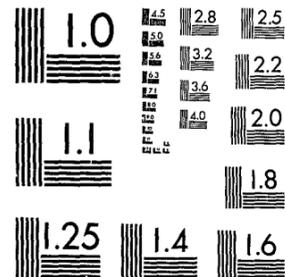


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Guide to the Family Court of Japan

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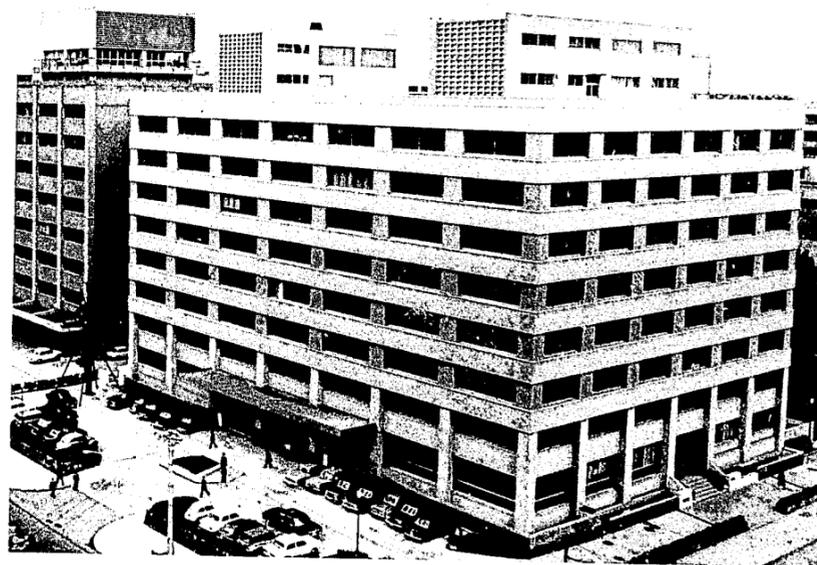
GUIDE TO THE FAMILY COURT
OF JAPAN

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ACQUISITIONS





Tokyo Family Court

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I. THE IDEA AND NATURE OF THE FAMILY COURT

The Family Court is a specialized court dealing exclusively with juvenile and family affairs cases. Through its basic objectives of maintaining the welfare of the individual family and seeking the sound upbringing of juveniles, it tries to answer the modern demand for justice fitted to the needs of society. It is a court in which the principles of law, the conscience of the community, and the social sciences, particularly those dealing with human behavior and personal relationships, work together. Practically, the function of the court is to deal, within the scope defined by law, with actual problems of the family and delinquent juveniles. Using the casework method, it attempts to diagnose the cause of a particular trouble and to prescribe a reasonable remedy. Its nature and its function differs greatly from the traditional judicial tribunal. The procedure of the Family Court is informal and readily adjustable to the circumstances of the persons before it, while its hearings are kept in privacy and therefore generally protected from publicity. The court not only seeks to determine and secure the legal rights of individuals before it, but also it is charged with a supervisory role for the protection of the welfare of juveniles and family. This aspect appears in the two fundamental statutes dealing with the court. The Juvenile Law provides that the purpose of the law "is to bring about a wholesome rearing of juveniles, and to provide the protective treatment for the reform of the character and control of the environment of delinquent juveniles," while the purpose of the Law for Deter-

mination of Family Affairs is said to be "to establish family peace and to maintain a wholesome co-operation among relatives upon the basis of dignity of the individual and the essential equality of both sexes."

II. HISTORICAL BACKGROUND OF THE FAMILY COURT IN JAPAN

a. Development of the Juvenile Division of the Family Court

In order to understand the juvenile function of the Family Court of Japan, it is necessary to trace its historical development. In 1881 a kind of reformatory called the "Disciplinary Institute" (Chôji-jô) was especially set up to segregate juvenile offenders from adult criminals and to provide educational training for them. Towards the end of the nineteenth century, however, the use of the Institute came to be regarded as highly unsatisfactory in the light of the more progressive concepts of juvenile protection then current in Europe and America. Accordingly, in 1900 the Reformatory Law was enacted upon western models. This statute provided that juvenile between eight and sixteen years of age deprived of proper guardianship, unguarded minors shown to have been prodigals, paupers or participants in other delinquent conduct, and juvenile criminals sentenced to imprisonment were to be sent to a reform school (Kanka-in) for their protection and education.

