultation from the Minister of Justice, in order to examine how child support should be provided in the event of a divorce of parents. As early as June of this year, an interim draft proposing a system based on the study is scheduled to be released. The proposed system to be included in this draft can be heard in the subcommittee's documents 12 and 13 submitted to the 13th meeting (see note2). The Minister of Justice has consulted on this proposal.

It is understood that the reason for the Minister of Justice's consultation is that Japan's divorce-related legal system and its operation have come under worldwide criticism. Unlike the global trend, Japan has adopted a post-divorce sole custody system (a system in which one parent is designated as the custodian at the time of divorce, and only the parent who has been designated as the custodian has custody of the child; the same applies hereinafter). The same applies hereinafter). (Note3), rather than a post-divorce joint custody system (a system in which parents exercise joint parental rights and cooperate in the custody of their children even after divorce; the same hereinafter)). As a result, there are fierce disputes between parents over custody, of which only one is given at the time of divorce.

In addition, the removal of a child (one parent moving the residence of the child without the consent of the other parent; the same shall apply hereinafter), which is advantageous to obtaining custody has become rampant.

In such disputes over legal custody (including physical custody), many parents have committed suicide because their children have been taken away from them and they can no longer be involved in the care of their children.

Even if they do not commit suicide, many parents whose children are suddenly taken from them one day and left without their children live with the emotional burden of the loss every day.

The same mental burden extends to children who are separated from their parents. It goes without saying that the welfare of the child (the child's interest in being able to grow up healthy in mind and body) is harmed (see note 5), as it has been pointed out that the removal of a child and the separation of parent and child are child abuse (see note 4). Another example of how Japan's post-divorce sole custody system is harming the welfare of children is the problem of child abuse.

Single-parent households account for 27.3% of all households where child abuse deaths other than child abuse occur, a figure that is clearly high considering that single-parent households account for approximately 7% of all households with children (see note 6).

Taking into consideration this fact and the fact that only 6.4% of single-mother households and 13.0% of single-father households have seen their children twice a month or more after divorce (see note 7), it can be said that if a joint custody system is introduced and both biological parents live together with their children at least twice a month, there is a high possibility that many children will not die as a result of abuse. Japan is the only developed country in the world that has problems with children being taken away from their parents and parents being separated from their children due to the sole custody system after divorce.

Under these circumstances, pressure on Japan to correct its legal system is increasing year by year, not only within Japan but also from other countries.

For example, in July 2020, the European Parliament passed a resolution condemning child abduction in Japan with an overwhelming majority (see note 8).

The condemnation resolution states, "We deplore Japan's failure to comply with the International Covenant in child abduction cases and urge Japan to amend its domestic legislation to ensure effective enforcement of child repatriation under the Hague Convention." and "urges the Japanese authorities to amend their domestic laws and regulations toward the possibility of joint custody and to uphold their commitment to the Convention on the Rights of the Child, which they have ratified."

The proposed amendment to the system to be submitted by the Family Law System Subcommittee of the Legislative Council of the Ministry of Justice mentions the introduction of a joint custody system after divorce, perhaps in consideration of such condemnation resolution.

However, as pointed out in the "Concerns with the Interim Draft of the Family Law Subcommittee of the Legislative Council of the Ministry of Justice" (Attachment 1) submitted by Professor Shiro Takahashi, a member of our committee, the proposed system is simply a legalization of the current system, which has been criticized by other countries, and is not expected to stop the condemnation from other countries at all.

Not only that, the proposed system goes beyond the content of the Justice Minister's consultation and includes content that would have a significant impact on the state of married couples during marriage.

The proposal is revolutionary in that it threatens to overturn the very foundation of the Japanese family system, which is based on the rule that "husband and wife shall live together and cooperate and support one another" (Article 752 of the Civil Code).

We are seriously concerned that such a law will be enacted without proper discussion, and that we will be forced to change the way our families are organized.

Therefore, we have decided to establish a Family Law Subcommittee of the Legislative Council for the private sector, separate from the Family Law Subcommittee of the Legislative Council of the Ministry of Justice, to study the establishment of a system appropriate for Japan, while taking into consideration consistency with the legal systems of other countries and international covenants.

As a result of intensive deliberations among experts in family law from developed countries as our committee members (Appendix 2), we have compiled the following proposal, which is completely different from the interim draft of the Family Law System Subcommittee of the Legislative Council of the Ministry of Justice.

In order to protect the bonds of the Japanese family and parent-child relationships, and in order to respond sincerely to the strong criticism from other countries, we strongly request the government and ruling party to compare the interim draft to be submitted later by the Family Law Subcommittee of the Legislative Council of the Ministry of Justice with the proposed rules below, and take necessary legislative measures after determining which is appropriate as rules for child support following a parent's divorce.

(2) Disciplinary Rules for Decisions on Matters Relating to Custody of Children after Divorce, etc. of Parents

When parents who had joint legal custody of a minor child during their marriage divorce, a rule shall be established that they shall continue to have joint legal custody of the child.

The term "legal custody" here refers to the general term for the rights and obligations that parents have in order to raise their minor children, as stipulated in the Civil Code (Act No. 89 of 1896). Legal custody rights include taking care of the child's personal affairs (physical custody), educating and disciplining the child, deciding where the child will live (right to designate place of residence), and managing the child's property (right to manage property).

(Supplementary explanation)

This post-divorce sole custody system ("When parents divorce by mutual agreement, one of them shall be designated by the agreement as the parental authority." (Civil Code Article 819, Paragraph 1)) is totally inconsistent with this Civil Code provision regarding loss of parental rights during marriage, and from this perspective, the post-divorce system should be revised.

In other words, the current Civil Code provides that "if the interests of the child are seriously harmed due to abuse or malicious abandonment by the father or mother or due to extreme difficulty or inappropriateness in the exercise of legal custody by the father or mother, the family court may, upon the request of the child, his/her relatives, guardian of the minor, supervisor of guardianship of the minor, or public prosecutor, order the father or mother to forfeit his/her legal custody. However, this shall not apply if the cause is expected to be extinguished within two years. (Civil Code Article 834). In other words, in order to deprive parents of legal custody, (1) there must be a fact that makes the exercise of legal custody extremely difficult or inappropriate, such as abuse or malicious abandonment, and that is deemed extremely harmful to the interests of the child, (2) the child must file a request with the family court for a trial for loss of legal custody based on such fact, and (3) the family court must find that the fact is sufficient for the loss of legal custody. (4) If the cause of the loss of legal custody rights is expected to be extinguished, this provision will not apply.

