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***Convention de La Haye du 25 octobre 1980 sur les aspects civils
de l'enlèvement international d'enfants***

Profil des États

établi par le Bureau Permanent

* * *

***Hague Convention of 25 October 1980 on the Civil Aspects of
International Child Abduction***

Country Profile

drawn up by the Permanent Bureau

*Document d'information No 2 de mars 2011 à l'intention de la
Commission spéciale de juin 2011 sur le fonctionnement pratique de la
Convention Enlèvement d'enfants de 1980 et de la
Convention Protection des enfants de 1996*

*Information Document No 2 of March 2011 for the attention of the
Special Commission of June 2011 on the practical operation of the
1980 Hague Child Abduction Convention and the
1996 Hague Child Protection Convention*

***Convention de La Haye du 25 octobre 1980 sur les aspects civils
de l'enlèvement international d'enfants***

Profil des États

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International Child Abduction***

Country Profile

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Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction

FOREWORD TO THE COUNTRY PROFILE

This Country Profile should be used by Contracting States¹ to assist with fulfilment of the obligations contained within Article 7 of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*.² In particular, it is anticipated that the Country Profile will help Contracting States fulfil their obligations under Article 7(2) e) and 7(2) i) of the Convention, that is:

- To provide information of a general character on the law of their State in connection with the application of the Convention; and
- To keep other Central Authorities informed regarding the operation of the Convention in their State and to eliminate any obstacles to the Convention's application.

The Country Profile is intended to assist with the practical operation of the Convention. It is hoped that it will facilitate:

- a) information exchanges between Contracting States;
- b) knowledgeable service by Central Authorities under the 1980 Hague Child Abduction Convention;
- c) cost-effective translation of the information provided by Contracting States into English, French, Spanish, and other languages as required by Contracting States; and
- d) prompt updates of the information provided.

NEWLY ACCEDING STATES:

It should be noted that the Country Profile does not replace the "Standard questionnaire for newly acceding States" (available at < www.hcch.net > under "Child Abduction Section" then "Questionnaires and responses"). The Standard Questionnaire provides a means for newly acceding States to describe promptly, and in brief, the measures taken in their State to ensure compliance with their Convention obligations and to ensure the effective practical operation of the Convention in their State. It thereby assists States already Party to the Convention with their decision as to whether to accept an accession.

Newly acceding States are encouraged to complete this full Country Profile as soon as is practicable.

INSTRUCTIONS:

- Please mark the box which best represents the arrangements in your State:
 - Where the response requires either "Yes" or "No", please mark one box only.
 - For all other questions, it may be necessary to mark more than one box.
- Where applicable, please specify the relevant provision(s) of your domestic legislation and indicate how the legislation may be accessed, *e.g.*, website, or provide a copy of the legislation.
- Please complete a separate profile for each territorial unit if there are significant differences in the substance and operation of the laws in each.
- Please note: the information contained in the Country Profile **is of a general nature only**. The purpose of the Country Profile is to assist with the practical operation of the Convention and not to provide a comprehensive picture of the legal system of each Contracting State. Please consider this when completing the Country Profile and when using the Country Profile of other Contracting States. Please contact the relevant Central Authority for clarification or specific advice.
- Contracting States are exclusively responsible for updating the information contained in their Country Profile. However, reminders for updates will be provided by the Permanent Bureau of the Hague Conference on Private International Law.

¹ Any reference to a Contracting State in this Country Profile is a reference to a Contracting State of the *Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction*

² Hereinafter, "the 1980 Hague Child Abduction Convention", or simply "the Convention".

**1980 Hague Child Abduction Convention
Country Profile**

- Completed Country Profiles will be published on the website of the Hague Conference on Private International Law < www.hcch.net >.
- The Permanent Bureau of the Hague Conference has prepared a number of resources which may assist States in the effective implementation and operation of the Convention, in particular Guides to Good Practice. See < www.hcch.net > under “Child Abduction Section” for further information in this regard.

TERMINOLOGY:

- Whilst it is acknowledged that in some Contracting States the formal applicant to a return or access application under the Convention may be a State authority (see question 10.3 b) below), please note that the term “**applicant**” is used in the Country Profile as follows:
 - (a) In relation to a *return* application, the term “applicant” denotes the person, institution or other body alleging that their actually exercised rights of custody in relation to a child have been breached by the removal or retention of the child, in accordance with Article 3 of the Convention; and
 - (b) In relation to an *access* application, the term “applicant” denotes the person, institution or other body seeking to establish and / or exercise rights of access in relation to a child under Article 21 of the Convention.
- The term “**abducting party**” or “**alleged abducting party**” in the Country Profile refers to the person, institution or other body who has, or is alleged to have, wrongfully removed or retained a child in accordance with Article 3 of the Convention.

***Hague Convention of 25 October 1980 on the Civil Aspects of
International Child Abduction***

Table of contents

Part I: Central Authorities	7
1 Central Authority contact details.....	7
2 Language requirements.....	8
3 Central Authority operations	8
Part II: Relevant legislation	10
4 International Child Abduction.....	10
4.1 1980 Hague Child Abduction Convention.....	10
4.2 Other agreements on international child abduction.....	10
5 1996 Hague Child Protection Convention	10
Part III: Applications for return	13
6 Applications through Central Authorities	13
6.1 Outgoing applications (requesting State)	13
6.2 Incoming applications (requested State).....	13
7 Locating a child and preventing removal.....	16
8 Legal representation and assistance.....	18
8.1 General	18
8.2 Free or reduced rate legal assistance.....	20
9 Rights of custody.....	22
9.1 Acquisition and exercise of rights of custody.....	22
10 Proceedings for Return.....	22
10.1 Organisation of competent authorities	22
10.2 Articles 15 and 16 of the Convention	23
10.3 Procedures.....	24
10.4 Participation of the child	25
10.5 Protective measures.....	26
10.6 Contact or access during return proceedings	26
10.7 Appeals	26
11 Return of the child.....	29
11.1 Arrangements for return and the costs of return	29
11.2 Provisions for safe return	31
11.3 Criminal law and the return of the child	32
12 Enforcement of return orders	33
Part IV: Applications relating to access	35
13 Applications through Central Authorities	35
13.1 Outgoing applications (requesting State)	35
13.2 Incoming applications (requested State).....	35
14 Locating a child and preventing removal.....	38
15 Legal representation and assistance.....	38
15.1 General	38
15.2 Free or reduced rate legal assistance.....	39
16 Rights of access	40
16.1 Determining rights of access	40
16.2 Exercising rights of access	41
16.3 Supervised access.....	41
17 Proceedings for access / contact.....	42

**1980 Hague Child Abduction Convention
Country Profile**

17.1	Organisation of competent authorities	42
17.2	Procedures	42
17.3	Participation of the child	43
17.4	Appeals	44
18	Enforcement of rights of access	46
Part V: Mediation and other forms of alternative dispute resolution.....		48
19	Mediation	48
19.1	Mediation services.....	48
19.2	Legislation and / or rules on mediation	50
19.3	Access to mediation	50
19.4	The mediation process.....	52
19.5	The enforceability of mediated agreements	56
19.6	Agreements mediated in another State.....	56
20	Other forms of alternative dispute resolution (“ADR”)	57
Part VI: Direct judicial communications		58
21	Direct judicial communications	58
Part VII: Other information		59
22	Training.....	59
23	Other implementing measures	59
24	Other services.....	60

**Hague Convention of 25 October 1980 on the Civil Aspects of
International Child Abduction**

COUNTRY PROFILE

Country Name: **Japan**

Territorial Unit (where applicable):

Last updated: **2022**

Part I: Central Authorities

1 Central Authority contact details																		
<small>Provide the designation and contact details of the Central Authority to which communications may be addressed. Always check < www.hcch.net > then "Child Abduction Section" and "Central Authorities" for the most current contact details.</small>																		
<table style="width: 100%; border: none;"><tr><td style="width: 30%; border: none;">Organisation:</td><td style="border: none;">Hague Convention Division, Consular Affairs Bureau, Ministry of Foreign Affairs</td></tr><tr><td style="border: none;">Address:</td><td style="border: none;">2-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8919 JAPAN</td></tr><tr><td style="border: none;">Territorial and personal extent of functions, if applicable:</td><td style="border: none;"></td></tr><tr><td style="border: none;">Telephone:</td><td style="border: none;">+81-(0)3-5501-8466</td></tr><tr><td style="border: none;">Fax:</td><td style="border: none;">+81-(0)3-5501-8527</td></tr><tr><td style="border: none;">E-mail:</td><td style="border: none;">hagueconventionjapan@mofa.go.jp</td></tr><tr><td style="border: none;">Website:</td><td style="border: none;">http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html</td></tr><tr><td style="border: none;">Contact person(s) and direct contact details (please indicate language(s) of communication):</td><td style="border: none;">Mr TANIGAKI Hiroyasu Director (languages of communication: Japanese, English) Tel.: +81 (0)3-5501-8466</td></tr><tr><td style="border: none;">Preferred method of communication:</td><td style="border: none;"><input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):</td></tr></table>	Organisation:	Hague Convention Division, Consular Affairs Bureau, Ministry of Foreign Affairs	Address:	2-2-1, Kasumigaseki, Chiyoda-ku, Tokyo 100-8919 JAPAN	Territorial and personal extent of functions, if applicable:		Telephone:	+81-(0)3-5501-8466	Fax:	+81-(0)3-5501-8527	E-mail:	hagueconventionjapan@mofa.go.jp	Website:	http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html	Contact person(s) and direct contact details (please indicate language(s) of communication):	Mr TANIGAKI Hiroyasu Director (languages of communication: Japanese, English) Tel.: +81 (0)3-5501-8466	Preferred method of communication:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):
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Preferred method of communication:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):																	
OTHER DESIGNATED CENTRAL AUTHORITIES (IF APPLICABLE)																		
<small>Please attach additional pages if there is more than one designated Central Authority in your State.</small>																		
<table style="width: 100%; border: none;"><tr><td style="width: 30%; border: none;">Organisation:</td><td style="border: none;"></td></tr><tr><td style="border: none;">Address:</td><td style="border: none;"></td></tr><tr><td style="border: none;">Territorial and personal extent of functions, if applicable:</td><td style="border: none;"></td></tr><tr><td style="border: none;">Telephone:</td><td style="border: none;"></td></tr><tr><td style="border: none;">Fax:</td><td style="border: none;"></td></tr><tr><td style="border: none;">E-mail:</td><td style="border: none;"></td></tr></table>	Organisation:		Address:		Territorial and personal extent of functions, if applicable:		Telephone:		Fax:		E-mail:							
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Territorial and personal extent of functions, if applicable:																		
Telephone:																		
Fax:																		
E-mail:																		

Website:	
Contact person(s) and direct contact details (please indicate language(s) of communication):	
Preferred method of communication:	<input type="checkbox"/> Telephone <input type="checkbox"/> Fax <input type="checkbox"/> E-mail <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>):

2 Language requirements	
a) Does the Central Authority prefer applications, communications and other documents sent to them to be accompanied by a translation into the official language(s) of the State? <i>See Article 24</i> <i>See questions 10.3 c) and 17.2 b) below regarding any translation(s) required by the court / administrative authority</i>	<input checked="" type="checkbox"/> Yes, for all communications, applications and other documents. Please specify the official language(s) of the State: Japanese <input type="checkbox"/> Not for informal communications <input type="checkbox"/> No
b) Has your State made a reservation in respect of the use of French or English for communications, applications and other documents sent to the Central Authority? <i>See Article 42</i>	<input type="checkbox"/> Yes, object to English <input checked="" type="checkbox"/> Yes, object to French <input type="checkbox"/> No

3 Central Authority operations	
a) What are the working days and hours of the Central Authority?	Days of the week open: Monday through Friday Opening time: 9:00 a.m. (JST, GMT+9) Closing time: 5:45 p.m. (JST, GMT+9) Shut down periods (<i>e.g.</i> , public holidays, court closures): National holidays and December 29 through January 3 (January 1 is a national holiday). Note: If a national holiday falls on Sunday, the first day which comes after the national holiday and which is not a national holiday shall be a holiday.
b) Can assistance be accessed outside of working hours?	<input type="checkbox"/> Yes (<i>please specify contact details, if different from above</i>): <input type="checkbox"/> For persons in other Convention States: <input type="checkbox"/> For persons in your State: <input checked="" type="checkbox"/> No
c) Does the Central Authority have a dedicated staff who deals <i>only</i> with 1980 Hague Child Abduction Convention applications and related issues?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
d) Please indicate the professions represented in the Central Authority:	<input checked="" type="checkbox"/> Civil servants <input checked="" type="checkbox"/> Civil servants (legal advisors)