As time passed many defects appeared in the reformatory theory. With ever increasing momentum, demands came to be made for more thorough measures to be taken in dealing with juvenile delinquents. Information introduced concerning juvenile courts in western countries,

especially those of the United States, gave impetus to a movement within this country to establish a similar system. After some ten years of research and debate on the problem, the Juvenile Law, based on modern sociological ideas, was enacted and became effective in 1923. This statute is now referred to as the former Juvenile Law (the Juvenile Law prior to revision) in contrast of the present Juvenile Law (1948). It created the Juvenile Inquiry and Determination Office (Shônen Shimpansho) which became the predecessor of the present Family Court. The Juvenile Inquiry and Determination Office, however, was not a court in the strict sense but rather an administrative office under the Ministry of Justice. It dealt with both juvenile offenders under 18 years of age remitted to it by public prosecutors and children whose prior acts or surroundings indicated a likelihood of offense. It supervised the disposition and protection of juvenile subject to its authority and gained considerable success in the rehabilitation of offenders.

The coming into force of the new constitution in 1947, which established the judiciary as an independent branch of the government, necessitated placing the handling of juvenile offenders under a judicial court rather than an administrative office.

In drafting a revision of the former Juvenile Law it was decided to incorporate this function with the settlement of domestic problems, which previously had been dealt with by the Family Affairs Determination Department (Kaji Shimpansho) of the traditional courts, into a new tribunal to be called the Family Court (Katei Saibansho).

b. Development of the Family Affairs Division of the Family Court

The problem of providing a special procedure to deal with family

disputes came to the attention of government authorities somewhat later than the juvenile question. In 1922 the Temporary Legislative Council of the Cabinet, after having conducted a study of Japanese family and succession law, proposed that cases involving the family should not be tried in a regular court but rather by a special family affairs determination division which would resolve disputes before it on the basis of morality and the sincerity of the parties. As cases involving family matters became more and more numerous, it became obvious that many could not be solved satisfactorily by the traditional court process. In 1939 the Personal Affairs Conciliation Law was enacted, utilizing some of the recommendations of the Temporary Council and providing a method to dispose of family cases through conciliation (Chôtei) proceedings.

After the Second World War in accord with the equality of the sexes provision of the new Constitution, Book Four and Five of the Civil Code dealing with family and succession law were revised. In order to meet the need for a more socially compatible procedure to deal with family problems, at the same time (1947) the Law for Determination of Family Affairs was enacted. This statute provided that normally domestic problems were to be handled by determination (Shimpan) and conciliation proceedings rather than by the judicial action. The jurisdiction over these matters was entrusted to the Family Affairs Determination Department of the courts.

As mentioned in the discussion of the history of the juvenile division, at the time the revision of the Juvenile Law was being considered, it was decided to place both family and juvenile problems under the jurisdiction of one tribunal since the adjustment of the family's situation is an absolute prerequisite for the protection of

children and the prevention of delinquency. The Juvenile Law and the Law for Determination of Family Affairs were amended to provide for the creation of such a court—the Family Court—which began to operate January 1, 1949.

In its attitude toward family and juvenile matters, the theory of the Japanese Family Court can be seen to be closely connected with the proposals of a famous pioneer, Judge Ben B. Lindsay and his followers, but the circumstances and process of its foundation have to a considerable extent differed from the situation in other countries. Owing to its historical development, the Family Court in Japan has not yet been able to build up an integrated system for the treatment of both family and juvenile cases. On the other hand, though, gradual and orderly growth toward its ideal goal is today visible.

III. ORGANIZATION AND STAFF OF THE FAMILY COURT

a. Organization

The Family Court is a constituent of the organized judiciary of Japan. It is a specialized court of first instance independent from, as well as equivalent to, the District Court. There is now one Family Court in each prefecture except for Hokkaido, which has four, to make a total of 50 courts. In addition to the principal courts, there are also 242 branch offices and 96 sub-branch offices scattered throughout the nation.

b. Principal Staff of the Family Court

1. Judge

Only persons possessing sufficient enthusiasm, ability and understanding to deal with family and juvenile cases are appointed as judges of the Family Court. The full judges of the court must possess an accumulated experience in excess of ten years as judges or lawyers. The remaining judges are associate judges and are normally young. The judges of the Family Court are selected by the same method as District Court and High Court judges. They are appointed for a term of ten years after having been chosen by the cabinet from a list of candidates supplied by the Supreme Court.