In light of this, the current sole legal custody system after divorce (Article 819, Paragraph 1 of the Civil Code, etc.), which forfeits the legal custody rights of parents whose exercise of legal custody rights was neither extremely difficult nor inappropriate upon divorce, clearly lacks balance in relation to Article 834 of the Civil Code, and is a system that seriously violates the basic legal custody rights of the parents.

Since this is the case, it is only natural that the system should be changed so that parents who have not lost their legal custody rights at the time of divorce can continue to exercise their legal custody rights jointly even after divorce.

In addition, there is an example of a post-divorce joint custody system in the Japanese civil law system, albeit only for a short period of time after the war.

Specifically, the Law Concerning Emergency Measures under the Civil Code in Connection with the Enforcement of the Constitution of Japan (Act No. 74 of 1947, hereinafter referred to as the "Emergency Measures Law") Article 6, paragraph 2, provides that "When parents divorce...the person who shall exercise parental authority shall be determined by consultation between the parents."), and in some cases it was possible for parents to have joint custody after divorce.

The fact that this provision adopts a post-divorce joint custody system is because when the Emergency Measures Law expired and the current Civil Code came into effect, it stated that "If, at the time of the enforcement of the new law, parents who are

not married currently have joint parental authority over their minor children, they shall continue to have joint parental authority even after the new law comes into effect. However, the parents may decide by mutual agreement that one of them shall have parental authority." (Law Amending a Portion of the Civil Code (Law No. 222 of 1947, hereinafter referred to as the "Law Amending the Civil Code"). The Act for Partial Revision of the Civil Code (Act No. 222 of 1947, hereinafter referred to as the "Civil Code Revision Act"). Article 14), and it is also clear from the fact that transitional measures were established for parents who exercised joint parental authority even after divorce, based on the Law on Emergency Measures.

In light of the above, it can be said that the introduction of a joint custody system after divorce is permissible within the Japanese legal system.

Note that this law was a time-limited law until 1948, after which it was replaced by the Civil Code Revision Act by which the post-divorce sole custody system (Civil Code Article 819, Paragraph 1, etc.) was introduced.

The legislative intent is said to be that "since it is difficult to require divorced parents to exercise parental rights amicably jointly, it became necessary to determine one of the parents as the custodian upon divorce, or in other words, to make the other lose parental rights" (Sakae Wagatsuma and Toru Arizumi, "Civil Code 3: Law of Relatives and Inheritance, 3rd Edition" (1980, Yuhikaku), pp. 111-112).

The prewar Civil Code stipulated that "the child shall be subject to the parental authority of the father in the family" (Article 877 of the former Civil Code), and that only the father shall have legal custody over the child, whether during marriage or after divorce. On the other hand, the physical custody of the child was effectively assumed by the mother (or a woman such as a mother-in-law). For Japanese citizens who had grown up under such a prewar system, it is imaginable that they were in a state of groping, not knowing how to do so, when the Civil Code was revised and parents were suddenly ordered to jointly exercise parental authority and jointly take custody of their children. Under such circumstances, it may have been unrealistic to order the parents to exercise parental rights amicably and jointly until after the divorce.

However, social conditions have changed since 1948, and not only has it become common for parents to jointly exercise parental rights and jointly take care of their children during marriage, but there are also examples of parents jointly taking care of their children after divorce (see note 9).

Thus, it can be said that the system of sole custody after divorce does not respond at all to changes in social conditions. Moreover, as mentioned above, it does not reflect the global trend at all.

In the midst of the fact that all developed countries have shifted to joint legal custody after divorce and divorced parents are amicably exercising their legal custody rights

together, the argument for maintaining sole legal custody after divorce lacks any persuasive power.

In other countries as well, there are many high-conflict parents, but the reason why amicable joint exercise of legal custody rights is still being achieved is because systems are in place to allow high-conflict parents to jointly exercise legal custody rights. For example, other countries have introduced systems that disadvantage parents who are negative or unfriendly toward the joint exercise of legal custody rights, and by introducing such systems, the problems associated with the introduction of a joint legal custody system after divorce can be overcome.

It has been pointed out that the joint exercise of legal custody rights after divorce places a physical burden on the child, but this is not limited to post-divorce cases, as the same problem exists even during marriage when the parents live separately. In any case, as mentioned above, the mental burden that a child suffers when his or her parents do not share joint custody is extremely large, and the highest priority should be given to alleviating this mental burden, and even if the physical burden increases to some extent, a post-divorce joint custody system should be adopted from the perspective of child welfare. The results of an overseas survey (see note 10), which showed that 93% of children of parents who had a full 50-50 joint custody indicated that this was the best way to take care of their children, suggests that reducing the emotional burden is more important for the children than increasing the physical burden.

It has also been pointed out that the joint exercise of legal custody by the parents after divorce takes more time to make decisions regarding the child's education and other matters. This point, as well as the aforementioned point about the increased physical burden on the child, is also a similar problem even during marriage, and is not limited to post-divorce. In any case, other countries have introduced various systems to minimize the obstacles to exercising joint parental rights and joint custody after divorce, and it is possible to overcome these problems if similar systems are introduced in Japan. For example, in other countries, in order to avoid disputes over various issues after divorce, a "joint custody plan," as described below, is established at the time of divorce. If the plan includes a method for deciding on the child's educational policy in the event of a difference between the parents, it would eliminate the time required for such decisions. Furthermore, in Japan, as in other countries, if parents who do not comply with the "joint custody plan" are put at a disadvantage in court disputes, both parents will refrain from deviating from the "joint custody plan," and the effectiveness of the plan can be expected to be further ensured.

Regarding the relationship between the joint legal custody system after divorce and the family registration system, Taiwan has introduced a family registration system similar to

Japan's, but has also introduced joint legal custody after divorce, so it is considered possible for the legal systems to coexist. In addition, if parents with Japanese nationality divorce in a country that adopts a joint legal custody system after divorce and decide to exercise legal custody jointly, "father and mother" will be entered in the column for the legal custody of the child in the Japanese family register, even after the divorce. From this, it can be inferred that there are no particular technical obstacles in the family register when Japan adopts the joint legal custody after divorce system.

The father or mother who exercises legal custody may, with the permission of the family court, resign legal custody if unavoidable circumstances arise that prevent the proper exercise of legal custody in the event of divorce.