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Please note that some individual staff members may fall under more than one category. This question should not be interpreted as an indication of the number of staff members in the Central Authority

- Lawyers
- Social workers
- Mediators
- Other (*please specify*): expert in child psychology, DV support professional

Part II: Relevant legislation

4 International Child Abduction	
4.1 1980 Hague Child Abduction Convention	
a) When did the 1980 Hague Child Abduction Convention enter into force in your State?	Date: April 1, 2014
b) Was implementing legislation necessary for the 1980 Hague Child Abduction Convention to enter into force in your domestic law? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation entered into force: April 1, 2014 • The legislative provision(s) or implementing legislation: Act for Implementation of the Convention on the Civil Aspects of International Child Abduction (available at the website of Japanese Law Translation) <input type="checkbox"/> No
c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1980 Hague Child Abduction Convention? <i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i>	<input checked="" type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation or procedural rules entered into force or effect: April 1, 2014 • The legislative provision(s) or procedural rules: <ul style="list-style-type: none"> • Cabinet Order on Request for Provision of Information relating to Child's Domicile, etc. and Social Background of Child under the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction • Ministerial Ordinance on application for assistance to the Minister for Foreign Affairs pursuant to the Act for Implementation of the Convention on the Civil Aspects of International Child Abduction • Ministerial Ordinance on Measures for the Minister for Foreign Affairs to request the Prefectural Police to take pursuant to Article 5 (3) of the Act for Implementation of Convention on the Civil Aspects of International Child Abduction • Rules of the Supreme Court No.5 of 2013 <input type="checkbox"/> No
4.2 Other agreements on international child abduction	
a) Is your State party to any other international agreements which relate to international child abduction?	<input type="checkbox"/> Yes: <ul style="list-style-type: none"> <input type="checkbox"/> Brussels II a Regulation (Council Regulation (EC) No 2201/2003 of 27 November 2003) <input type="checkbox"/> Inter-American Convention of 15 July 1989 on the International Return of Children <input type="checkbox"/> Bilateral agreements (<i>please specify</i>): <input type="checkbox"/> Non-binding memoranda of understanding (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> No
5 1996 Hague Child Protection Convention	
a) Is your State a Contracting State to the 1996	<input type="checkbox"/> Yes, if so, on what date did the 1996 Hague Child Protection Convention enter into force in your State:

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>Hague Child Protection Convention?</p> <p>Refer to < www.hcch.net > for the status table of the 1996 Hague Child Protection Convention</p>	<input checked="" type="checkbox"/> No
<p>b) Was implementing legislation necessary for the 1996 Hague Child Protection Convention to enter into force in your domestic law?</p> <p><i>Please specify how legislation can be accessed (e.g., website) or attach a copy</i></p>	<input type="checkbox"/> Yes, please specify: <ul style="list-style-type: none"> • The date that the legislation entered into force: • The legislative provision(s) or implementing legislation: <input type="checkbox"/> No

c) Whether implementing legislation was necessary in your State or not, have any (other) legislative provisions or procedural rules been enacted to assist with the effective operation of the 1996 Hague Child Protection Convention?

Please specify how legislation can be accessed (e.g., website) or attach a copy

Yes, please specify:

- The date that the legislation or procedural rules entered into force or effect:
- The legislative provision(s) or procedural rules:

No

Part III: Applications for return

6 Applications through Central Authorities	
6.1 Outgoing applications (requesting State)	
<p>a) What type of assistance is provided to applicants in your State when completing an application for return under the Convention? <i>See Articles 7 and 8</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority <input type="checkbox"/> Assistance from another authority <input type="checkbox"/> Referral to a legal representative <input type="checkbox"/> Other (<i>please specify</i>):</p>
6.2 Incoming applications (requested State)	
<p>a) What form of application does your State require for an incoming application?</p>	<p><input type="checkbox"/> (1) Model Application Form <i>Available at < www.hcch.net > under "Child Abduction Section"</i> Go to question c)</p> <p><input checked="" type="checkbox"/> (2) Form developed by your State Please specify how this form can be accessed (<i>e.g.</i>, website) or attach a copy: Available at < http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html > Go to question c)</p> <p><input type="checkbox"/> Both (1) and (2), go to question c) <input checked="" type="checkbox"/> The form of the requesting State is accepted, go to question c) <input type="checkbox"/> No particular form is required, go to question b) <input type="checkbox"/> Other, go to question b)</p>
<p>b) If your State does not require a particular form of application, what information or documents does your State request? <i>See Article 8</i> <i>Please note that the only information actually required by the Convention (Art. 8) is indicated by a cross in the relevant box</i></p>	<p><input type="checkbox"/> Information concerning the identity of the child: <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents <i>e.g.</i>, nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Information concerning the identity of the applicant: <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child <input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>):</p>

	<p><input type="checkbox"/> Information concerning the identity of the person alleged to have removed or retained the child:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> The grounds upon which the applicant's claim for return of the child is based</p> <ul style="list-style-type: none"> <input type="checkbox"/> Evidence of the applicant's rights of custody <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> The alleged habitual residence of the child, with supporting information <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be</p> <p><input type="checkbox"/> Any other relevant document / information</p> <ul style="list-style-type: none"> <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Evidence of child or other relevant person's right to re-enter the State of the child's habitual residence <input type="checkbox"/> Other (<i>please specify</i>):
<p>c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?</p>	<p><input type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation:</p> <p><input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> No</p>

<p>d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant?</p> <p><i>See Article 28</i></p>	<p><input type="checkbox"/> Yes, the authorisation should be provided:</p> <p><input type="checkbox"/> On the application form</p> <p><input type="checkbox"/> In a signed statement or declaration</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> No</p>
<p>e) Does the Central Authority acknowledge receipt of the application?</p>	<p><input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by:</p> <p><input checked="" type="checkbox"/> E-mail</p> <p><input type="checkbox"/> Facsimile</p> <p><input type="checkbox"/> Post</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input checked="" type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input checked="" type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure the voluntary return of a child allegedly wrongfully removed or retained in accordance with Article 3 of the Convention (hereinafter, simply "the child")?</p> <p><i>Please explain where necessary</i></p> <p><i>See Article 7 c) and Article 10</i></p> <p><i>See also Part V: Mediation and other forms of alternative dispute resolution below</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the alleged abducting party to seek a voluntary return</p> <p><input checked="" type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure the voluntary return of the child (see question h) above)?</p>	<p>Please explain: <i>We send the person who lives together with the child/children pertaining to the Hague Convention application a letter stating that the application has been filed and request the person to contact with us before the deadline we set. Meanwhile, the applicant may be able to file a petition with a family court any time.</i></p>

<p>j) What is the role of the Central Authority in taking or causing to be taken provisional measures to prevent further harm to the child? <i>See Article 7(2) b</i> <i>Refer also to sections 10.5 and 11.2 below</i></p>	<p><input checked="" type="checkbox"/> Alert appropriate agencies where there are concerns that a child is at risk <input type="checkbox"/> Apply directly to authorities for protection orders <input checked="" type="checkbox"/> Refer parties to appropriate agencies <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>k) Can an applicant commence proceedings in your State for the return of the child under the Convention without using the Central Authority channel? <i>See Article 3 and Article 29</i></p>	<p><input checked="" type="checkbox"/> Yes, if so, please explain: Where the applicant can obtain information about commencing proceedings: The applicant can obtain information on website of the Central Authority <http://www.mofa.go.jp/mofaj/gaiko/hague/index.htm>. The applicant may obtain some information from local bar associations or family courts with jurisdiction, in which case, however, only in Japanese. What role, if any, the Central Authority has in these proceedings: We cannot assist the applicant other than providing general information if the application to the Central Authority is not filed. <input type="checkbox"/> No</p>

<h2>7 Locating a child and preventing removal</h2>	
<p><i>For best practice on locating a child and preventing removal, see the Guides to Good Practice under the 1980 Hague Child Abduction Convention available at < www.hcch.net >under "Child Abduction Section" then "Guides to Good Practice". In particular, in relation to preventing removal, see Part III of the Guide to Good Practice on Preventive Measures.</i></p>	
<p>a) Can return proceedings commence before the child is located?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> Yes, in certain circumstances (<i>please specify</i>): <input type="checkbox"/> No</p>
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (<i>e.g.</i>, evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input checked="" type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of the child? <i>Please indicate in the space provided any associated costs for an applicant or any other necessary information</i> <i>See Article 7(2) a)</i></p>	<p><input type="checkbox"/> (1) Private location services: <input checked="" type="checkbox"/> (2) Population register: <input type="checkbox"/> (3) Employment register: <input checked="" type="checkbox"/> (4) Information maintained by other government agencies (<i>e.g.</i>, <i>immigration, social welfare</i>): <input checked="" type="checkbox"/> (5) Police: <input type="checkbox"/> (6) INTERPOL: <input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input checked="" type="checkbox"/> (8) Other (<i>please specify</i>): Establishers of a school, establisher of a international school, establishers of a hospital, water supply operators, electricity utilities, telecommunications carrier and representatives of private body which supports spousal violence victims, etc.</p>
<p>d) Please indicate who is responsible for arranging the measures listed above in question c) by inserting the relevant number next to the</p>	<p>Central Authority: 2, 4, 5, 8 The applicant: The applicant's representative:</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

responsible person or authority <i>E.g.</i> , Central Authority: 2, 3 The applicant's representative: 7	Other (<i>please specify</i>):
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e) Please indicate, by inserting the relevant numbers, which of the measures listed above in question c) need an order from a competent authority?	
f) What measures can be taken in your State to deter the removal or re-abduction of the child? <i>Please explain where necessary</i> <i>Refer also to the Guide To Good Practice, Part III – Preventive Measures, available at < www.hcch.net >, particularly to paragraph 3.1 on barriers to international travel</i>	<input checked="" type="checkbox"/> (1) Child's passport(s) to be deposited with authorities <input type="checkbox"/> (2) Alleged abductor's passport to be deposited with authorities <input checked="" type="checkbox"/> (3) Obtain orders to prevent the removal of the child <input type="checkbox"/> (4) Issuing border and / or port alerts <input type="checkbox"/> (5) Requiring the alleged abductor to report periodically to authorities <input type="checkbox"/> (6) Requiring the alleged abductor to pay a bond / deposit <input type="checkbox"/> (7) Temporary placement of child in institutional care <input type="checkbox"/> (8) Other (<i>please specify</i>):
g) Please indicate who may apply for the measures listed above in question f) by inserting the relevant number next to the responsible person or authority	Central Authority: The applicant: The applicant's representative: Other (<i>please specify</i>): <p>Where there is a risk that either party to the case which is seeking the return of child has the child depart from Japan, either party to the case may file a petition with the family court before which the case seeking the return of child is pending for an order (ne exeat order) against the other party not to have the child depart from Japan.</p> <p>If the respondent of the case on the ne exeat order holds the passport of which the child is the registered holder, the petitioner of the case may file a petition with the family court for a judicial decision in the ne exeat order to order the surrender of the passport to the Minister for Foreign Affairs.</p>
h) Please indicate, by inserting the relevant numbers, which of the measures above in question f) need an order from a competent authority?	1,3

8 Legal representation and assistance	
8.1 General	
a) Has your State made a reservation to Article 26 of the Convention?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) Does the Central Authority provide legal advice regarding return applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> No, however: <ul style="list-style-type: none"> <input checked="" type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input checked="" type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>):
c) Is legal representation required in return	<input type="checkbox"/> Yes

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>proceedings? <i>See Article 25</i> <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> No <input checked="" type="checkbox"/> No, but recommended</p>
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<p>d) What is the role of the Central Authority in arranging legal representation? <i>See Article 7(2) g)</i></p>	<p><input checked="" type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will:</p> <p><input type="checkbox"/> Provide the applicant with a list of lawyers</p> <p><input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): If LBP wants to hire a Japanese lawyer who can speak English for the Hague case, he /she can apply for referral service for lawyer through Japanese Central Authority (JCA) to the Japan Federation of Bar Associations (JFBA). JFBA will give the names of 3 lawyers selected for each case who can represent LBP through JCA.</p> <p><input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary:</p> <p><input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by:</p> <p><input type="checkbox"/> Central Authority lawyers</p> <p><input type="checkbox"/> Private lawyers</p> <p><input type="checkbox"/> Public prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
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8.2 Free or reduced rate legal assistance