2. Family Court Probation Officer

In average about three to four Family Court Probation Officers are assigned to one judge. The chief function of these officers is to carry on pre-hearing investigations and probation or other case work of individual family or juvenile cases. These persons are appointed from among university graduates in sociology, psychology, and pedagogy who have passed the examination held by the Supreme Court. Because of the importance and special character of the Family Court Probation Officer's profession, in 1957 the Supreme Court has established the Research and Training Institute for Family Court Probation Officers exclusively for their education.

3. Court Clerk

Every Family Court has court clerks who are responsible for the preparation and custody of official documents such as case records.

4. Medical Officers

Each Family Court is equipped with a clinic where physicians give service on a full or part time basis. The majority of these doctors are psychiatrists or specialists in internal medicine. They are of course

assisted by nurses.

5. Family Court Councillors and Conciliation Commissioners

These persons are part-time government officers, and constitute an indispensable organ of the court. They are members of the general public who are appointed, on the basis of their social conscience and moral spirit, to participate in the determination and conciliation of family affairs cases as will be explained later.

c. Family Bureau of the General Secretariat of the Supreme Court

Under the Japanese judicial system, all courts, including the Family Court, are regulated by the Supreme Court. The Supreme Court appoints and removes all officials other than judges, and manages the financial and other administrative affairs of the courts. The actual performance of these functions is entrusted to the General Secretariat of the Supreme Court which is divided into several bureaus. One of these is the Family Bureau which takes care of the necessary administration for the Family Courts.

IV. JURISDICTION OF THE FAMILY COURT

a. Jurisdiction over Juvenile Cases

The Juvenile Division of the Family Court handles cases involving delinquent juveniles under 20 years of age and adults who have in some way brought about an injury to the welfare of juveniles. "Delinquent juveniles" include not only minors who have committed criminal offenses under the penal laws but those whose tendencies indicate that they may commit offenses in future as well. The court has primary

jurisdiction in regard to all juvenile offenses—whether a felony, such as homicide or arson, or a minor offenses, such as traffic offense, violation of administrative control laws, etc., is involved. Thus, all criminal cases concerning minors must first be sent to the Family Court for investigation and hearing. However, if the juvenile is above 16 years of age and on investigation the judge feels that the nature of the offense or the circumstances of the case are such that the minor should be treated as a criminal, the judge may order the case transferred to the Public Prosecutor so that a normal criminal action can be instituted.

The present Juvenile Law provides that the Family Court has jurisdiction over such minors as (a) habitually disobey the proper control of the persons charged with their protection, (b) absent themselves from home without proper reason, (c) associate with persons who show a disposition for offense or who are of immoral character, or frequent notorious places, or (d) habitually commit acts injurious to their own morals or those of others, provided that from their character and environment there is a strong likelihood that the minors involved will become offenders.

Children under 14 years of age are primarily handled by the Child Guidance Center, as provided by the Child Welfare Law even though they have committed acts which, if committed by an adult, would constitute an offense under the penal laws. These young children come under the jurisdiction of the Family Court only if the Child Guidance Center determines that this court should deal with the matter or the Center feels that some compulsory measures, such as restriction of person freedom, are required—in which situation the case must be turned over to the Family Court.

The Family Court has ordinarily jurisdiction over any juvenile under 20 years of age, but has exceptionally jurisdiction over the following persons over 20 years of age: (1) any probationer of whom the family Court is informed by the Chief of the Probation-Parole Supervision Office on the ground of his tendency of delinquency beyond control by probationary supervision; (2) any parolee who does not keep the conditions to be observed and is applied for the necessity of his recommitment to the Reform and Training School by the District Offenders Rehabilitation Commission; and (3) any inmate of the Reform and Training School who is applied for the extension of the term of his commitment by the Superintendent of the School on the ground of the necessity of continuance of his reform education.

b. Jurisdiction Over Adult Criminal Cases

Adults who have committed acts injurious to the welfare of juveniles are also subject to the Family Court's jurisdiction. Various specific offenses are set down in the Child Welfare Law, the Labor Standards Law, and the School Education Law. Such offenses as the inducement of sexual acts, cruel treatment, and employment of children at extremely late hours are examples. The foundation of the jurisdiction over the offenses is the protection of juveniles and the maintenance of their basic human rights. However, neither desertion nor neglect of the duty of support by parents or guardians constitutes an offense justifying the jurisdiction of the Family Court in Japanese Juvenile Law.