(Supplementary Explanation)

The question that arises when introducing a joint custody system after divorce is whether to allow one of the parents to relinquish legal custody rights when both parents agree to do so, as an exception.

As mentioned above, the Law on Emergency Measures does not preclude only one of the parents from having legal custody in the case of a divorce by mutual consent, if both parents so choose (Article 6, Paragraph 2 of the Law on Emergency Measures).

In some cases, such as Article 14 of the Civil Code Revision Law, there is a provision that allows parents who have jointly exercised legal custody to choose, upon consultation between both parents, that one of them will be the custodian (selective joint parental authority system).

In light of such precedents, there is room to consider whether one of the parents should be able to relinquish legal custody rights only when both parents agree to do so, while still maintaining joint legal custody rights after divorce.

In this regard, the current Civil Code provides that "the person who exercises legal custody shall have the right and the obligation to provide for the care and education of the child for the interest of the child" (Civil Code Article 820). Therefore, it would be detrimental to the interests of the child if one of the parents were to be relieved of his or her duty simply because both parents agree to it, and this should not be allowed.

In addition, if one parent relinquishes legal custody rights to the child, the child may view this as "abandonment by the parent," which can seriously harm the child's self-esteem and cause emotional trauma, and thus is extremely detrimental to the child's interests.

Regarding relinquishment of legal custody, "The father or mother who exercises legal custody may, when there are unavoidable circumstances, resign legal custody or control of the child with the permission of the family court." (Civil Code Article 837), which is presumed to have the same meaning.

The term "unavoidable circumstances" refers to circumstances that make it impossible for the person with legal custody to exercise legal custody properly. Specifically, , the person with legal custody is suffering from a serious illness and is forced to be hospitalized for a long period of time for treatment, or is serving time in prison after a criminal case.

Considering the consistency with such provisions of the current Civil Code, parents should not easily be allowed to relinquish their legal custody rights.

Therefore, while the selective joint custody system after divorce shall be established, it shall be permitted only when unavoidable circumstances arise that prevent the proper exercise of parental rights upon divorce, and only with the permission of the family court.

(3) Disciplinary Rules for Determining Matters Relating to the Custodian of the Child after the Divorce of the Parents, etc.

In line with the establishment of the discipline that legal custody shall continue to be exercised jointly when parents divorce, the provision of Article 766, paragraph 1 of the Civil Code "Determine the person who should have physical custody of the child" at the time of divorce shall be deleted.

In addition, the system of physical custodian which violates the concept of joint physical custody system after divorce, which is premised on joint legal custody of parents, will be abolished.

(Supplementary Explanation)

Under the current Civil Code, "When parents divorce by mutual agreement, the person who should take physical custody of the child ... and other necessary matters concerning the physical custody of the child shall be determined by mutual agreement" (Civil Code Article 766, Paragraph 1), and upon divorce, a physical custodian shall be determined separately from the person who has legal custody.

Since physical custody constitutes a part of legal custody(Article 820 of the Civil Code, under a sole legal custody system after divorce, when one of the parents is determined to have legal custody, it is normal for the physical custodian to be determined at the same time.

However, under the system of sole legal custody after divorce, there are some exceptional operations in which the parent who has legal custody rights and physical

custody rights is separated by the parents (division of legal custody rights), and it is believed that it was significant to establish such a provision in the past.

Regarding the division of legal custody rights after divorce, the former Civil Code stipulated that the patriarchal father exercised legal custody rights during marriage and after divorce ("The child shall be subject to the legal custody of the father in the family" (Article 877 of the former Civil Code) and "The father who exercises legal custody rights... shall have the right and the duty to take care of and educate the minor child" (Article 879 of the former Civil Code). On the other hand, since many mothers actually took care of their children, the provision allows the father to retain legal custody rights at the time of divorce, but if the mother must continue to take care of the child, she can be appointed as the guardian of the child by mutual agreement. If a person who has obtained a divorce by mutual consent does not decide who should take custody of the child, the custody of the child shall belong to the father" (Article 812 of the former Civil Code).

Thus, the provision in Chapter 1 Article 766 of the Civil Code to designate a physical custodian at the time of divorce is based on the old civil law family system of sole legal custody, and is naturally no longer necessary due to the legal revision to introduce joint legal custody after divorce. The provision "to determine the person who should take physical custody" shall be deleted from the provisions of Article 766, Paragraph 1 of the Civil Code.

In line with this, the various systems established on the basis of the provisions of Article 766 of the Civil Code for the designation of custodians shall also be abolished. For example, during marriage, a trial to designate a custodian for the child is conducted by the court, which is stipulated to be based on Article 766 of the Civil Code (paragraph 3 of Appended Table 2 of the Domestic Affairs Case Procedures Law (Law No. 52 of 2011)), and this shall be abolished.

All other systems that are conceptually incompatible will be abolished in conjunction with the legal amendment to introduce joint custody after divorce, which presupposes joint custody by the parents.

Another reason why the system of designating one parent as the custodian, whether after divorce or during the marriage, must be abolished is that the parent designated as the custodian will be able to remove the child.

The parent designated as a physical custodian is also possible to legally remove the child abroad, which is prohibited by this the Convention on the Civil Aspects of the International Child Conduction signed by Japan in 2014 (hereinafter referred to as the "Hague Convention").

The Hague Convention states that the object is "to secure the prompt return of children wrongfully removed to any Contracting State" (Article 1, Paragraph a of the Hague Convention).

In addition, it states that "the wrongful removal of a child" is "in breach of rights of custody attributed to a person either jointly or alone, under the law of the State in which the child was habitually resident immediately before the removal" (Article 3, Paragraph a of the Hague Convention) and "that at the time of such removal ... the right of custody ... was being exercised in reality" (paragraph b of the same Article).

Article 5, Paragraph a of the Hague Convention stipulates that "rights of custody" shall include "rights relating to the care of the person of the child and, in particular, the right to determine the child's place of residence."

Such provisions are found in Article 2, Item 6, etc. 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 "Domestic Implementation Act"). Therefore it is understood that the Hague Convention and the Domestic Implementation Act are applied to the same subject.

If it is understood that physical custody right is only given to the physical custodian, even if the physical custodians remove the child out of the country, the non-custodial parents cannot claim that their custody rights have been breached. The removal is not "wrongful".