<p>a) Is free or reduced rate legal assistance available to an applicant in return proceedings in your State?</p>	<p><input type="checkbox"/> Yes, free legal assistance. Go to question c)</p> <p><input type="checkbox"/> Yes, reduced rate legal assistance. Go to question c)</p> <p><input checked="" type="checkbox"/> No, go to question b)</p>
<p>b) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay</p> <p><input type="checkbox"/> <i>Pro bono</i> legal assistance</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): For applicants who are not financially capable of paying the necessary expenses, Japan Legal Support Center (JLSC) lends some money to pay for such expenses.</p> <p><input type="checkbox"/> Not at all</p> <p>Go to section 9</p>
<p>c) Is the applicant required to complete an application form for free or reduced rate legal assistance?</p>	<p><input type="checkbox"/> Yes, please specify how application forms can be obtained (<i>e.g.</i>, website) or attach a copy:</p> <p><input type="checkbox"/> No</p>
<p>d) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Income of the applicant</p> <p><input type="checkbox"/> Assets of the applicant</p> <p><input type="checkbox"/> Country of residence of the applicant</p> <p><input type="checkbox"/> Likelihood of success of the proceedings</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>e) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> (1) Mediation</p> <p><input type="checkbox"/> (2) Translation</p> <p><input type="checkbox"/> (3) Interpreters</p> <p><input type="checkbox"/> (4) Service of documents</p> <p><input type="checkbox"/> (5) Costs associated with locating the child</p> <p><input type="checkbox"/> (6) Court fees</p> <p><input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c))</p> <p><input type="checkbox"/> (8) Other (<i>please specify</i>):</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

f) Please indicate which costs, if any, are covered by the Central Authority by listing the numbers set out in question e) above?	
g) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question i) <input type="checkbox"/> Yes, free legal assistance; go to question h) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question h) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question h)
h) Is a new application for free or reduced rate legal assistance required for appeals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
i) Is free or reduced rate legal assistance available for proceedings needed to enforce a return order?	<input type="checkbox"/> No, go to question k) <input type="checkbox"/> Yes, free legal assistance; go to question j) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question j) <input type="checkbox"/> It depends upon an assessment of the merits of the case and / or the means of the individual concerned (<i>please specify</i>): Go to question j)
j) Is a new application for free or reduced rate legal assistance required for enforcement applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No
k) Is free or reduced rate legal assistance available to an alleged abducting party located in your State?	<input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance Please specify in what circumstances and on what basis legal assistance will be granted: <input type="checkbox"/> No
l) Where a child is returned to your State, is free or reduced rate legal assistance available to all parties in the custody proceedings in your State?	<input type="checkbox"/> Yes, free legal assistance is available to all parties <input type="checkbox"/> Yes, reduced rate legal assistance is available to all parties Please specify in what circumstances and on what basis legal assistance will be granted: <input type="checkbox"/> Free legal assistance is only available to certain persons (<i>please specify</i>): <input type="checkbox"/> Reduced rate legal assistance is only available to certain persons (<i>please specify</i>): Please specify in what circumstances and on what basis legal assistance will be granted: <input type="checkbox"/> No, free and / or reduced rate legal assistance is not available to any party <input type="checkbox"/> Other (<i>please specify</i>):

9 Rights of custody	
9.1 Acquisition and exercise of rights of custody <i>See Articles 3 and 5</i>	
a) Do rights of custody arise by operation of law in your State? <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	<input checked="" type="checkbox"/> Yes, go to question b) <input type="checkbox"/> No, go to question c)
b) To whom are rights of custody attributed by operation of law? <i>See Articles 3 and 5</i> <i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy</i>	Please explain: It depends on circumstances of the case and provisions of Civil Code applied. The English translation of Civil Code is available at http://www.japaneselawtranslation.go.jp/?re=02 . Generally, however, a child of married parents shall be subject to the parental authority which shall be exercised jointly by the parents. If the parents divorce by agreement or judicial decision, the parents or the court shall decide which of the parents shall have parental authority.
c) By what other methods can a person or institution acquire rights of custody?	<input checked="" type="checkbox"/> Judicial decision <input type="checkbox"/> Administrative decision <input checked="" type="checkbox"/> Agreement having legal effect <input type="checkbox"/> Other (<i>please specify</i>):
d) How, if at all, can the attribution of rights of custody be modified?	<input type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): By judicial decision or agreement having legal effect.
e) How, if at all, can rights of custody be terminated?	<input type="checkbox"/> By order of a judicial or administrative authority <input type="checkbox"/> By written agreement <input type="checkbox"/> It depends upon how the rights of custody were acquired (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): By judicial decision or agreement having legal effect.
f) Prior to any order determining the issue, who <i>generally</i> has the right to determine the child's residence?	Please explain: A person who exercises parental authority shall determine residence of the child (Civil Code Art 821).

10 Proceedings for Return	
10.1 Organisation of competent authorities	
a) Does your State limit the number of judicial or administrative authorities who can hear return applications under the Convention? <i>(i.e., has your State "concentrated jurisdiction" in respect of applications under the Convention)</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear return applications under the Convention?	Courts / administrative authorities: 2 courts (The case seeking the return of child shall be subject to the jurisdiction of the Tokyo Family Court or the Osaka Family Court depending on the domicile of the child.) Judges / decision-makers: A certain number of judges who belong to the two family courts.

c) Please list the judicial or administrative authorities that can make decisions in return applications under the Convention	The Tokyo Family Court and the Osaka Family Court
d) Are the judges or administrative authorities who decide return applications in your State specialists in either family law or international child abduction? <i>See also section 22 on Training below</i>	<input checked="" type="checkbox"/> Yes, specialists in family law <input type="checkbox"/> Yes, specialists in international child abduction <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
e) In ascertaining whether there has been a wrongful removal or retention under the Convention, do judicial or administrative authorities in your State take judicial notice of foreign law and decisions without recourse to the specific procedures for the proof of that law or for the recognition of foreign decisions which would otherwise be applicable in ascertaining whether there has been a wrongful removal or wrongful retention? <i>See Article 14</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
10.2 Articles 15 and 16 of the Convention	
a) In your State is it possible for a decision or other determination to be made, in accordance with Article 15 of the Convention, that the removal or retention of a child was wrongful within the meaning of Article 3? <i>See Article 3 and Article 15</i>	<input type="checkbox"/> Yes, go to question b) <input checked="" type="checkbox"/> No, go to question e)
b) Which authorities in your State can issue Article 15 decisions / determinations? <i>See Article 15</i>	Please list:
c) Who can apply for an Article 15 decision / determination?	<input type="checkbox"/> Central Authority <input type="checkbox"/> The applicant in the return proceedings <input type="checkbox"/> Other (<i>please specify</i>):
d) Are Article 15 decisions / determinations of other States accepted by the judicial or administrative authorities in your State?	<input checked="" type="checkbox"/> Yes, <i>please explain if necessary</i> : <input type="checkbox"/> No
e) Who notifies the relevant judicial or administrative bodies that a decision on the merits of rights of custody should not be made until it has been determined that the child should not be returned? <i>See Article 16</i>	<input checked="" type="checkbox"/> Central Authority <input type="checkbox"/> The applicant's legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): The family court before which the case seeking the return of child is pending.
f) When does notification in accordance with Article 16 take place?	<input type="checkbox"/> Automatically upon receipt of a return application <input type="checkbox"/> Upon request of either party <input checked="" type="checkbox"/> Other (<i>please specify</i>): As soon as the Central Authority, or the family court before which the case seeking the return of child is pending becomes aware that another court is hearing a custody matter with regard to the same child as in the Convention proceedings, the Central Authority or the family court will notify the court hearing the custody matter that a decision on the rights of custody should not be made until the Hague case has been resolved.

10.3 Procedures	
<p>a) How does the Central Authority fulfil its obligation to initiate or facilitate the initiation of proceedings in your State?</p> <p><i>See Article 7(2) f)</i></p> <p><i>See also question 8.1 d) above</i></p>	<p><input type="checkbox"/> The Central Authority itself initiates the proceedings for return</p> <p><input type="checkbox"/> The Central Authority sends the file to an appropriate lawyer</p> <p><input type="checkbox"/> The Central Authority sends the file to the Public Prosecutor</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The Central Authority will provide information that is of a general nature about laws and procedures.</p>
<p>b) Who is the formal applicant in return proceedings before the court / administrative authority in your State?</p>	<p><input checked="" type="checkbox"/> The person, institution or other body which made the application under the Convention</p> <p><input type="checkbox"/> The Central Authority</p> <p><input type="checkbox"/> The Public Prosecutor</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State?</p> <p><i>See question 2 a) for the official language(s) of the State</i></p>	<p><input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: The parties are responsible for the translation. However, as for documentation submitted to the court, both parties can use translation service commissioned by the Central Authority at no charge, subject to budget availability.</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):</p>
<p>d) Have measures been taken to ensure that the judicial and administrative authorities in your State act expeditiously in return proceedings?</p> <p><i>See Article 11</i></p>	<p><input checked="" type="checkbox"/> Yes, please explain briefly what the measures are:</p> <p><input checked="" type="checkbox"/> In the implementing legislation: Act for Implementation Art 151.</p> <p><input checked="" type="checkbox"/> In procedural rules:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p>Please specify how the legislation or rules can be obtained (<i>e.g.</i>, website) or attach a copy: http://www.japaneselawtranslation.go.jp/?re=02.</p> <p><input type="checkbox"/> No</p>
<p>e) Generally, what is the expected time from the commencement of the proceedings for return to a final order (excluding appeals)?</p> <p><i>See Article 11</i></p>	<p><input type="checkbox"/> Up to 6 weeks</p> <p><input type="checkbox"/> 6 to 12 weeks</p> <p><input type="checkbox"/> More than 12 weeks (<i>please provide further information</i>):</p>
<p>f) Is the applicant generally required to participate in the return proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input checked="" type="checkbox"/> No, but advisable</p> <p><input type="checkbox"/> No</p>
<p>g) Are facilities available to enable the applicant to participate in return proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes:</p> <p><input type="checkbox"/> Video-conference</p> <p><input type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>
<p>h) If the applicant does participate in return proceedings in your State, is simultaneous interpretation available, where necessary?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input type="checkbox"/> It depends upon the circumstances of the case (<i>please specify</i>):</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>i) Where the facilities set out in question 10.3 g) and h) above are required, who is responsible for the cost of providing such facilities?</p>	<p><input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): The court decides whether the applicant or the respondent to the case is responsible for the cost.</p>
<p>j) Can special immigration arrangements (<i>e.g.</i>, visas) be made to enable the applicant to attend return proceedings in person if he / she so wishes?</p>	<p><input checked="" type="checkbox"/> Yes (<i>please specify</i>): We do not make "special immigration arrangements," but if the person wishes to enter Japan for the purpose of attending judicial proceedings, entry into and residence in Japan is usually permitted as long as it is necessary. <input type="checkbox"/> No</p>
<p>k) Is it possible for a return application to be decided solely on the basis of the papers <i>i.e.</i>, with no court (or administrative authority) hearing at all?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> Yes, but it is unlikely <input checked="" type="checkbox"/> No, there will always be a hearing</p>
<p>l) Can oral evidence (<i>i.e.</i>, in-person evidence) be received in return proceedings?</p>	<p><input type="checkbox"/> Yes, oral evidence will always be received in return proceedings <input checked="" type="checkbox"/> Yes, oral evidence can be received in return proceedings but in limited circumstances only (<i>please specify</i>): such as if the family court deems it necessary to conduct an examination of such oral evidence. <input type="checkbox"/> No, oral evidence can never be received in return proceedings</p>
<p>10.4 Participation of the child</p>	
<p>a) Does the child have an opportunity to be heard in return proceedings in your State?</p>	<p><input type="checkbox"/> Yes, in every case; go to question b) <input checked="" type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary</i>: Go to question b) <input type="checkbox"/> Only where Article 13(2) is relied upon; go to question b) <input type="checkbox"/> Other (<i>please specify</i>): Go to question b) <input type="checkbox"/> No, never. Go to section 10.5</p>
<p>b) How is the child heard in return proceedings?</p>	<p><input checked="" type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input checked="" type="checkbox"/> Child's own legal representative <input checked="" type="checkbox"/> Other (<i>please specify</i>): Report by the Family Court Investigating Officer</p>
<p>c) How does your State ensure that no undue delay results from hearing the child in the course of return proceedings?</p>	<p><i>Please explain:</i></p>
<p>d) Can judicial or administrative authorities appoint a legal representative (<i>attorney or guardian ad litem</i>) to represent the child's best interests in return proceedings?</p>	<p><input checked="" type="checkbox"/> Yes, please specify under what circumstances: Where the child intends to perform procedural acts, and when the presiding judge finds it necessary, he/she may, upon petition or by his/her own authority, appoint an attorney at law as a counsel. <input type="checkbox"/> No</p>