Support is considered to be family law problem and therefore is subject to determination and conciliation in the Family Affairs Division, while desertion, if sufficient to constitute an offense under the Penal Code, is handled by a regular criminal court.

c. Jurisdiction over Family Affairs Cases

The Family Court has a very broad jurisdiction encompassing all disputes and conflicts within the family as well as all related domestic affairs which are of legal significance. Japanese law divides these problems into three kinds: (a) matters which by nature can only be determined by a court's judgment such as a declaration of incompetence, a declaration of absence or disappearance, or a correction of the family registers; (b) matters which should be determined in accord with the agreement of the parties such as divorce or dissolution of the adoptive relationship; and (c) matters which may be determined either by the agreement of the parties or by a court's judgment such as the distribution of marital property upon divorce or the partition of the property inherited in co-ownership. The Law for Determination of Family Affairs provides that (a) will be governed exclusively by the determination process (Shimpan) and (b) will follow exclusively the conciliation procedure, while (c) will be governed in the first instance by the conciliation procedure and, in the event of failure of conciliation, by the determination process.

Though a judicial divorce may be sought in Japan under an action in a regular court, proceedings must first be commenced in the Family Court. Here through conciliation an attempt is made to eliminate difficulties and reconcile the parties, or where reconciliation is impossible, to have the parties agree to an equitable termination of the matrimonial state. Since divorce by mutual agreement is possible in Japan, unlike the situation in Europe and America, the latter does not present any conceptual difficulties such as the requirement of a court's judgment. Most divorce cases are settled in the conciliation stage of the Family Court. Only when it is not possible to reach any agreement and

one of the spouses still wants a divorce, will an action for cause be brought in the District Court.

V. THE FAMILY COURT'S PROCEDURE

a. Procedure for the Investigation and Hearing of Juvenile Cases

1. Family Court proceedings involving a juvenile are generally commenced when:

- (1) One charged with the protection of the juvenile, a school teacher, or any other interested party informs the court of the case.
- (2) A Family Court Probation Officer who has discovered a delinquent juvenile reports the case to the court.
- (3) The Prefectural Governor or the Chief of the Child Guidance Center has referred a juvenile case to the court.
- (4) A police officer or the Public Prosecutor has sent a juvenile case to the court. (Cases involving minor offenses and wayward minors are sent directly to the Family Court by the police officer while felony cases first pass through the Public Prosecutor).

National statistics showing the number of juvenile cases before the Family Court from 1974 to 1976 will be found in Table No. 1 (A), (B) and (D). Juvenile crimes kept increasing ever since 1952 until 1966, and afterwards continued to be on the decrease till 1974. But after the year they have been on a slight increase. Especially neglect of occupationally due care causing death or bodily injury (which means, with very few exceptions, traffic accidents) shows a conspicuous decrease. But only larceny has a tendency to increase. It amounted to

40.1% of all penal law offences in 1970 and came to form 54.6% in 1976. Violation of traffic regulations, which amounted to nearly 73% of all the juvenile offenses in 1969, decreased until 55.8% in 1976. This sudden decrease is due to the fact that in 1970 Notification System of Traffic Infraction became applicable to juveniles as result of the amendment of law.

2. When a case is filed in a Family Court, the judge in charge of the particular action assigns a Family Court Probation Officer giving him directions for his investigation. The officer then undertakes a thorough and precise social inquiry into the personality, life history, family background, and environment of the juvenile concerned. If a medical or psychological examination of the juvenile is necessary, he is placed in the custody of a Juvenile Detention and Classification Center until the examination is completed, or he is required to appear at the Family Court's clinic. Upon completion of his inquiry, the Family Court Probation Officer sets down the minor's social record and his opinion as to the case with his recommendations for its disposition, and submits this as a report to the judge. Taking this report into consideration, the judge sets a time and place for a hearing. The hearing, itself, is closed to protect against unwarranted publicity. No person other than the judge, the Family Court's clerk, the person charged with the protection of the juvenile (a parent or guardian), the Family Court Probation Officer, the counsel, persons specially permitted by the judge for having a proper interest in the case may be present.