Even if it is interpreted that custody rights are given to parents who are not custodians, if they were placed in a situation where they could not have contact with the child in Japan, such removal would not be "unlawful" because the requirement of "the right to custody was actually exercised" would not be met.

In any event, as long as he/she is not a custodian, he/she will not be able to apply for the return of the child under the Hague Convention.

A similar problem arises domestically. In other words, if the court concludes that parents who are not designated as custodians lose custody (including the right to designate residence), or if the court concludes that they have not lost custody (including the right to designate residence) but are not actually exercising custody, then the removal of the child by the parents designated as custodians will not be considered "unlawful".

In other words, parents designated as the physical custodian by the court will be able to freely remove their children, both domestically and internationally.

However, such de facto illegal acts must not be allowed, and from this perspective, any system that designates only one of the parents as the custodian is unacceptable.

Based on the provision that at the time of divorce, “visitation and other exchanges between the father or mother and the child, the sharing of expenses required for the physical custody of the child, and other matters necessary for the physical custody of the child shall be determined by mutual agreement” (Civil Code Article 766, Paragraph 1), the law will require that the necessary matters for the physical custody of the child be notarized in a “Co-Parenting Plan” upon divorce and also establish a rule that the divorce notification cannot be accepted and is void unless the “Co-Parenting Plan” is attached along with the divorce notification.

Expenses for visitation and custody of the child ("child support").

(Supplementary Explanation)

Article 766, Paragraph 1 of the Civil Code was amended in 2011 to stipulate that visitation and expenses for custody (hereinafter referred to as “child support”) be stipulated at the time of divorce. However, only a check box was provided on the back of the divorce notification to check whether or not visitation and child support have been agreed upon, which means that when parents with children divorce, the notification is accepted without any agreement on visitation or child support, which is completely ineffective.

One of the reasons for this ineffectiveness is the system of sole legal custody after divorce.

In other words, there is little legal basis for parents who have lost legal custody of their children after divorce to see them or to collect child support from parents who have lost legal custody of their children.

However, by adopting a joint legal custody system after divorce, both parents have the right and obligation to take care of their children, thus creating a solid legal basis.

Nevertheless, parents who no longer have the duty of cohabitation, cooperation, and support (Article 752 of the Civil Code) as a result of divorce will face difficulties in continuing to jointly exercise legal custody and jointly care for their children, and it is necessary to establish rules to alleviate these difficulties.

Therefore, the "visitation and other exchanges between the father or mother and the child" in Article 766, Paragraph 1 of the Civil Code should be changed to "the ratio of physical custody between the father and mother and the child," and, with reference to systems in other countries (see note 11), at the time of divorce, the parents should be required to prepare a "Co-Parenting Plan" that states the number of physical custody days each parent is responsible for, child support expenses, the place where each parent is primarily responsible for the child and other necessary matters regarding custody of the child. If one parent does not comply with the "Co-Parenting Plan," the

other parent can require the parent to comply with the "Co-Parenting Plan" on the basis of a breach of the parent's obligation of physical custody or the other parent's right of physical custody.

The effectiveness of the "Co-Parenting Plan" will be further enhanced by making it mandatory that the plan be notarized (see note 12).

For example, if the "Co-Parenting Plan" is notarized and includes a specific amount of child support as well as the amount of damages in case one parent interferes with the other parent's physical custody, the plan can be enforced without going to court if one parent fails to fulfill the obligations stated in the "Co-Parenting Plan," thereby preventing nonpayment of child support and obstructing the other parent from taking care of the child.

Furthermore, it would be more effective if it were mandatory to attach the "Co-Parenting Plan" to the divorce notification and submit it to the municipal office, if the municipal office could not accept the divorce notification unless the "Co-Parenting Plan" were attached, and if the divorce were invalid in case the notification were illegally accepted. If a joint legal custody system after divorce is introduced, there will be no change in the content of legal custody rights between the parents during the marriage and after the divorce. Therefore, there will be no rational reason for a third party to intervene and restrict parent-child interaction, which was free during the marriage, upon divorce.

In other words, in the exercise of legal custody rights jointly by parents after divorce, the intervention of a third party to impose restrictions on the exercise of legal custody rights against the will of one of the parents is an act that infringes on the legal custody rights of the parents and will not be permitted in the future.

In light of the above, "chaperoned" visitation support services(see note 13), etc. currently provided by the Family Problems Information Center (hereinafter referred to as "FPIC") to parents and children who have lost legal custody of their children, will no longer be permitted upon the introduction of the joint legal custody system after divorce.

In order to support the preparation of a "Co-Parenting Plan" at the time of divorce, the guidelines for the preparation of a "Co-Parenting Plan" (guidelines) shall be made statutory, and "Alternative Dispute Resolution (ADR)" by attorneys, etc. shall be available for the preparation of a "Co-Parenting Plan," and a discipline shall be established under which the government will pay a portion of the cost of ADR. In addition, the government will require both parents to take a course on child custody (hereinafter referred to as "post-divorce custody course") at the time of divorce, and establish a rule that the notification of divorce cannot be accepted and is invalid unless a certain period of time has elapsed after taking the post-divorce custody course.

(Supplemental Explanation)

In preparing a "Co-Parenting Plan" at the time of divorce, minimum requirement must be established for the manner in which the parents exercise their legal custody rights. This is because the exercise of legal custody rights by the parents is not unlimited. The exercise of legal custody by one parent may lead to restrictions on the exercise of legal custody by the other parent, and the exercise of legal custody contrary to the interests of the child is not permissible.

Therefore, it is decided to establish guidelines regarding the contents to be included in the "Co-Parenting Plan," such as a calculation table for the expenses required for the custody of the child (child support) and the minimum frequency of parent-child exchanges by age, etc. Since these guidelines include matters related to the rights and obligations of the people, they shall be stipulated by law.

In addition, when joint legal custody system is adopted after divorce and parents continue to share physical custody of their children after divorce, the number of days of physical custody shall be adjusted according to individual circumstances, with reference to the situation in other countries, while the number of days of custody shall be split 50-50 between parents in principle.

In addition, unlike many other countries that have adopted a judicial divorce system, the majority of divorces in Japan are collaborative divorces, so it is not sufficient to simply prepare guidelines when preparing this "Co-Parenting Plan". Therefore, a rule will be established that parents who wish to use ADR will be provided with a certain standard period of expenses by the government.

In addition, both parents must attend a "post-divorce custody course" at the municipal office where the divorce notification is to be submitted.