10.5 Protective measures	
<p>a) Where there are concerns about the care being given to a child in your State, which authorities provide services for the assessment and protection of the child?</p> <p><i>Please provide additional information if necessary</i></p> <p><i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i></p>	<p><input checked="" type="checkbox"/> Government social / welfare agency: Child Guidance Center</p> <p><input type="checkbox"/> Non-governmental organisations / agencies:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input checked="" type="checkbox"/> Police: If necessary.</p> <p><input type="checkbox"/> Courts:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) What measures are available to ensure the protection of a child in your State (both prior to the initiation of return proceedings and whilst return proceedings are ongoing)?</p>	<p><input type="checkbox"/> 1. Injunctive orders can be placed on the alleged abducting party prohibiting certain forms of conduct <i>e.g.</i>, violence, drinking <i>etc.</i></p> <p><input checked="" type="checkbox"/> 2. Placement of the child in foster care</p> <p><input checked="" type="checkbox"/> 3. Placement of the child in State care</p> <p><input checked="" type="checkbox"/> 4. Supervision of the alleged abducting party's care of the child by a social / welfare agency</p> <p><input type="checkbox"/> 5. Other (<i>please specify</i>):</p>
<p>c) Which of the above measures require a court order? Please list the relevant numbers from question 10.5 b) above</p>	<p>All of the measures require a decision made by a director of a child guidance center.</p>
<p>d) Who is responsible for applying for any protective measure requiring a court order? Please list next to the relevant individual or body the number of the measure from question b) above, which they are required to apply for</p> <p><i>On the role of the Central Authority in this respect, see also question 6.2 j) above</i></p>	<p><input type="checkbox"/> The applicant:</p> <p><input type="checkbox"/> The requesting Central Authority:</p> <p><input type="checkbox"/> The requested Central Authority:</p> <p><input type="checkbox"/> The Public Prosecutor:</p> <p><input type="checkbox"/> The judge (<i>ex officio</i>):</p> <p><input checked="" type="checkbox"/> A government social / welfare agency:</p> <p><input type="checkbox"/> The police:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
10.6 Contact or access during return proceedings	
<p>a) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of the child while return proceedings are pending?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
10.7 Appeals	
<p>a) Can a decision in return proceedings be appealed?</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> Only in certain circumstances (<i>please specify</i>):</p> <p>If either of the boxes above are ticked, please specify how many levels of appeal exist and to which court(s) / authority(ies) an appeal may be made: Two levels of appeal.</p> <p>The first level of appeal (immediate appeal) may be filed against a final order made in a family court to either of the Tokyo High Court or the Osaka High Court.</p> <p>The second level of appeal may be filed against a final order made in a high court to the Supreme Court, where the final order contains misconstruction or violation of the Constitution (special appeal) or where the final order involves material matters concerning the construction of laws and regulations, and the high court permits the appeal (appeal with permission).</p> <p><input type="checkbox"/> No, go to section 11</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

<p>b) Is there an expedited procedure or special process of appeal for Hague return cases?</p> <p><i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i></p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Who can initiate the appeal process?</p>	<p><input checked="" type="checkbox"/> Either party to the proceedings</p> <p><input type="checkbox"/> Central Authority</p> <p><input type="checkbox"/> Public Prosecutor</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): A child may file an immediate appeal against a final order to order his/her return.</p>
<p>d) Is leave to appeal required?</p>	<p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p> <p><input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): Permission by the high court is required to file AN APPEAL WITH PERMISSION.</p>
<p>e) If a return order is made, can it be suspended (<i>i.e.</i>, "stayed") pending an appeal?</p>	<p><input checked="" type="checkbox"/> Yes, a return order is <i>automatically</i> suspended pending an appeal</p> <p><input type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party</p> <p><input checked="" type="checkbox"/> Yes, a return order can be suspended pending an appeal at the request of either party <u>and</u> after determination by the judge / authority</p> <p><input type="checkbox"/> No</p>
<p>f) Is there a time limit by which an appeal must be filed in return proceedings?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p>The time limit: i) 2 weeks for immediate appeal ii) 5days for special appeal iii) 5days for appeal with permission .</p> <p>From when the time limit starts to run (<i>e.g.</i>, from the date of judgment, from the date of the order, from the date the decision was notified to the parties <i>etc.</i>): i) Immediate appeal; for a party or an intervening child, it shall commence to run from the time when they are notified of the final order. For a child (excluding an intervening child), it shall commence to run from the time when a party is notified of the final order (when there are two or more dates, the latest date among them).</p> <p>ii) Special appeal; the appeal against a final order made by high court shall be filed within an unextendable period of five days from the day on which a notice of the judicial decision is received.</p> <p>iii) Appeal with permission; same as the special appeal.</p> <p><input type="checkbox"/> No</p>
<p>g) Generally, what is the expected time within which appeals are filed and decided?</p>	<p><input type="checkbox"/> Up to 3 months</p> <p><input type="checkbox"/> 3 to 6 months</p> <p><input type="checkbox"/> Longer than 6 months</p>
<p>h) Is the applicant generally required to participate in the appeal proceedings?</p> <p><i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i></p>	<p><input type="checkbox"/> Yes, please specify in what circumstances:</p> <p><input type="checkbox"/> No, but advisable</p> <p><input checked="" type="checkbox"/> No</p>
<p>i) Are facilities available to enable the applicant to attend appeal proceedings from outside your State?</p>	<p><input checked="" type="checkbox"/> Yes, please specify:</p> <p><input type="checkbox"/> Video-conference</p> <p><input type="checkbox"/> Telephone</p> <p><input checked="" type="checkbox"/> Through a legal representative</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
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j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): The court decides whether the applicant or the respondent to the case is responsible for the cost.
l) Can special immigration arrangements (<i>e.g.</i> , visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): We do not make "special immigration arrangements," but if the person wishes to enter Japan for the purpose of attending judicial proceedings, entry into and residence in Japan is usually permitted as long as it is necessary. <input type="checkbox"/> No

11 Return of the child

11.1 Arrangements for return and the costs of return

a) Who is responsible for making travel arrangements for the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input checked="" type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The judicial or administrative authority will direct who is to make arrangements on a case-by-case basis. Please explain if necessary: <input type="checkbox"/> Other (<i>please specify</i>):
b) Who is responsible for the travel costs relating to the return of the child?	<input type="checkbox"/> The abducting party <input type="checkbox"/> The applicant <input type="checkbox"/> The abducting party and the applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The costs are decided by the judicial or administrative authority on a case-by-case basis. Please explain if necessary: <input checked="" type="checkbox"/> Other (<i>please specify</i>): If the return of the child is ordered by a court, the abducting party is responsible for the travel costs. If the parties agree to return the child, it is decided based on their agreement who is responsible for the travel costs.
c) Is there financial assistance available in your State to assist with travel costs associated with the return of the child? <i>See also question 8.2 e)</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
d) Can special immigration arrangements (<i>e.g.</i> , visas) be made, where necessary, to enable an applicant to travel to your State to collect a child (following a return order or a voluntary agreement to return the child)?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No Please explain, if necessary: We do not make "special immigration arrangements," but if the person wishes to enter Japan for the purpose of visiting his/her relatives,

	entry into Japan is generally permitted under status of residence "Temporary Visitor."
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<p>e) Can special immigration arrangements (e.g., visas) be made, where necessary, for abducting parties and children returning to your State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain, if necessary: If the abducting parties and children wish to enter Japan, residence in Japan is permitted as long as it is necessary in light of the purpose of the entry, the content of their activities, etc.</p>
<p>11.2 Provisions for safe return</p>	
<p><i>See also: Article 7(2) b)</i></p> <p>Part VI: Direct judicial communications</p> <p><i>Section 6: Applications through Central Authorities</i></p>	
<p>a) Does the law in your State provide for the protection of children from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: http://www.mhlw.go.jp/bunya/kodomo/dv26/ (only Japanese is available)</p> <p><input type="checkbox"/> No</p>
<p>b) Does the law in your State provide for the protection of adults from domestic violence or other forms of abuse?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how legislation can be accessed (e.g., website) or attach a copy: http://www.gender.go.jp/e-vaw/law/sv.pdf (Act No. 31 of 2001)</p> <p><input type="checkbox"/> No</p>
<p>c) Which authorities provide services for the protection, if necessary, of the child?</p> <p><i>Please provide additional information if necessary</i></p>	<p><input checked="" type="checkbox"/> Government social / welfare agency: Child Guidance Center</p> <p><input type="checkbox"/> Non-governmental organisations:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input checked="" type="checkbox"/> Police:</p> <p><input type="checkbox"/> Courts:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) What action can the Central Authority in your State take, where necessary, to ensure the safe return of the child?</p> <p><i>See Article 7(2) h)</i></p>	<p>Please explain: The JCA will notify the CA of the requesting State when a return of the child is decided. Also, the JCA will work with parents to facilitate cooperation; refer to police, border authorities, airline companies, etc., if necessary.</p>
<p>Requested State</p>	
<p>e) Where a judge or administrative authority in your State is ordering the return of the child, what can the authority do to create conditions for a safe return?</p> <p><i>Please explain where necessary</i></p> <p><i>Please tick all boxes which apply</i></p>	<p><input type="checkbox"/> Make a protective order or other order designed to prevent harm occurring to the child</p> <p><input type="checkbox"/> Accept undertakings from either party designed to prevent harm occurring to the child Please specify the subject-matter of, and any limitations on, the undertakings the authority can accept:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): See d).</p>
<p>f) Where a judge or administrative authority in your State takes measures to create conditions for a safe return, what can the authority do to ensure compliance with those measures?</p>	<p><i>Please specify:</i></p>

Requesting State	
<p>g) Can judicial or administrative authorities in your State:</p> <p>i. Recognise and enforce protective orders or other orders made in the requested State designed to prevent harm occurring to the child?</p> <p>ii. Insist upon undertakings given in the requested State being carried out?</p> <p>iii. Make any "mirror orders" necessary as a result of protective measures taken in the requested State?</p>	<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>Please explain where necessary: A final and binding judgment rendered by a foreign court shall be effective only where it meets all of the following requirements:</p> <p>(i) The jurisdiction of the foreign court is recognized under laws or regulations or conventions or treaties.</p> <p>(ii) The defeated defendant has received a service (excluding a service by publication or any other service similar thereto) of a summons or order necessary for the commencement of the suit, or has appeared without receiving such service.</p> <p>(iii) The content of the judgment and the court proceedings are not contrary to public policy in Japan.</p> <p>(iv) A mutual guarantee exists. (Article 118 of Code of Civil Procedure)</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> It depends upon the subject-matter of the undertakings given</p> <p>Please explain where necessary:</p> <p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>Please explain where necessary:</p>
11.3 Criminal law and the return of the child	
<p>a) Is the wrongful <i>removal</i> of a child by a parent from your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> It depends upon the circumstances of the case, please specify: Article 224 (Kidnapping of Minors) of Penal Code may apply to a case of wrongful removal of a child.</p> <p>Article 224 stipulates that "A person who kidnaps a minor by force or enticement shall be punished by imprisonment with work for not less than 3 months but not more than 7 years".</p> <p><input type="checkbox"/> No</p>
<p>b) Is the wrongful <i>retention</i> of a child by a parent outside your State a criminal offence?</p> <p><i>See Article 3</i></p> <p><i>Please specify the relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation</i></p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> It depends upon the circumstances of the case, please specify: Article 220 (Unlawful Capture and Confinement) along with Article 3 (Exterritorial Jurisdiction when offender is Japanese national) and 3-2 (Exterritorial Jurisdiction when victim is Japanese national) of Penal Code may apply to a case of wrongful retention of a child outside State.</p> <p>Article 220 stipulates that "A person who unlawfully captures or confines another shall be punished by imprisonment with work for not less than 3 months but not more than 7 years".</p> <p><input type="checkbox"/> No</p> <p>If the answer to both question 11.3 a) and b) is "no", go to section 12</p>

c) What penalties are available for the wrongful removal or wrongful retention of a child by a parent?	<input type="checkbox"/> (1) Pecuniary measures <input checked="" type="checkbox"/> (2) Imprisonment <input type="checkbox"/> (3) Other (<i>please specify</i>):
d) Please indicate which of the penalties listed above are mandatory	N/A
e) Can criminal proceedings in your State proceed without a complaint being presented (<i>e.g.</i> , by the applicant to the return proceedings or any other concerned person / body)?	<input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No, please specify: As for Kidnapping of Minors, the indictment will not be brought without a complaint (Article 229 of Penal Code). On the other hand, the complaint is unnecessary to indict the offender of Unlawful Capture and Confinement.
f) Once initiated, can criminal proceedings in your State be withdrawn or suspended to facilitate the return of a child?	<input checked="" type="checkbox"/> Yes, please specify: Criminal proceedings will NOT be withdrawn or suspended to facilitate the return of a child. However, a complaint may be withdrawn at any time before the institution of indictment by the complainant according to the Code of Criminal Procedure (Paragraph 1 of Article 237). Consequently, once a complaint is withdrawn, no indictment will be brought in case of Kidnapping of Minors. For reference, prosecuting authority may defer to dispose the case until the return of the child. <input checked="" type="checkbox"/> No, go to section 12
g) Who is able to initiate the withdrawal or suspension of criminal proceedings relating to the wrongful removal or wrongful retention of a child?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input checked="" type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
h) Who will determine whether the criminal proceedings are to be withdrawn or suspended?	<input checked="" type="checkbox"/> Prosecuting authority <input type="checkbox"/> Police <input type="checkbox"/> The person / body / institution alleging a wrongful removal or retention <input type="checkbox"/> Judicial or administrative authority <input type="checkbox"/> Other (<i>please specify</i>):
i) What assistance can the Central Authority provide regarding the suspension or withdrawal of criminal proceedings?	<input type="checkbox"/> None <input type="checkbox"/> Refer the matter to prosecuting authority <input checked="" type="checkbox"/> Other (<i>please specify</i>): Refer the matter to LBP and/or relevant authority.

