

Comparison of the (expected) Interim Draft by the Family Law Subcommittee of the Legislative Council of the Ministry of Justice and
the Interim Draft by the Private Sector Family Law Subcommittee of the Legislative Council

	Interim Draft by the Family Law Subcommittee of the Legislative Council of the Ministry of Justice (expected)	Interim Draft by the Private Sector Family Law Subcommittee of the Legislative Council
Legal custody right after divorce	Joint custody on exceptional basis * Joint custody only under agreement by both parents	Joint custody in principle * Sole custody only if requirements under the provisions on relinquishment of legal custody right (Article 837 of the Civil Code) are met
Designation of physical custodian at time of divorce	Mandatory (sole physical custody system) * To be legislated together with the designation of physical custodian during marriage	Prohibited (joint physical custody system) * Prohibited together with designation of physical custodian during marriage
Arrangements concerning physical custody at time of divorce	Provision on arrangement of interaction between the parent who is not the physical custodian and the child, and necessary matters for physical custody such as payment of child support	Mandatory preparation of co-parenting plan stating the ratio of physical custody between the parents and the amount of child support (to be submitted with divorce papers)
Minimum standard of parent-child interaction	N/A	Legislate the policy on preparation of co-parenting plan stating the minimum standard
Child abduction	Abduction of the child by a parent designated as the physical custodian by the court is legal	Prohibited in principle (except where spousal violence is involved, etc.)
Parent-child interaction after separation of the parents	Carried out only with the cooperation of a third party designated by the court (“agent of the child”) (parent-child interaction to be suspended if instructions by the third party are not followed)	Carried out by coordination between the parents in accordance with the co-parenting plan (including similar plans) (intervention by a third party during parent and child interaction is prohibited in principle)
Measures to be taken in case of a claim of spousal violence	N/A	Court to order the use of third party service for coordination of communication and delivery of the child at the time of preparation and performance of the co-parenting plan (including similar plans) by the parents
Measures against a parent who has been found to engage in child abuse, etc.	N/A	Court may order third party intervention at time of parent and child interaction against a parent whose legal custody right has been lost (Article 834 of the Civil Code) or suspended (Article 834-2 of the Civil Code) due to child abuse, etc.
Remedy at time of implementation of the revised Act	N/A	A parent who has lost legal custody right due to divorce at the time of implementation of the Act may apply to the court for resumption of the legal custody right
Measures regarding the Hague	N/A	Delete provisions of domestic laws that violate the purpose of the