The regulations will then provide that unless a certain period of time (cool down period) has elapsed after both parents have confirmed that they understand the contents of the "Post-Divorce Custody Lecture", the notification of divorce cannot be accepted and is invalid.

The content of the "Post-divorce custody lecture" will include an explanation of the obligation to prepare a "Co-Parenting Plan," the contents of the guidelines, and how to use ADR. The lecture will also include psychological knowledge such as the general reaction of divorcing parties and children who experience the divorce of their parents and how to give consideration to such reactions.

It is considered possible for the national government and local governments to bear the costs of ADR to support the preparation of a "Co-Parenting" for the parents and the costs of "post-divorce custody courses".

This is because, with the introduction of joint custody after divorce, the financial burden of the child support allowance provided to single-parent households due to divorce will be eliminated, and the budget that is no longer needed to pay such allowance can be diverted to the above-mentioned expenses.

Child Support Allowance is "an allowance provided for the purpose of promoting the welfare of children by contributing to the promotion of stability and self-reliance in the lives of families (single parents) in which children are brought up who do not share the same livelihood with their father or mother due to the divorce of their parents." With the introduction of the joint custody system after divorce, there is no legal justification to provide child support allowance to "families in which children are brought up who share the same livelihood with their father and mother" after divorce.

The budget for child support allowance in FY2021 was about 473 billion yen (see note 14). Since about 80% of the reasons for single-mother households are divorce, if Japan had shifted to a system of joint custody after divorce, it can be estimated that more than ¥378 billion, or 80% of the budget for child support allowance in FY2021, could have been allocated to expenses related to the post-divorce joint custody system.

In a foreign country, when a law was enacted to provide for a 50-50 ratio of joint custody between parents after divorce, the number of lawsuits dropped by 11% within two years of the enactment of the law (see note 15). In Japan, the shift to joint custody after divorce and the mandatory preparation of a "joint custody plan" at the time of divorce are expected to significantly reduce the number of family court judgments and lawsuits, as well as the amount of time required to process each case. As a result, there is a possibility of a significant reduction in the court's budget for expenses related to family affairs cases.

In light of the above, even if a new budget is required for the introduction of joint custody after divorce, the overall divorce-related budgets of the national and local governments can be expected to be reduced.

For such a case when one of the parents violates the other parent's right to physical custody of the child (Article 820 of the Civil Code) or the right to designate the residence of the child (Article 821 of the Civil Code) by moving the residence of the child without the other parent's consent or by barring the other parent who lives with the child from the residence, establish a discipline that allows the court, upon petition by the other parent to order them to comply with the "Co-Parenting Plan" (or, if it is before the divorce, to cooperate in the preparation of a provisional "Co-Parenting Plan"), and to make a judgement for loss of legal custody if they do not comply with the order. (Article 834 of the Civil Code).

(Supplementary Explanation)

If one of the parents, both of whom have custody moves the residence of the child without the consent of the other parent, or locks out the other parent who lives with the child from the residence, the other parent's right to custody or residence of the child will be violated.

In such a case, the court may, upon the petition of the other parents, require the parents who violated the other parents' rights of physical custody and residence to comply with the "Co-Parenting Plan" (if it is before divorce, the court may require the parents to prepare a provisional "Co-Parenting Plan" that is not necessarily based on divorce) so that the parents can again exercise joint legal custody (right of physical custody and residence designation). If the parents do not comply with the order, they will be deemed to fall under Article 834 of the Civil Code "when the interests of the child are seriously harmed by the father or mother's grossly inappropriate exercise of legal custody" and will lose their legal custody.

The purpose of establishing such rules is that the act of removal constitutes the crime of abduction or kidnapping of a minor (Article 224 of the Penal Code (Act No. 45 of 1907)) not only in other countries but also in Japan (February 21, 2022 administrative communication from the Director of the First Investigation Division, Proceedings of the 204th Diet Session, House of Councillors, Committee on Legal Affairs No. 5 (April 6, 2021), Criminal Investigation Bureau, National Police Agency; Supreme Court Decision No. 2199 of 2004, December 6, 2005, Second Petty Bench (Penal Code Vol. 59 No. 10, p. 1901), etc.), and that the Convention on the Rights of the Child, ratified by Japan in 1994, stipulates that "States Parties shall ensure that a child is not separated from his or her parents against their will" in Article 9, paragraph 1. And that the parent's removal act, or the act of one parent who shuts out the other parent who lives with the child from the residence, constitutes an act that violates the child's rights, and the said act would seriously harm the child's interests.

It is true that when there is a justifiable reason, for example, when the parents who have daily care of the child take the child to a shelter to escape spousal violence from the other parents, the illegality of such a situation is prevented even if it satisfies the requirements for the crime of abduction or kidnapping of a minor.

However, even in such a case, as long as the other parent also has legal custody, both parents "have the right and obligation to take care of the child for the interest of the child" (Civil Code Article 820), and they must continue to exercise their legal custody jointly.

Therefore, it is necessary to coordinate the rights and obligations of both parents to take care of the child, and the act of refusing to comply with the "Co-Parenting Plan"

that was created as a result of such coordination (or the creation of a temporary "Co-Parenting Plan" if the parents are still married) is a reason for the loss of legal custody rights. If one of the parents wishes to move the child's residence, the parent should make a request to the other parent to change the "Co-Parenting Plan" and make adjustments.

Parents who have lost legal custody rights due to refusal to comply with the "Co-Parenting Plan" may revoke the judgment of loss of legal custody rights (Civil Code Article 836), since the cause of loss of legal custody rights is extinguished by returning the child to the place of residence (In the case of a marriage, a parent who refuses to create an interim "Co-Parenting Plan" and loses custody of the child may return the child to the residence where he or she lived when the parents lived together, or by having the parent who was locked out of the residence reside with the child again).

In addition, if the father or mother who has lost custody of the child because he or she refuses to return the child to the residence stated in the "Co-Parenting Plan" (in the case of a marriage, to return the child to the residence where he or she lived when the parents lived together or to have the parents who were locked out of the residence live with the child again), the father or mother with custody may petition the court for the surrender of the child and, if such surrender is not executed, may also file charges for the crime of abduction and kidnapping of a minor.