12 Enforcement of return orders

For best practice in relation to the enforcement of return orders, see the Guide to Good Practice, Part IV – Enforcement available at < www.hcch.net > under “Child Abduction Section” then “Guides to Good Practice”.

a) What procedure may be used to enforce a return order?	<input type="checkbox"/> Directions by a judicial or administrative authority to make arrangements for return <input type="checkbox"/> Measures for the immediate execution of final orders <input type="checkbox"/> Issue of a warrant for the apprehension or detention of the child <input type="checkbox"/> Authority for coercive detention or use of force <input checked="" type="checkbox"/> Other (<i>please specify</i>): Indirect compulsory execution (the method in which the execution court orders the obligor to pay a certain amount of money) and execution by substitute of the return of child
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	(the method in which a court execution officer and a "return implementer" carry out the release and return of the child).
b) Who is generally responsible for exercising supervision over the process of enforcement?	<input type="checkbox"/> The applicant <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input checked="" type="checkbox"/> The court / administrative authority <input type="checkbox"/> Police <input type="checkbox"/> No one body has general responsibility <input type="checkbox"/> Other (<i>please specify</i>):
c) Where parties do not voluntarily comply with a return order, is it necessary to commence additional proceedings to enforce the order?	<input checked="" type="checkbox"/> Yes, go to question d) <input type="checkbox"/> It depends on the circumstances (<i>please specify</i>): Go to question d) <input type="checkbox"/> No, go to Part IV: Applications relating to access
d) What is the procedure to commence enforcement proceedings?	<input type="checkbox"/> The Central Authority will apply for enforcement <input checked="" type="checkbox"/> The applicant must apply for enforcement <input type="checkbox"/> Other (<i>please specify</i>):
e) Can the merits of the proceedings for return be reviewed in enforcement proceedings?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
f) What coercive measures, if any, are available to enforce a return order?	<input type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare</i>) <input type="checkbox"/> Removal of the child from the abducting party <input type="checkbox"/> Removal of the child from the State <input type="checkbox"/> Criminal charges <input type="checkbox"/> Imprisonment <input type="checkbox"/> Pecuniary measures <input type="checkbox"/> An order placing the child under supervision <input checked="" type="checkbox"/> Other (<i>please specify</i>): See a).

Part IV: Applications relating to access

13 Applications through Central Authorities	
13.1 Outgoing applications (requesting State)	
<p>a) What assistance is available to applicants in your State in the preparation of outgoing access applications? <i>See Articles 7 and 21</i></p>	<p><input checked="" type="checkbox"/> Assistance from the Central Authority to apply under Article 21</p> <p><input type="checkbox"/> Assistance from another authority or body to apply under Article 21</p> <p><input type="checkbox"/> Referral to a legal representative for assistance to apply under Article 21</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
13.2 Incoming applications (requested State)	
<p>a) Has your State developed a specific form for access applications under the Convention?</p>	<p><input checked="" type="checkbox"/> Yes Please specify how this form can be accessed (<i>e.g.</i>, website) or attach a copy: The applicant can obtain form on website of the Central Authority of Japan <http://www.mofa.go.jp/fp/hr_ha/page22e_000249.html> Go to question c)</p> <p><input type="checkbox"/> No, go to question b)</p>
<p>b) If your State does not require a particular form for access applications, what information or documents are requested?</p>	<p><input type="checkbox"/> Information concerning the identity of the child:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth, where available <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Information identifying the child's parents <i>e.g.</i>, nationalities – where a parent is not the applicant or respondent to proceedings (<i>please specify</i>): <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> Information concerning the identity of the applicant:</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number <input type="checkbox"/> Nationality / Nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Relationship of the applicant to the child <input type="checkbox"/> Name(s) of legal adviser, if any <input type="checkbox"/> Other (<i>please specify</i>): <p><input type="checkbox"/> Information concerning the identity of the person with whom the child is presumed to be (the proposed respondent to the application):</p> <ul style="list-style-type: none"> <input type="checkbox"/> Name and previous name/s <input type="checkbox"/> Date of birth <input type="checkbox"/> Address <input type="checkbox"/> Telephone number

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> Nationality / nationalities <input type="checkbox"/> Passport number(s) <input type="checkbox"/> Physical description (height, eye and hair colour) <input type="checkbox"/> Photograph (as recent as possible) <input type="checkbox"/> Relationship of the person to the child <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> The grounds upon which the applicant's claim for access to the child is based <input type="checkbox"/> Evidence of the applicant's rights of access (whether obtained by operation of law, or otherwise) <input type="checkbox"/> An authenticated copy of any relevant decision or agreement <input type="checkbox"/> A certificate or an affidavit emanating from the Central Authority, or other competent authority of the State of the child's habitual residence, or from a qualified person, concerning the relevant law of that State <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> All available information relating to the whereabouts of the child and the identity of the person with whom the child is presumed to be <input type="checkbox"/> Any other relevant document / information <input type="checkbox"/> Concerning any child protection issues <input type="checkbox"/> Marriage certificate (if applicable) <input type="checkbox"/> Divorce decree (if applicable) <input type="checkbox"/> Civil and / or criminal proceedings in progress (if applicable) <input type="checkbox"/> Other (<i>please specify</i>):
c) Does your Central Authority accept an application and accompanying documentation transmitted by electronic means?	<input type="checkbox"/> Yes, please specify any requirements for electronically transmitted applications / documentation: <input type="checkbox"/> Yes, but any documentation sent electronically is not accepted by the court / administrative authority (<i>please specify</i>): <input checked="" type="checkbox"/> No
d) Does the Central Authority require a written authorisation empowering it or a designated representative (e.g., <i>lawyer</i>) to act on behalf of the applicant? <i>See Article 28</i>	<input type="checkbox"/> Yes, the authorisation should be provided: <input type="checkbox"/> On the application form <input type="checkbox"/> In a signed statement or declaration <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> No
e) Does the Central Authority acknowledge receipt of the application?	<input checked="" type="checkbox"/> Yes, acknowledgment generally is provided by: <input checked="" type="checkbox"/> E-mail <input type="checkbox"/> Facsimile <input type="checkbox"/> Post <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No

<p>f) Can the Central Authority proceed with an application where the information provided is incomplete?</p>	<p><input type="checkbox"/> Yes, the Central Authority will begin processing the application and will immediately inform the requesting Central Authority of what additional information is required to complete the request</p> <p><input checked="" type="checkbox"/> No:</p> <p><input type="checkbox"/> The Central Authority will not process an application without all of the necessary supporting documentation</p> <p><input checked="" type="checkbox"/> The Central Authority is unable to process the application but will immediately inform the requesting Central Authority of what additional information is required before further action can be taken</p> <p><input type="checkbox"/> It depends upon what type of information is missing (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>g) Who does the Central Authority prefer to communicate with in incoming applications?</p>	<p><input checked="" type="checkbox"/> The requesting Central Authority</p> <p><input type="checkbox"/> The applicant</p> <p><input type="checkbox"/> The applicant's legal representative</p> <p><input type="checkbox"/> All of the above</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>h) What measures are taken by the Central Authority (directly, or through an intermediary) to attempt to secure agreement between parties in international access cases?</p> <p><i>See Article 21</i></p> <p><i>See Part V: Mediation and other forms of alternative dispute resolution</i></p>	<p><input checked="" type="checkbox"/> Contact is made with the respondent to the application</p> <p><input checked="" type="checkbox"/> Mediation and / or other forms of alternative dispute resolution are offered to the parties (see Part V: Mediation and other forms of alternative dispute resolution)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>i) How is it ensured that no undue delay results from the measures taken, or attempted, to secure an agreement between parties in international access cases (see question h) above)?</p>	<p><i>Please explain: We send the person who lives together with the child/children pertaining to the Hague Convention application a letter stating that the application has been filed and the request the person to contact with us before deadline we set. Meanwhile, the applicant may be able to file a petition with a family court any time.</i></p>
<p>j) What general assistance can be provided by the Central Authority in respect of arrangements for rights of access?</p> <p><i>See Article 21</i></p>	<p><input checked="" type="checkbox"/> The Central Authority can facilitate contact with the parties:</p> <p><input checked="" type="checkbox"/> Directly through the Central Authority</p> <p><input type="checkbox"/> Through intermediaries</p> <p><input checked="" type="checkbox"/> The Central Authority can provide information to the applicant on services available, e.g., mediation, legal services, social welfare services (<i>please specify</i>):</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>k) Will the Central Authority's assistance depend on:</p> <p><i>See paragraph 4.6 of the General Principles and Guide to Good Practice on Transfrontier Contact Concerning Children (available at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice") recommending that Central Authorities should make their services available in all cases where cross-frontier contact rights of parents and children are in issue</i></p>	<p><input type="checkbox"/> Existence of a judicial or administrative order establishing or confirming rights of access</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Act for Implementation</p>

<p>l) Can an applicant commence proceedings in your State with respect to access without using the Central Authority channel?</p>	<p><input checked="" type="checkbox"/> Yes; if so, please explain: Where an applicant can obtain information about commencing proceedings: The applicant can obtain information on website of the Central Authority <http://www.mofa.go.jp/mofaj/gaiko/hague/index.htm>. The applicant may obtain some information from local bar associations or family courts with jurisdiction, in which case, however, only in Japanese. What role, if any, the Central Authority has in these proceedings: We cannot assist the applicant other than providing general information if the application to the Central Authority is not filed.</p> <p><input type="checkbox"/> No</p>
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14 Locating a child and preventing removal

<p>a) Are the responses to the questions in this section the same as for applications for return (see section 7)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 15 <input type="checkbox"/> No, continue to question b)</p>
<p>b) What evidence / information does your State require regarding the child's whereabouts to begin to assist with locating the child? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Evidence that the child entered your State (e.g., evidence that the child boarded an aeroplane bound for your State): <input type="checkbox"/> Information from the applicant as to why he / she believes the child is in your State: <input type="checkbox"/> No information or evidence is required; searches for the child can begin upon request: <input type="checkbox"/> Other (<i>please explain</i>):</p>
<p>c) What mechanisms or sources of information are available in your State to discover the whereabouts of a child who is the subject of an access application? <i>Please indicate in the space provided any associated costs for the applicant or any other necessary information</i></p>	<p><input type="checkbox"/> (1) Private location services: <input type="checkbox"/> (2) Population register: <input type="checkbox"/> (3) Employment register: <input type="checkbox"/> (4) Information maintained by other government agencies (e.g., <i>immigration, social welfare</i>): <input type="checkbox"/> (5) Police: <input type="checkbox"/> (6) INTERPOL: <input type="checkbox"/> (7) Court orders to compel the production of information on the whereabouts of the child: <input type="checkbox"/> (8) Other (<i>please specify</i>):</p>
<p>d) Please indicate who is responsible for arranging the measures indicated above in question c) by listing the relevant number next to the responsible person or authority <i>E.g., Central Authority: 2, 3 The applicant's representative: 6</i></p>	<p>Central Authority: The applicant: The applicant's representative: Other (<i>please specify</i>):</p>
<p>e) Please indicate by listing numbers which of the measures above in question c) need an order from a competent authority?</p>	

