

Short questionnaire

Therefore, States are respectfully requested to provide responses to the following questions which relate to the recognition in one State of a domestic adoption granted in another State:

Name of State:	Japan
<u>Information for follow-up purposes</u>	
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A. RECOGNITION IN YOUR STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN OTHER STATES

The law and procedure in your State

1. Please briefly outline the **law** (legislation or other rules) in your State concerning the recognition of a domestic adoption granted previously in another State.

It is examined whether a domestic adoption previously in another State satisfies the requirements for adoption under the applicable law, and if so, the adoption is effective under the Japanese law.

The formalities for a juridical act regarding family relationships, such as the notification of adoption, shall be governed by the law applicable to the formation of the juridical act.

In particular, please specify whether your State applies different rules to the recognition of domestic adoptions made in certain States or regions and, if so, why.

No.

2. Please briefly outline the **procedure** which must be followed in your State by persons seeking the recognition of a domestic adoption granted previously in another State.

If one of the parties is Japanese, it is required to submit a notification of adoption to register with the documentary evidence of the adoption, which is issued by the competent authority of the State.

In particular, please specify what legal or administrative steps are required for recognition.

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3. What is the competent authority in your State for such matters?

The practice of civil register is administered by the mayors of municipalities.
(As necessary, Legal Affairs Bureau (Director) may advise or instruct them to ensure of appropriate practices.)

Cases which have arisen in your State

4. Has your State been asked to recognise domestic adoptions granted previously in other States? If so:
 - (a) How many such cases have arisen in the past year?

N/A

Past three years?

-

(b) In such cases, why was recognition of the domestic adoption sought?

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(c) What type of document was presented for recognition?

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(d) Was recognition permitted?

-

(e) In cases where recognition was refused, what were the reasons?

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In particular, have there been any cases in which recognition was refused by your State on the basis that jurisdiction had been inappropriately assumed by the foreign authority?

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(f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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(g) Has there been any cross-border co-operation / communication between your State and any State(s) which granted the adoption(s) in these cases?

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5. In your State's experience, do (some or many) families with an adopted child move to your State without having the child's adoption formally recognised in your State?

Don't know

Does this create any problems for the family?

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B. RECOGNITION IN ANOTHER STATE OF DOMESTIC ADOPTIONS GRANTED PREVIOUSLY IN YOUR STATE

The law and procedure in your State

6. In relation to the granting of domestic adoptions in your State:

(a) Are any special rules or procedures followed when a case involving a domestic adoption has an international element (*e.g.*, it involves a foreign national child and / or foreign national prospective adoptive parents, despite the fact that they are all habitually resident in your State)?

No.

(b) What type of document is issued for domestic adoptions granted in your State?

Proof of registration, Certificate of registration matters (upon request)

7. Are there any special rules or procedures which are followed when your State is made aware that another State has been requested to recognise a domestic adoption originating from your State?

No.

Cases which have arisen involving your State

8. Are you aware of situations in which recognition has been sought in other States of domestic adoptions granted in your State?

No, we are not aware of it.

If so:

(a) How many such cases have arisen in the past year of which you are aware?

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Past three years?

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(b) Which competent authorities were addressed in your State? And in the other State(s)?

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(c) In such cases, why was recognition of the domestic adoption sought?

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(d) Was recognition permitted by the other State(s)?

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(e) In cases where recognition was refused, what were the reasons?

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Have you ever had a case where the grounds upon which your State assumed jurisdiction to grant the domestic adoption were challenged by the foreign State?

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(f) Where recognition was refused, what actions, if any, were taken with respect to the status of the child?

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(g) Has there been any cross-border co-operation / communication between your State and any State(s) being asked to recognise the adoption in these cases?

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C. PRACTICAL PROBLEMS REQUIRING ACTION

9. In light of the information you have provided in both sections above, overall, are there, in your State's experience, practical problems in this area that need resolving at the international level?

No.