When one of the parents files a petition with the court under the Law for the Prevention of Spousal Violence and the Protection of Victims (Act No. 31 of 2001) (hereinafter referred to as the "Spousal Violence Prevention Act"), an order under Article 10, paragraphs 1 through 4 (hereinafter referred to as a "protection order"), the court shall establish a discipline to order such parent to coordinate communication between them and to use child delivery support services until the court makes a decision not to issue a protection order or, if a protection order is issued, until the protection order expires.

In addition, in order to prevent one of the parents from filing a petition for a protection order with a false statement in the petition, in issuing a protection order, the court shall require a finding of spousal violence by the police and establish a rule that the parent who filed a false petition shall lose his/her legal custody rights.

(Supplementary explanation)

Even if one parent has committed "physical violence or threats against life, etc." against the other parent as defined in Article 10, Paragraph 1 of the Law for the Prevention of Spousal Violence, as long as the parent has not lost his/her legal custody, "the right

and obligation to take care of the child” for the interest of the child (Civil Code Article 820), must be systematically guaranteed.

Therefore, even if there is a fact of violence between the parents, the parents concerned must jointly exercise legal custody. And this applies not only during the marriage, but also after divorce. At the time of divorce, a "Co-Parenting Plan" must be prepared, and after divorce, the plan must be implemented together.

On the other hand, it is also an important legal interest for protection to "prevent life or physical harm" to the other parent from being inflicted by one of the parents, as stipulated in Article 10, Paragraph 1 of the Spousal Violence Prevention Act, and these two requirements must be reconciled.

Therefore, when one of the parents petitions the court for a protection order as stipulated in paragraphs 1 through 4 of the same Article, the court shall issue a protection order "to prevent harm to the life or body" of that parent until the court decides not to issue a protection order, or, if a protection order is issued, until the protection order expires. If a protection order is issued, the court shall establish a rule that the court shall order such parents to use the parental communication and child delivery support services that are currently provided by FPIC, such as "coordination of contact" visitation support and "delivery" visitation support services(see note 16).

As this eliminates the situation in which "the victim is forced to visit his/her spouse with respect to the child living with him/her," as stipulated in Paragraph 3 of the same Article, which is intended to prevent such a situation, will no longer apply. Therefore, after the revision, such actions as denying to participate in their children's school events, etc., on the grounds of the said paragraph will no longer be permitted.

In addition, unlike other countries, since Japan does not have a discipline such as having a third party, such as the police, certify spousal violence, there is criticism that false protection order petitions are filed by one parent for the purpose of depriving the other parent of his or her legal custody rights. Whether such criticism is true or not, it is difficult to prevent the filing of false protection order petitions under the current system. Therefore, the Spousal Violence Prevention Act should be amended to establish rules such as requiring a finding of spousal violence by the police before a court can issue a protection order.

Furthermore, Article 30 of the Spousal Violence Prevention Act states that a person who files a petition for a protection order with a false statement shall be punished by a non-penal fine of not more than 100,000 yen, and in cases where the person who filed the petition has legal custody over the child, a provision shall be added that the person shall lose his/her legal custody. This is because an act by one parent who has legal custody to file a false petition for a protection order with the aim of restricting or forfeiting the other parent's exercise of legal custody constitutes an act that "seriously

harms the interests of the child due to extremely inappropriate exercise of legal custody" (Article 834 of the Civil Code).

In order to ensure the smooth implementation of the above system reforms, the government shall establish the necessary systems, including the establishment of an organization to support liaison and coordination between parents and the delivery of the child, and the Country shall bear all costs associated with such liaison and coordination and the delivery of the child during the period of the protection order.

(4) Disciplines regarding post-divorce visitation and child support between parents who did not exercise legal custody rights during the marriage and their children
Establishment of rules requiring interaction between parents who lost legal custody rights and their children following divorce and the loss of the couple's obligation to live together, and cooperate and assist one another?

(Supplementary Explanation)

During marriage, "husband and wife shall live together and shall cooperate and assist one another." (Civil Code Article 752) Therefore, even parents who are not exercising legal custody are indirectly obligated to interact with their children through the fulfillment of their marital obligations with the other parent who exercises legal custody.

After divorce, however, that marital obligation is forfeited, and thus the obligation of the parents who are not exercising legal custody to interact with the child is also forfeited.

On the other hand, Article 9, paragraph 3 of the Convention on the Rights of the Child states that "States Parties shall respect the right of a child who is separated from one or both of his or her parents to maintain personal relations and direct contact with both parents on a regular basis, except where this is contrary to the best interests of the child." It is stipulated that, from the perspective of the rights of the child, it is necessary to mandate exchange between the parents and the child.

Therefore, in such cases, the preparation of a "visitation plan" similar to a "Co-Parenting Plan" should be mandatory at the time of divorce.

However, in such cases, care must be taken to ensure that it is not "contrary to the best interests of the child", so when the court determines that there is a risk of harm to the life or body of the child if the parents whose legal custody rights have been suspended for reasons of child abuse communicate with the child, the court may order the use of "chaperoned" visitation support services currently provided by FPIC and other organizations.

The court shall then require such support service provider to report on the status of parent-child interaction, etc., and promptly suspend the use of such support services

when it determines that there is no longer a risk of harm to the life or body of the child even if the parents concerned and the child are allowed to interact without such service. In addition, Article 12, paragraph 1 of the Convention on the Rights of the Child states that "States Parties shall ensure the right of a child who is capable of forming his or her own opinions to express them freely in all matters affecting him or her". In this case, the opinions of the child shall be given due consideration in accordance with his or her age and maturity. Therefore, the opinions of the child should be taken into consideration when preparing and implementing a "visitation plan". However, this does not apply in cases where the child's opinion is likely to be distorted, such as when the child is being threatened by the parents who have legal custody of the child or when the child is suffering from one-parent alienation syndrome (a phenomenon in which the cohabiting parent pathologically identifies with a sense of dislike or fear toward the separated parent and alienates or rejects the separated parent).

Establishing a discipline that obliges parents who are not exercising legal custody to share the expenses required for the custody of their children, "child support" due to the loss of the couple's obligation to live together, and cooperate and assist one another after divorce?

(Supplementary Explanation)

During marriage, "husband and wife shall live together and shall cooperate and assist one another." (Civil Code Article 752). Therefore, even parents who do not exercise legal custody are indirectly obligated to pay child support through fulfilling their marital obligations with the other parent who does exercise legal custody.

After divorce, however, that marital obligation is forfeited, and the legal basis for payment of child support by the parents who are not exercising legal custody rights also becomes tenuous.