15 Legal representation and assistance

15.1 General

<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 15.2 <input type="checkbox"/> No, continue to question b)</p>
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<p>b) Does the Central Authority provide legal advice regarding access applications?</p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> No, however: <input type="checkbox"/> The Central Authority will refer the applicant to the appropriate person or authority to obtain legal advice <input type="checkbox"/> The Central Authority will provide information that is of a general nature about laws and procedures <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Is legal representation needed in access proceedings? <i>Please explain where necessary</i></p>	<p><input type="checkbox"/> Yes <input type="checkbox"/> No, but advisable <input type="checkbox"/> No</p>
<p>d) What is the role of the Central Authority in making arrangements to progress the application? <i>See Article 7(2) g)</i></p>	<p><input type="checkbox"/> The applicant is required to make his / her own arrangements for legal representation, but the Central Authority will: <input type="checkbox"/> Provide the applicant with a list of lawyers <input type="checkbox"/> Provide the applicant with a list of free or reduced rate lawyers <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Legal representation is not required. The Central Authority ensures the application is forwarded to the competent authority for action. Please provide additional information if necessary: <input type="checkbox"/> Legal representation is arranged by the Central Authority. Representation is provided by: <input type="checkbox"/> Central Authority lawyers <input type="checkbox"/> Private lawyers <input type="checkbox"/> Public prosecutor <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>15.2 Free or reduced rate legal assistance</p>	
<p>a) Are the responses to the questions in this section the same as for applications for return (see section 8.2)?</p>	<p><input checked="" type="checkbox"/> Yes, go to section 16 <input type="checkbox"/> No, go to question b)</p>
<p>b) Is free or reduced rate legal assistance for access applications available for applicants located in another Contracting State?</p>	<p><input type="checkbox"/> Yes, free legal assistance; go to question d) <input type="checkbox"/> Yes, reduced rate legal assistance; go to question d) <input type="checkbox"/> No; go to question c)</p>
<p>c) If free or reduced rate legal assistance is <u>not</u> available, in what other ways can your State assist an applicant financially?</p>	<p><input type="checkbox"/> There is a system of costs ordering the respondent to pay <input type="checkbox"/> <i>Pro bono</i> legal assistance <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> Not at all Go to section 16</p>
<p>d) Is the applicant required to complete an application form for free or reduced rate legal assistance?</p>	<p><input type="checkbox"/> Yes. Please specify how application forms can be obtained (<i>e.g.</i>, website) or attach a copy: <input type="checkbox"/> No</p>

e) Please indicate on what basis free or reduced rate legal assistance may be available <i>Please explain where necessary</i>	<input type="checkbox"/> Income of the applicant <input type="checkbox"/> Assets of the applicant <input type="checkbox"/> Country of residence of the applicant <input type="checkbox"/> Likelihood of success of the proceedings <input type="checkbox"/> Other (<i>please specify</i>):
f) Which costs are covered by free or reduced rate legal assistance? <i>Please explain where necessary</i>	<input type="checkbox"/> (1) Mediation <input type="checkbox"/> (2) Translation <input type="checkbox"/> (3) Interpreters <input type="checkbox"/> (4) Service of documents <input type="checkbox"/> (5) Costs associated with locating the child <input type="checkbox"/> (6) Court fees <input type="checkbox"/> (7) Travel costs for the return of the child (see question 11.1 c)) <input type="checkbox"/> (8) Other (<i>please specify</i>):
g) Please list the corresponding numbers of the costs, if any, listed in question f) which are covered by the Central Authority?	
h) Is free or reduced rate legal assistance available for the appeal of decisions?	<input type="checkbox"/> No, go to question j) <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
i) Is a new application for free or reduced rate legal assistance needed for appeals?	<input type="checkbox"/> Yes <input type="checkbox"/> No
j) Is free or reduced rate legal assistance available for proceedings needed to enforce an access order?	<input type="checkbox"/> No, go to section 16 <input type="checkbox"/> Yes, free legal assistance <input type="checkbox"/> Yes, reduced rate legal assistance
k) Is a new application for free or reduced rate legal assistance needed for enforcement applications?	<input type="checkbox"/> Yes <input type="checkbox"/> No

16 Rights of access

16.1 Determining rights of access

a) Which legislation in your State governs the establishment and exercise of rights of access? <i>See Article 5</i>	Please specify how legislation can be accessed (e.g., website) or attach a copy: Civil Code
b) Which judicial and / or administrative authorities can make decisions with respect to rights of access?	Court
c) In your State, who may seek rights of access in respect of a child?	<input checked="" type="checkbox"/> Parent <input type="checkbox"/> Step-parent <input type="checkbox"/> Grandparent <input type="checkbox"/> Other family member (<i>please specify</i>): <input type="checkbox"/> Other (<i>please specify</i>):

<p>d) Are the best interests of the child a primary consideration in access proceedings?</p> <p><i>See Articles 3 and 9 of the United Nations Convention on the Rights of the Child</i></p> <p><i>Please explain, if necessary</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, please specify what are the primary considerations:</p>
<p>16.2 Exercising rights of access</p>	
<p>a) Where necessary, what guarantees and safeguards do your courts or administrative authorities have to enable them to secure rights of access for children and applicants?</p>	<p><input type="checkbox"/> Surrender of passport or travel documents</p> <p><input type="checkbox"/> Applicant to regularly report to police or other authority</p> <p><input type="checkbox"/> Deposit of a monetary bond or surety</p> <p><input checked="" type="checkbox"/> Supervised contact</p> <p><input checked="" type="checkbox"/> Placing restrictions on how contact is exercised</p> <p><input type="checkbox"/> Signing an affidavit or religious oath</p> <p><input type="checkbox"/> Provision of a detailed itinerary with contact details</p> <p><input type="checkbox"/> Requesting foreign consulates / embassies should not issues new passports / travel documents for the child</p> <p><input type="checkbox"/> Other:</p>
<p>16.3 Supervised access</p>	
<p>a) Do facilities exist in your State for the exercise of rights of access in a supervised environment?</p>	<p><input checked="" type="checkbox"/> Yes, please explain if necessary: If the parties agree, they may seek assistance for supervised access including "Online Mimamori Contact" (Monitored Online Contact Assisted by the Experts) from the access supporting institutions commissioned by the Ministry of Foreign Affairs.</p> <p><input type="checkbox"/> No, go to section 17</p>
<p>b) Under what circumstances is access supervised?</p>	<p><input checked="" type="checkbox"/> Where it is agreed between the parties</p> <p><input type="checkbox"/> Where it is requested by one party</p> <p><input type="checkbox"/> As a result of a decision by a social welfare agency</p> <p><input checked="" type="checkbox"/> By order of a judicial or administrative authority</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>c) Which authorities provide supervised access?</p>	<p><input type="checkbox"/> Government social / welfare agency:</p> <p><input checked="" type="checkbox"/> Non-government organisations:</p> <p><input type="checkbox"/> Central Authority:</p> <p><input type="checkbox"/> Police:</p> <p><input type="checkbox"/> Courts:</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>d) Who will pay the costs associated with exercising supervised access?</p>	<p><input checked="" type="checkbox"/> The applicant</p> <p><input checked="" type="checkbox"/> The person(s) with day to day care of the child</p> <p><input checked="" type="checkbox"/> The Central Authority</p> <p><input checked="" type="checkbox"/> It depends upon the order of the judicial or administrative authority</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p>Note: If the parties choose to use the access supporting institutions commissioned by the Ministry of Foreign Affairs(The Central Authority), the parties can receive financial support from the Ministry under certain conditions.</p>

17 Proceedings for access / contact	
17.1 Organisation of competent authorities	
a) Does your State limit the judicial or administrative authorities who can hear access applications under the Convention? <i>(i.e., has your State "concentrated jurisdiction" in respect of access applications under the Convention?)</i>	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
b) If possible, please state exactly how many courts or administrative authorities and how many judges or relevant decision-makers can hear access applications under the Convention?	Courts / administrative authorities: If a person who has received a decision for assistance in child's return to foreign state or a decision for assistance in access with a child in Japan or a person who has filed the petition for return of child files a petition for access with child, the access petition shall be subject to the jurisdiction of the Tokyo Family Court or the Osaka Family Court depending on the domicile of the child, in addition to the family court which has jurisdiction over domicile of the child. Judges / decision-makers: A certain number of judges who belong to the above family courts.
c) Which courts or administrative authorities can make decisions in applications relating to access under the Convention?	See b).
d) Are the judges or administrative authorities who decide access applications in your State specialists in family law? <i>See also section 22 on Training below</i>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Other (<i>please specify</i>):
17.2 Procedures	
a) Is a special procedure applied by judicial or administrative authorities to access applications made under Article 21 of the Convention? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes: <input checked="" type="checkbox"/> No:
b) Does documentation submitted to the court / administrative authority have to be translated into the official language(s) of your State? <i>See question 2 a) for the official language(s) of the State</i>	<input checked="" type="checkbox"/> Yes, please state who is responsible for the organisation and cost of the translation: The parties are responsible for the translation. However, as for documentation submitted to the court, both parties can use translation service commissioned by the Central Authority at no charge, subject to budget availability. <input type="checkbox"/> No <input type="checkbox"/> It depends upon the type of documentation submitted (<i>please specify</i>):
c) Generally, how long are proceedings relating to access from commencement to final order (excluding appeals)?	<input type="checkbox"/> Up to 6 weeks <input type="checkbox"/> 6 to 12 weeks <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
d) Is the applicant generally required to participate in proceedings relating to access? <i>Please note that attendance in person is not required under the Convention (see para. 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i>	<input type="checkbox"/> Yes, please specify in what circumstances: <input checked="" type="checkbox"/> No, but advisable <input type="checkbox"/> No

e) Are facilities available to enable an applicant to participate in access proceedings from outside your State?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Video-conference <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (<i>please specify</i>): <input type="checkbox"/> No
f) If the applicant does participate in access proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
g) Where the facilities set out in questions e) and f) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): The court decides whether the applicant or the respondent to the case is responsible for the cost.
h) Can special immigration arrangements (<i>e.g.</i> , visas) be made to enable the applicant to attend access proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes (<i>please specify</i>): We do not make "special immigration arrangements," but if the person wishes to enter Japan for the purpose of attending access proceedings, entry into Japan is generally permitted under status of residence "Temporary Visitor." <input type="checkbox"/> No
17.3 Participation of the child	
a) Are the responses to the questions in this section the same as for applications for return (see section 10.4)?	<input checked="" type="checkbox"/> Yes, go to section 17.4 <input type="checkbox"/> No, continue to question b)
b) Does the child have an opportunity to be heard in access proceedings under the Convention in your State?	<input type="checkbox"/> Yes, always; go to question c) <input type="checkbox"/> It depends upon the particular case and is always at the discretion of the judge / authority hearing the case. <i>Please explain if necessary:</i> Go to question c) <input type="checkbox"/> Other (<i>please specify</i>): Go to question c) <input type="checkbox"/> No, never; go to section 17.4
c) How can the child be heard in access proceedings?	<input type="checkbox"/> Direct interview with judge <input type="checkbox"/> Report prepared for court by independent expert <input type="checkbox"/> Child's own legal representative <input type="checkbox"/> Other (<i>please specify</i>):
d) How does your State ensure that no undue delay results from hearing the child in the course of access proceedings?	Please explain:
e) Can judicial or administrative authorities appoint a legal representative (attorney or <i>guardian ad litem</i>) to represent the child's best interests?	<input type="checkbox"/> Yes, please specify under what circumstances: <input type="checkbox"/> No

17.4 Appeals	
a) Can a decision in applications relating to access be appealed?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> Only in certain circumstances (<i>please specify</i>): If either of the boxes above are ticked, please specify how many levels of appeal exist and to which courts / authorities an appeal may be made: Two levels of appeal. The first level of appeal (immediate appeal) may be filed to a high court. The second level of appeal (special appeal or appeal with permission) may be filed to the Supreme Court. <input type="checkbox"/> No, go to section 18
b) Is there an expedited procedure or special process of appeal for Hague access cases? <i>Please specify the legislation and / or rules which provide for this and how they can be obtained (e.g., website) or attach a copy</i>	<input type="checkbox"/> Yes, please specify: <input checked="" type="checkbox"/> No
c) Who can initiate the appeal process?	<input checked="" type="checkbox"/> Either party to the proceedings <input type="checkbox"/> Central Authority <input type="checkbox"/> Public Prosecutor <input type="checkbox"/> Other (<i>please specify</i>):
d) Is leave to appeal required?	<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> In certain circumstances (<i>please specify</i>): Permission by the high court is required to file AN APPEAL WITH PERMISSION.
e) If an access order is made, can it be suspended (<i>i.e.</i> , "stayed") pending an appeal?	<input checked="" type="checkbox"/> Yes, an access order is <i>automatically</i> suspended pending an appeal <input type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party <input checked="" type="checkbox"/> Yes, an access order can be suspended pending an appeal at the request of either party and after determination by the relevant judge / authority <input type="checkbox"/> No
f) Is there a time limit by which an appeal must be filed in access proceedings?	<input checked="" type="checkbox"/> Yes, please specify: The time limit: i) 2 weeks for immediate appeal ii) 5days for special appeal iii) 5days for appeal with permission From when the time limit starts to run (<i>e.g.</i> , from the date of judgment, from the date of the order, from the date the decision is notified to the parties <i>etc.</i>): i) Immediate appeal; for the parents of the child and the person having custody of the child, it shall commence to run from the time when they are notified of the final order. ii) Special appeal; the appeal against a final order made by high court shall be filed within an unextendable period of five days from the day on which a notice of the judicial decision is received. iii) Appeal with permission; same as the special appeal