In Japan, which has adopted a system of sole legal custody after divorce, Article 766, Paragraph 1 of the Civil Code has been amended, "When parents divorce by mutual agreement, and other necessary matters concerning the custody of the child shall be determined by mutual agreement." The current situation in which only 20% of parents who lose legal custody pay child support may be partly due to such a weak legal basis.

In this regard, even if a joint legal custody system is introduced after divorce, the same problem may arise for parents who are not exercising their legal custody rights due to loss of legal custody or other reasons.

However, even parents who are not exercising legal custody, if a discipline is established that requires them to interact with their children based on a "visitation plan"

from the perspective of the interests of the children, they should likewise bear child support costs from the perspective of the interests of the children.

As a systemic guarantee to obligate parents who do not exercise legal custody rights to pay child support, it would be appropriate to change the above-mentioned "visitation plan" into a "visitation and child support plan" and include the payment of child support in the said plan.

If the divorce cannot be finalized without such a plan, as is the case with the "Co-Parenting Plan," the child would be guaranteed regular visitation with the parents who do not exercise legal custody, and the payment of child support would also be guaranteed.

(5) Rules concerning restoration of legal custody rights and other remedial measures for parents who have lost legal custody of their minor children at the time of the introduction of the joint legal custody system after divorce.

When implementing the law amending the Civil Code to transition to joint custody after divorce, parents who have lost legal custody of their minor children due to divorce may regain legal custody of their minor children with the permission of the court, and parents who regain legal custody shall use alternative dispute resolution (ADR) procedures by lawyers, etc. and require that a "Co-Parenting plan" be developed with the other parents.

The government shall pay the costs of ADR and notarization within a standard period of time.

If the other parent does not cooperate in the preparation of such a plan, the court, upon petition by the parent who has regained legal custody, shall order the other parent to cooperate in the preparation of a "Co-Parenting Plan," and if they do not comply with such order, the court may make a ruling for the loss of legal custody rights (Civil Code Article 834).

(Supplementary Explanation)

With the introduction of the joint custody system after divorce, it is necessary to restore the legal custody rights of parents who have already lost their legal custody rights due to divorce (however, this is limited to cases where a petition for restoration of legal custody rights is filed by the parents who have lost their parental rights).

It is expected that there will often be various obstacles to this restoration of legal custody rights leading to reunification between the parents and the child, such as the fact that the child's whereabouts are unknown due to the long period of time that has passed since the loss of legal custody rights.

In addition, for a child who has had no contact with the parents who had lost legal custody for a long period of time, and in some cases has been falsely led to believe that they have died, there is a risk of psychological conflict and confusion in reunification with the parents who have regained legal custody.

Furthermore, in many cases, the parent who regained legal custody and the other parent had a high-conflict relationship to begin with, and if the parent who regained legal custody requested the other parent to prepare a "Co-Parenting Plan" for joint exercise of legal custody rights, it is unlikely that they would comply with the request. In light of this, we propose that, following the example of other countries, the court intervene in difficult cases and, after coordination between the parents, establish a rule that allows the court to make a ruling on the loss of legal custody rights if necessary, in order to increase the effectiveness of such a rule.

Since a large number of petitions are expected to be filed and it is extremely difficult for the court alone to handle them, ADR by attorneys, etc., shall be actively utilized.

At the same time, if a parent who has regained legal custody rights does not respond to a request for ADR by a parent who has regained legal custody rights, and the parent who has regained legal custody rights petitions the court for the loss of legal custody rights of the other parent, the court may, unless there are reasonable grounds to the contrary, allow the other parent to lose his or her legal custody rights, thereby encouraging cooperation of both parents in the preparation of a "Co-Parenting Plan".

(6) Discipline on the Removal of Children Internationally

Among the grounds for refusal of return of a child under the Domestic Implementation Act, "a risk that the respondent would be subject to violence, etc. by the petitioner in such a manner as to cause psychological trauma to the child, if the respondent and the child entered into the State of habitual residence" (Article 28, Paragraph 2, Item 2 of the Domestic Implementation Law) and "circumstances that make it difficult for the petitioner or the respondent to provide custody for the child in the State of habitual residence" (Item 3 of the same paragraph) shall be deleted.

The provisions of the modification of final order (Articles 117 and 118 of the Domestic Implementation Act) and the retrial (Articles 119 and 120 of the Domestic Implementation Act) shall be deleted.

Concerning the case of petition for the return of a child, the provisions of judicial authorities other than those pertaining to the final order of the family court of the Domestic Implementation Act shall be examined, and based on the results, the delete of the provisions and other necessary legislative measures shall be taken.

(Supplementary explanation)

According to the website of the Ministry of Foreign Affairs of Japan, the Hague Convention is a treaty to resolve the issue of international jurisdiction, and "in principle, the child must be returned to the country of original residence" based on the idea that "the decision as to which parent should take custody of the child should be made in the child's country of original residence" (see note 17).

The reason for establishing the jurisdiction in this way is that "after restoring the illegal state (violation of custody) that once occurred, it is desirable to make a decision on the custody of the child in the judiciary of the state where the child lived until then, where the child's living environment related information and the claims of both parents are carefully considered."

Therefore, the return of the child must be carried out promptly. The Hague Convention states "The judicial or administrative authorities of Contracting States shall act expeditiously in proceedings for the return of children. If the judicial or administrative authority concerned has not reached a decision within six weeks from the date of commencement of the proceedings, the applicant or the Central Authority of the requested State, on its own initiative or if asked by the Central Authority of the requesting State, shall have the right to request a statement of the reasons for the delay." (Article 11 of the Hague Convention) and that "Where a child has been wrongfully removed or retained in terms of Article 3 and, at the date of the commencement of the proceedings before the judicial or administrative authority of the Contracting State where the child is, a period of less than one year has elapsed from the date of the wrongful removal or retention, the authority concerned shall order the return of the child forthwith." (Article 12 of the Hague Convention)

In addition, as the Hague Convention states "the judicial or administrative authorities of the Contracting State to which the child has been removed or in which it has been retained shall not decide on the merits of rights of custody until it has been determined that the child is not to be returned" (Article 16 of the Hague Convention), the rights of custody shall not be deliberated in the process of deciding the return of the child.

Therefore, it is sufficiently possible to decide the procedure for the return of the child within six weeks.

For the purposes of the Hague Convention, the grounds for refusal to return shall be extremely limited. However, the Domestic Implementation Act adds provisions which are not stipulated in the Hague Convention as grounds for refusal to return, "a risk that the respondent would be subject to violence, etc. by the petitioner in such a manner as to cause psychological trauma to the child, if the respondent and the child entered into the State of habitual residence" (Article 28, Paragraph 2, Item 2 of the Domestic Implementation Law) and "circumstances that make it difficult for the petitioner or the

respondent to provide custody for the child in the State of habitual residence" (Item 3 of the same paragraph).

These provisions not only hinder the speed of the procedure for the return of children as required by the Hague Convention, but also acknowledge that they effectively step into the "decision of the right of custody" prohibited by the Hague Convention.

In addition, Article 117 of the Domestic Implementation Act states, "After a final order to order the return of a child has become final and binding, when the court finds that it is no longer appropriate to maintain the order due to change in circumstances, the court, upon petition of a party, may modify the relevant order". The "change in circumstances" should not occur because it is a request of the Hague Convention to return the child promptly after the final order is made.

Accordingly, Article 118, which is based on Article 117 and article 117 of the Domestic Implementation Act, shall be deleted.

Similarly, no retrial provisions are required, and Articles 119 and 120 of the Domestic Implementation Act shall be deleted.

Furthermore, given that the Hague Convention is a treaty for determining international jurisdiction, a decision by one court alone is sufficient and does not need to be a three-trial system just as the Supreme Court has decided on domestic jurisdiction alone, as stated in article 34 of the Domestic Implementation Act, "Where the court with jurisdiction is unable to exercise its jurisdiction by law or in fact or if a court with jurisdiction is not determined due to ill-defined jurisdictional districts of courts, the Supreme Court, upon petition, designates a court with jurisdiction." There is no need for a conciliation system and the like.

For the above reasons, it can be concluded that only the final order of the family court of the Domestic Implementation Act is sufficient in the case of petition for the return of a child. Accordingly, provisions on judicial authorities other than those necessary for this final order (from Articles 97 to 116 and from Articles 144 to 147 of the Domestic Implementation Act) shall be deleted and other necessary legislative measures shall be taken.

¹ https://www.moj.go.jp/shingi1/shingi04900001_00058.html

² https://www.moj.go.jp/shingi1/shingi04900001_00123.html

Subcommittee Document 12, "Consideration of Provisions on Necessary Matters Concerning Parent-Child Relationship and Custody of Children after Divorce (Second Reading)

(<https://www.moj.go.jp/content/001370938.pdf>)

Subcommittee Document 13, "Examination of Procedural Rules Concerning Child Support, Visitation, etc. and Rules Concerning Decisions on Matters Relating to Children after Divorce of Parents (Second Reading)". (<https://www.moj.go.jp/content/001370937.pdf>)

³ According to the Ministry of Justice's "Results of the Survey on Overseas Legislation Concerning the Custody of Children after Divorce of Their Parents" (<https://www.moj.go.jp/content/001318629.pdf>), of the 24 countries surveyed, 22 countries have adopted a joint custody system after divorce, and only India and Turkey have adopted a sole custody system after divorce.

⁴ https://note.com/id_sugar_salt/n/nbaa783dfc2fa

⁵ Foreign studies have shown that children raised in the sole custody of one parent after divorce are twice as likely as those who are not to be out of school and four times as likely to develop emotional and behavioral problems, and as a result, such children account for 63% of youth suicides, 85% of those who serve time in prison, and 71% of high school dropouts. https://www.timetoputkidsfirst.org/why-children-need-shared-parenting?fbclid=IwAR2sSjNY-454uFNM8Lzh2vtm_4ADY6x-kM8tedzFwCWNKKkXuWf-s9OUVR

Similar surveys have been conducted in Japan.

http://chubu-kyoudousinken.com/swfu/d/auto_sJwImB.5.pdf

⁶ Ministry of Health, Labour and Welfare, "Results of Verification of Cases of Child Abuse Deaths, etc.: The 17th Report of the Expert Committee on Verification of Cases of Child Abuse and Other Cases Requiring Protection, Children's Section, Council of Social Security".

(<https://www.mhlw.go.jp/content/11900000/000825392.pdf>).

The percentage of remarried households included in abuse deaths (excluding double suicide death cases) was 4.4%. 7.0% (2.6%) of the primary perpetrators were "dating partners of the biological mother," 1.8% (0.3%) were "stepfathers," and 0.7% were "stepmothers."

Note: Figures in parentheses indicate the percentage of cases in which the biological mother was also the primary perpetrator.

⁷ Ministry of Health, Labour and Welfare, "2016 National Survey of Single-parent Households, etc."

(<https://www.mhlw.go.jp/file/06-Seisakujouhou-11920000-Kodomokateikyoku/0000188169.pdf>)

⁸ <https://www.moj.go.jp/content/001347789.pdf>

⁹ <https://www.fujitv-view.jp/article/post-190569/>

¹⁰ https://www.timetoputkidsfirst.org/why-children-need-shared-parenting?fbclid=IwAR2sSjNY-454uFNM8Lzh2vtm_4ADY6x-kM8tedzFwCWNKKkXuWf-s9OUVR

¹¹ Indiana Court Rules, "Indiana Visitation Guidelines."

(<https://www.in.gov/courts/rules/parenting/index.html>)

California Courts website, "Custody and Visitation Rights."

(<https://www.courts.ca.gov/selfhelp-custody.htm>)

¹² An example of a legally mandated notarization is Article 3 of the Law on Voluntary Guardianship Contracts (1999 Law No. 150): "A voluntary guardianship contract shall be made by notarization in the form prescribed by a Ministry of Justice ordinance."

¹³ http://fpic-fpic.jp/doc/menkai_kouryu7.pdf

¹⁴ Ministry of Health, Labor and Welfare, "Outline of Child Support Allowance System."

(<https://www.mhlw.go.jp/content/000805775.pdf>)

¹⁵ https://www.berkbot.com/blog/2021/june/the-debate-over-equal-parenting-time-presumption/?fbclid=IwAR1ZOYvzZ3_WFup-DvosQR7SpvgxqW7S9B46oYlJ5-BtYnLZoulXAtqPFU

¹⁶ http://fpic-fpic.jp/doc/menkai_kouryu7.pdf

¹⁷ https://www.mofa.go.jp/mofaj/fp/hr_ha/page22_000843.html#section1

¹⁸ http://fpic-fpic.jp/doc/menkai_kouryu7.pdf

End