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<input type="checkbox"/> No
g) Generally, what is the expected time within which appeals are filed and decided?	<input type="checkbox"/> Up to 3 months <input type="checkbox"/> 3 to 6 months <input type="checkbox"/> Longer than 6 months
h) Is the applicant generally required to participate in appeal proceedings? <i>Please note that attendance in person is not required under the Convention (see paragraph 6.5.3 of the Guide to Good Practice, Part II - Implementing Measures)</i>	<input type="checkbox"/> Yes, please specify in what circumstances: <input checked="" type="checkbox"/> No

i) Is the applicant able to participate in proceedings without being physically present?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> Video-conference <input type="checkbox"/> Telephone <input checked="" type="checkbox"/> Through a legal representative <input type="checkbox"/> Other (please specify): <input type="checkbox"/> No
j) If the applicant does participate in appeal proceedings in your State, is simultaneous interpretation available, where necessary?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
k) Where the facilities set out in questions i) and j) above are required, who is responsible for the cost of providing such facilities?	<input type="checkbox"/> The applicant <input type="checkbox"/> The requesting Central Authority <input type="checkbox"/> The requested Central Authority <input type="checkbox"/> The court / administrative authority <input type="checkbox"/> It depends upon the facility used (<i>please specify</i>): <input checked="" type="checkbox"/> Other (<i>please specify</i>): The court decides whether the applicant or the respondent to the case is responsible for the cost.
l) Can special immigration arrangements (<i>e.g.</i> , visas) be made to enable the applicant to attend appeal proceedings in person if he / she so wishes?	<input checked="" type="checkbox"/> Yes, please specify: We do not make "special immigration arrangements," but if the person wishes to enter Japan for the purpose of attending judicial proceedings, entry into and residence in Japan is usually permitted as long as it is necessary. <input type="checkbox"/> No

18 Enforcement of rights of access

a) Can an order relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?	<input type="checkbox"/> Yes, all orders made in another State are recognised and are enforceable. Please explain or specify how relevant legislation can be accessed (<i>e.g.</i> , website) or attach a copy: <input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify: <input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003) <input type="checkbox"/> 1996 Hague Child Protection Convention <input type="checkbox"/> Other (<i>please specify</i>): <input checked="" type="checkbox"/> Yes, subject to conditions. Please explain or specify how relevant legislation can be accessed (<i>e.g.</i> , website) or attach a copy: Article 24 of Civil Execution Act stipulates over Execution Judgment for a Judgment of a Foreign Court, which is accessible on the website below. http://www.japaneselawtranslation.go.jp/law/detail/?ft=2&re=01&dn=1&yo=%E6%B0%91%E4%BA%8B%E5%9F%B7%E8%A1%8C%E6%B3%95&ia=03&ky=&page=1 <input type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities <input type="checkbox"/> No
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<p>b) Can an agreement relating to rights of access made in another State be registered for enforcement or be declared enforceable in your State?</p>	<p><input type="checkbox"/> Yes, if there is an international agreement in place with the foreign State. Please specify:</p> <p><input type="checkbox"/> Brussels II a (Council Regulation (EC) 2201/2003 of 27 November 2003)</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Yes, subject to conditions. Please explain: An execution judgment for a judgment of a foreign court shall be made when it is proved that the judgment of a foreign court has become final and binding and such judgment satisfies the requirements listed in the items of Article 118 of Code of Civil Procedure.</p> <p><input type="checkbox"/> No, however the party can seek to have "mirror orders" made by the judicial or administrative authorities</p> <p><input type="checkbox"/> No</p>
<p>c) Can a party seek to have orders made in your State in respect of a decision from another State on rights of access?</p>	<p><input checked="" type="checkbox"/> Yes, the party must apply to the judicial or administrative authorities</p> <p><input type="checkbox"/> Yes, the Central Authority will apply to the judicial or administrative authorities on behalf of the party</p> <p><input type="checkbox"/> No</p>
<p>d) What is the procedure for the applicant to commence enforcement proceedings?</p>	<p><input type="checkbox"/> The Central Authority can apply for enforcement on behalf of the applicant</p> <p><input checked="" type="checkbox"/> The applicant must seek enforcement</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>e) What coercive measures, if any, are available to enforce an order relating to access and contact?</p>	<p><input type="checkbox"/> Intervention by government agency (e.g., <i>police, social welfare, etc.</i>)</p> <p><input type="checkbox"/> Removal of the child from the custodial person(s)</p> <p><input type="checkbox"/> Criminal charges</p> <p><input type="checkbox"/> Imprisonment</p> <p><input type="checkbox"/> Pecuniary measures</p> <p><input type="checkbox"/> An order placing the child under supervision</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Indirect compulsory execution.</p>
<p>f) Does the application of coercive measures require a separate order from judicial or administrative authorities?</p>	<p><input checked="" type="checkbox"/> Yes. If so, who must apply for the order:</p> <p><input checked="" type="checkbox"/> The applicant</p> <p><input type="checkbox"/> Public Prosecutor</p> <p><input type="checkbox"/> Police</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p><input type="checkbox"/> No</p>

Part V: Mediation and other forms of alternative dispute resolution

19 Mediation	
<p><i>For best practice in relation to mediation in the context of the 1980 Hague Child Abduction Convention see the forthcoming Guide to Good Practice on Mediation under the 1980 Hague Child Abduction Convention. When published, the Guide will be available to download at < www.hcch.net > under "Child Abduction Section" then "Guides to Good Practice".</i></p>	
19.1 Mediation services	
<p>a) What family matters can be dealt with by mediation in your State?</p>	<p><input checked="" type="checkbox"/> Return / non-return of a child following an alleged wrongful removal / retention</p> <p><input checked="" type="checkbox"/> Custody</p> <p><input checked="" type="checkbox"/> Access / contact</p> <p><input checked="" type="checkbox"/> Relocation</p> <p><input checked="" type="checkbox"/> Child support</p> <p><input checked="" type="checkbox"/> Property disputes on relationship breakdown</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) What mediation services / structures exist in your State where an incoming application has been received for the return of a child?</p> <p><i>See Articles 7(2) c) and 10</i></p>	<p><input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>): The conciliation of domestic relations conciliated by the conciliation committee including a judge within the court. The answers of 19.2 a), b) 19.4 c), d), e), f), g), h), i) are related to the conciliation of domestic relations only.</p> <p><input checked="" type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p> <p><input type="checkbox"/> There are no mediation services / structures available</p>
<p>c) What mediation services / structures exist in your State where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p>	<p><input checked="" type="checkbox"/> Private mediation services / structures (<i>please specify</i>):</p> <p><input checked="" type="checkbox"/> Mediation services / structures within the judicial or administrative system (<i>please explain</i>): The conciliation of domestic relations conciliated by the conciliation committee including a judge within the court. The answers of 19.2 a), b) 19.4 c), d), e), f), g), h), i) are related to the conciliation of domestic relations only.</p> <p><input checked="" type="checkbox"/> Mediation services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>):</p> <p><input type="checkbox"/> Other (<i>please explain</i>):</p> <p><input type="checkbox"/> There are no mediation services / structures available</p> <p>If you answered that there are no mediation services / structures available in your State in response to both questions b) and c) above, go to section 20</p>
<p>d) Is co-mediation (<i>i.e.</i> mediation involving two mediators – one from each State) available in your State for the mediation of international family disputes which are within the scope of the</p>	<p><input type="checkbox"/> Yes (<i>please provide brief details of any available scheme e.g., bi-national mediation programmes</i>):</p> <p><input checked="" type="checkbox"/> No</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

Convention?	
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19.2 Legislation and / or rules on mediation	
<p>a) Is mediation in family matters regulated in your State?</p> <p><i>Please tick all boxes which apply</i></p> <p><i>EU Member States, excluding Denmark, should note that Directive 2008/52/EC of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters will apply from May 2011. EU Member States, excluding Denmark, should reference the laws, regulations and administrative provisions brought into force to comply with this Directive if known at the time of completion of this Country Profile</i></p>	<p><input type="checkbox"/> Yes, there is general legislation relating to mediation which also applies to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy:</p> <p><input checked="" type="checkbox"/> Yes, there is specific legislation relating to mediation in family matters. Please specify how the legislation can be accessed (e.g., website) or attach a copy: Mediation within the judicial system (the conciliation of domestic relations) is regulated by a special Act which has not yet been translated into English and Rules of the Supreme Court No.9 of 2012.</p> <p><input type="checkbox"/> Yes, there is specific legislation relating to mediation in international family matters within the scope of the Convention. Please specify how the legislation can be accessed (e.g., website) or attach a copy:</p> <p><input type="checkbox"/> Yes, mediation in family matters is regulated in another way (<i>please specify</i>):</p> <p><input type="checkbox"/> No, go to section 19.3</p>
<p>b) Please indicate which matters are regulated by the legislation / rules in relation to mediation in your State</p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Formal accreditation of mediators</p> <p><input checked="" type="checkbox"/> Necessary qualifications / experience of mediators</p> <p><input checked="" type="checkbox"/> Process of mediation</p> <p><input checked="" type="checkbox"/> Confidentiality of mediation : Materials used in mediation within the judicial system (the conciliation of domestic relations) may be used in proceedings of a case seeking the return of child or of an adjudication case of visitation or contacts.</p> <p><input checked="" type="checkbox"/> Status and enforceability of mediated agreements</p> <p><input checked="" type="checkbox"/> Taking into consideration the child's views in the mediation of disputes relating to him / her</p> <p><input checked="" type="checkbox"/> Availability of mediation in disputes involving allegations of domestic violence or other forms of abuse</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>): Above are regulated for mediation within the judicial system (the conciliation of domestic relations).</p>
19.3 Access to mediation	
<p>a) How can individuals obtain information identifying suitable mediators in your State?</p>	<p><input checked="" type="checkbox"/> Lists of mediators are available:</p> <p><input checked="" type="checkbox"/> Through the Central Authority (<i>see also question 19.3 b) below</i>)</p> <p><input type="checkbox"/> Via accrediting bodies (<i>please provide details</i>):</p> <p><input checked="" type="checkbox"/> Through other sources (<i>please specify</i>): There are NGOs and associations of the mediators that could provide the list of mediators</p> <p><input type="checkbox"/> Other methods of accessing information are available (<i>please specify</i>):</p> <p><input type="checkbox"/> No general information is available. Individuals must carry out research themselves</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

b) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for the return of a child?

See Articles 7(2) c) and 10

Please explain where necessary

- Provides information about mediation to the parties
- Refers parties to accredited professionals to undertake mediation
- Seeks orders from judicial or administrative authorities for mediation between the parties
- Other (*please explain*)

<p>c) What role, if any, does the Central Authority play in facilitating mediation where an incoming application has been received for access / contact with a child?</p> <p><i>See Article 21</i></p> <p><i>Please explain where necessary</i></p>	<p><input checked="" type="checkbox"/> Provides information about mediation to the parties</p> <p><input checked="" type="checkbox"/> Refers parties to accredited professionals to undertake mediation</p> <p><input type="checkbox"/> Seeks orders from judicial or administrative authorities for mediation between the parties</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>d) How are the costs of mediation met in disputes where an incoming application has been received for the return of a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 8.2 e) above)</p> <p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 8.2 e) above) (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The Central Authority will meet the costs associated with mediation : As for private mediation or mediation by NGOs, if the parties choose the mediation institutions that the Ministry of Foreign Affairs commissions, the parties can receive financial support from ministry under certain conditions.</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) : As for mediation within the judicial system (the conciliation of domestic relations), the parties bear the costs which are stipulated by law (e.g. they do not share daily allowance of conciliators).</p>
<p>e) How are the costs of mediation met where an incoming application has been received for access / contact with a child?</p> <p><i>Please explain if necessary</i></p>	<p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this will <i>always</i> include the cost of mediation (see question 15.2 f) above)</p> <p><input type="checkbox"/> If an individual qualifies for free or reduced rate legal assistance, this <i>may</i> cover the cost of mediation (see question 15.2 f) above) (<i>please specify</i>)</p> <p><input checked="" type="checkbox"/> The Central Authority will meet the costs associated with mediation : As for private mediation or mediation by NGOs, if the parties choose the mediation institutions that the Ministry of Foreign Affairs commissions, the parties can receive financial support from ministry under certain conditions.</p> <p><input type="checkbox"/> Other sources of funding are available (<i>please specify</i>)</p> <p><input type="checkbox"/> The costs of mediation must be borne by the parties</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) : As for mediation within the judicial system (the conciliation of domestic relations), the parties bear the costs which are stipulated by law (e.g. they do not share daily allowance of conciliators).</p>
<p>19.4 The mediation process</p>	
<p>a) At what stage of a return application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>)</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	<p>relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
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<p>b) At what stage of an access / contact application is mediation available?</p>	<p><input checked="" type="checkbox"/> At all stages, including prior to any application and as a preventive measure where necessary (<i>provide an explanation if necessary</i>)</p> <p><input type="checkbox"/> Only before an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only after an application has been made to the relevant Central Authority</p> <p><input type="checkbox"/> Only before an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Only after an application has been filed in the relevant court or administrative authority</p> <p><input type="checkbox"/> Other (<i>please explain</i>)</p>
<p>c) Are cases assessed to determine their suitability for mediation?</p>	<p><input checked="" type="checkbox"/> Yes, always; go to question d)</p> <p><input type="checkbox"/> No, never; go to question e)</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) When the court refers a case seeking the return of child to mediation within the judicial system (the conciliation of domestic relations), the consent of the parties is required.; go to question d) or e) as appropriate</p>
<p>d) Who carries out the assessment of cases to determine whether they are suitable for mediation?</p>	<p><input type="checkbox"/> Mediator(s)</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) The judge carries out the assessment of the case to determine whether it is suitable to refer the case to mediation within the judicial system (the conciliation of domestic relations).</p>
<p>e) Where legal proceedings have commenced, can such proceedings be suspended while mediation is undertaken?</p>	<p><input checked="" type="checkbox"/> Yes, provide additional information if necessary: Under certain circumstances, the court may suspend court proceedings, domestic-relations adjudication proceedings or proceedings for return of child under Act for Implementation while mediation within the judicial system (the conciliation of domestic relations) is undertaken.</p> <p><input type="checkbox"/> No</p>
<p>f) How, if at all, are the views of the subject child(ren) taken into account in mediation in your State?</p> <p><i>See also question 19.2 b) above</i></p>	<p><input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the child must be seen by the mediator (<i>see also question 19.2 b) above</i>)</p> <p><input type="checkbox"/> Rules / legislation require that, if the child is of a sufficient age / maturity, the views of the child must be communicated to the mediator but this need not be directly (<i>see also question 19.2 b) above</i>). Please explain the method(s) used</p> <p><input type="checkbox"/> It is within the discretion of the particular mediator</p> <p><input type="checkbox"/> The child's views play no part in the mediation</p> <p><input checked="" type="checkbox"/> Other (<i>please explain</i>) Depending on the case, the mediator may ask the views of the children directly or through report from Family Court Probation Officer or child's representative.</p>
<p>g) What safeguards are available in your State where allegations of domestic violence and / or other forms of abuse are made in a dispute which goes to mediation?</p>	<p><input checked="" type="checkbox"/> (1) Address and other contact details of the alleged victim are kept confidential</p> <p><input type="checkbox"/> (2) Other safeguards (<i>please specify</i>)</p>
<p>h) Please specify which, if any, of the safeguards set out in question 19.4 g) above are required by rules / legislation in your State and which safeguards are left to the discretion of the mediator?</p> <p><i>See also question 19.2 b) above</i></p>	<p>Required by legislation / rules of State:</p> <p>As for mediation within the judicial system (the conciliation of domestic relations), permission of the court is required for the party to inspect or copy the record of the case. The court may grant permission when it finds it appropriate.</p>

Where applicable, please specify relevant legislation and provisions and indicate how the legislation may be accessed, e.g., website, or provide a copy of the legislation.

	Left to the discretion of the mediator:
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i) Can judicial or administrative authorities take provisional or interim measures to enable an applicant to exercise contact or access in respect of a child while mediation is ongoing?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
19.5 The enforceability of mediated agreements	
a) Are there legal restrictions on the content of mediated agreements regarding family law matters in your State?	<input checked="" type="checkbox"/> Yes, please specify: <input type="checkbox"/> No
b) Which additional formalities, if any, are required in your State to make mediated agreements in a family dispute involving children enforceable?	<input type="checkbox"/> (1) Notarisation of the mediated agreement <input type="checkbox"/> (2) Court approval of the mediated agreement Please specify competent court: <input type="checkbox"/> (3) Registration of the mediated agreement with the court. Please specify competent court: <input checked="" type="checkbox"/> (4) Other (<i>please specify</i>) As for mediation within the judicial system (the conciliation of domestic relations), the conciliation of domestic relations which was concluded between the parties is enforceable without any additional formalities being required. As for private mediation or mediation by NGOs, the mediated agreement is NOT immediately enforceable. In order to obtain an enforceable agreement, the parties need to conclude conciliation of domestic relations based on the mediated agreement. <input type="checkbox"/> (5) No additional formalities are required. Mediated agreements in family disputes involving children are immediately enforceable <i>without</i> any additional formalities being required If you ticked one or both of options (2) or (3) above, please go to question 19.5 c). If not, please proceed to question 19.5 d)
c) Is the mediated agreement, once approved by or registered with a court, treated as an order of that court? <i>Please explain where necessary</i>	<input type="checkbox"/> Yes, Go to question 19.5 e) <input type="checkbox"/> No, Go to question 19.5 d)
d) Is it possible to turn a mediated agreement into a court order?	<input type="checkbox"/> Yes, please briefly explain what steps are required and which court would be competent: <input checked="" type="checkbox"/> No
e) Who bears the cost of rendering the mediated agreement enforceable? Please list the number from question 19.5 b) next to the relevant answer	The parties must pay: The cost is covered by any free or reduced rate legal assistance provided to one / both parties: Central Authority: There are no costs:
19.6 Agreements mediated in another State	
a) Can an agreement mediated in another State in a family dispute involving children be approved by a court or otherwise formalised in your State in the same manner as an agreement mediated in your State (see question 19.5 b) above)?	<input type="checkbox"/> Yes <input type="checkbox"/> No, a different method for formalising the agreement must be used. Please specify: <input checked="" type="checkbox"/> No, it is not possible to formalise an agreement mediated in another State <input type="checkbox"/> Other (<i>please specify</i>):

20 Other forms of alternative dispute resolution (“ADR”)

<p>a) What other forms of ADR are available in your State for the resolution of international family disputes falling within the scope of the Convention? <i>See Articles 7(2) c) and 10</i></p>	<p><input checked="" type="checkbox"/> (1) In-court conciliation <input type="checkbox"/> (2) Out-of-court conciliation <input type="checkbox"/> (3) Collaborative law <input type="checkbox"/> (4) Early Neutral Evaluation <input type="checkbox"/> (5) Other (<i>please specify</i>): <input type="checkbox"/> (6) No other forms of ADR are available, go to Part VI: Direct judicial communications</p>
<p>b) What services / structures exist in respect of the other forms of ADR available in your State? Please list the relevant number(s) from question 20 a) above next to the service / structure which is available in respect of that method of ADR</p>	<p>Private ADR services / structures (<i>please specify</i>): ADR services / structures within the judicial or administrative system (<i>please explain</i>): ADR services / structures provided by NGOs (<i>please specify the NGO and give brief details of the service they provide</i>): Other (<i>please explain</i>):</p>
<p>c) In relation to:</p> <ul style="list-style-type: none"> • legislation on ADR • access to ADR • the ADR process • the enforceability of agreements reached as a result of ADR; and • the enforceability of agreements reached as a result of ADR in another State <p>are the responses the same as for the section on mediation above – see sections 19.2 to 19.6?</p>	<p><input type="checkbox"/> Yes, go to Part VI: Direct judicial communications <input type="checkbox"/> Some of the responses are the same, go to question d) <input type="checkbox"/> No, go to question d)</p>
<p>d) Please briefly specify in what way the answers to the questions in sections 19.2 to 19.6 above are different in relation to other forms of ADR in your State</p>	

Part VI: Direct judicial communications

21 Direct judicial communications	
<p>a) Has a member of the International Hague Network of Judges been designated for your State?</p> <p>For more information, go to < www.hcch.net > under "Child Abduction Section" then "Judicial Communications"</p>	<p><input checked="" type="checkbox"/> Yes</p> <p>Name/s: Judge SAWAMURA Tomoko, Judge TOGARI Sakon, Judge KIMURA Masahiko</p> <p><i>Please do not list the contact details of the judge(s) here. Instead, please ensure that the name, position, court and contact details have been provided to the Permanent Bureau</i></p> <p><input type="checkbox"/> No</p>
<p>b) Is there a legislative basis upon which judges in your State can engage in direct judicial communications?</p>	<p><input type="checkbox"/> Yes, please specify how the legislation can be accessed (e.g., website) or attach a copy: Go to Part VII: Other information</p> <p><input checked="" type="checkbox"/> No, go to question c)</p>
<p>c) In the absence of legislation, can judges in your State engage in direct judicial communications?</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>

Part VII: Other information

22 Training	
<p>a) What measures are being taken to ensure that persons responsible for implementing the Convention (e.g., <i>judges, lawyers and Central Authority personnel</i>) have received appropriate information and training?</p> <p><i>Please contact the Permanent Bureau for information in relation to forms of assistance which may be available for this purpose</i></p>	<p><input checked="" type="checkbox"/> Training as required for Central Authority staff</p> <p><input checked="" type="checkbox"/> Training as required for responsible authorities</p> <p><input checked="" type="checkbox"/> Updates as required on legal developments related to the Convention provided to staff responsible for its implementation</p> <p><input checked="" type="checkbox"/> Training as required for lawyers</p> <p><input checked="" type="checkbox"/> Training as required for law enforcement</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p> <p>Specifically in respect of judges:</p> <p><input checked="" type="checkbox"/> Sending a basic package of information on the 1980 Convention to judges</p> <p><input type="checkbox"/> Training through a dedicated judicial studies board</p> <p><input type="checkbox"/> Participation in judicial training seminars</p> <p><input type="checkbox"/> Participation in the International Hague Network of Judges</p> <p><input checked="" type="checkbox"/> Accessing <i>The Judges' Newsletter on International Child Protection</i> (available at < www.hcch.net > under "Child Abduction Section" then "Judges' Newsletter on International Child Protection")</p> <p><input type="checkbox"/> Other (<i>please specify</i>):</p>
<p>b) Is your Central Authority willing to participate in a "twinning arrangement" with another Central Authority?</p> <p><i>A "twinning arrangement" is where two Central Authorities engage in discussions and / or visits to exchange information with the view to improving operations in both Central Authorities</i></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
23 Other implementing measures	
<p>a) Does your State use iChild?</p> <p>For more information, go to < www.hcch.net under "Child Abduction Section" then "iChild"</p>	<p><input type="checkbox"/> Yes</p> <p><input checked="" type="checkbox"/> No</p>
<p>b) Does your State use another electronic case management system other than iChild?</p>	<p><input type="checkbox"/> Yes, please specify:</p> <p><input checked="" type="checkbox"/> No</p>
<p>c) Does your State use INCASTAT?</p> <p>For more information, go to < www.hcch.net > under "Child Abduction Section" then "INCASTAT"</p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>
<p>d) Does your State use INCADAT?</p> <p>For more information, go to < www.incadat.com ></p>	<p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No</p>

<p>e) Are statistics related to applications under the Convention in your State publicly available?</p>	<p><input checked="" type="checkbox"/> Yes, please specify how the statistics can be accessed (e.g., <i>website, annual report</i>): We start gathering such statistics from April 1, 2014.</p> <p><input type="checkbox"/> No</p>
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24 Other services

<p>a) What general services / resources are available in your State to assist those involved in international child abduction cases?</p> <p><i>Please indicate, where available, contact details, websites and costs for such services</i></p>	<p><input type="checkbox"/> International Social Service (ISS) (<i>please provide contact information</i>):</p> <p><input type="checkbox"/> Specific NGOs dealing with child abduction:</p> <p><input type="checkbox"/> Financial assistance:</p> <p><input type="checkbox"/> Social / welfare assistance:</p> <p><input type="checkbox"/> Immigration services:</p> <p><input checked="" type="checkbox"/> Other (<i>please specify</i>): Website of the Central Authority.</p>
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