3. The determination of the judge may take one of several forms. It is made on the basis of the Family Court Probation Officer's report, the judge's own study and inquiry, and the results of the hearing. The possible forms are as follows:

- (1) A decision to turn the case over to the Prefectural Governor



HEARING

From extreme left, clockwise; Judge, Family Court Probation Officer, Court Clerk, Juvenile's guardian and Juvenile delinquent.

or the Chief of the Child Guidance Center. This action is taken when it is deemed that the minor should be dealt with under the Child Welfare Law rather than be placed under protective control.

- (2) A decision to dismiss the case. Such a decision is reached when it is considered unnecessary to make any particular disposition of the child. Actually, though, often a considerable amount of casework is carried on prior to the final determination.
- (3) A decision to send the case to the Public Prosecutor. The basis of this decision is the view that the minor should be subjected to normal criminal procedure due to the serious

nature of the offense or the circumstances of the case.

- (4) A decision to place the juvenile under protective control (educative measures). There are three kinds of protective control.
- i. The juvenile is placed under the supervision of the Probation-Parole Supervision Office. This is an organ of the Ministry of Justice with one office located in the district of each Family Court. The actual supervision over juveniles is undertaken by the Probation Officer of the district office and he is aided in his work by volunteers from among the public (who are called "Volunteer Probation Officers").
 - ii. The juvenile is placed in Child Education and Training Home (Kyôgo-in) or a Home for Dependent Children (Yôgo-shisetsu). Both of these institutions are provided for under the Child Welfare Law. The Child Education and Training Homes are established by the State, Prefectural Governments, or private persons to take care of children who are delinquent or are likely to become delinquent, while the Homes for Dependent Children are private or prefectural institutions designed to care for dependent, abused or neglected children.
 - iii. The juvenile is placed in Reform and Training School (Shônin-in). This is a state established institution to give corrective education to juveniles committed to it by the Family Courts. The Reform and Training Schools are divided into four groups: Primary—which care for juveniles between 14 and 16, Middle—which care for juveniles over 16 without aggravated criminal tendencies,

Senior—which care for juveniles over 16 with aggravated criminal tendencies, and Medical—which care for all juveniles over 14 who are physically or mentally defective.

4. If the judge feels that it is improper to take any of the above courses immediately or that further and more thorough investigation must be necessary before a determination can be made, the juvenile may be placed under the supervision of one of the Family Court Probation Officers. During this period of supervision, the juvenile may continue to live with the person who is charged with his protection (his parents or guardian) under restrictions imposed by the Family Court or he may be placed under the guidance of a suitable institution or individual. This intermediate disposition, taken while the final determination is held in suspension, is called tentative probation (Shikenkansatsu) and is one of the important responsibilities of Family Court Probation Officers. (Note Table No. 1 (E) for statistical data on probation proceedings.)

5. The Family Court judge renders his decision and issues his determination in accord with his own wisdom after considering the investigation of the Family Court Probation Officers involved, the mental and physical examinations required, and the testimony at the hearing. Where necessary for the determination of facts, witnesses may be examined—including expert witnesses—under the Code of Criminal Procedure in so far as the provisions of the Code do not conflict with the nature of juvenile proceedings. In his order of determination the judge writes out the reasons for his decision and the disposition of the juvenile to be taken. A copy of the order then is attached to the prior social records and forwarded to the particular agency charged with its execution, such as the Probation-Parole Supervision Office or the Reform and Training

School to provide a reference for the minor's treatment.

Notice of the order of determination, when given, deprives the Family Court of jurisdiction over the juvenile. However, because of the protective nature of the disposition of the juvenile and the concern of the court involved with his future development, the judge and the Family Court Probation Officers may as a matter of right, or on petition of interested parties, visit the place having custody of the juvenile for observation and necessary recommendations as to aftercare. Further if an inmate of the Reform and Training School is to be kept there after he has attained his majority in order to continue his corrective education, a petition to the Family Court must be made by the Superintendent of the Reform and Training School and the approval of the judge obtained.

If the juvenile or the person charged with his protection objects to the Family Court's determination, they may file an appeal in the High Court. In actuality, though, appeals are very rare.

b. Criminal Procedure in Regard to Adults Who Commit Acts Injurious to the Welfare of Juveniles

In regard to criminal offenses constituting an injury to the welfare of juveniles as previously explained, the Public Prosecutor must bring a public action in the Family Court. The action follows the same procedure as a criminal case in the District Court. It is conducted in open court with the Family Court judge wearing the robes of a criminal court judge. (See Table No. 1 (C) for statistical data on adult criminal cases.)

c. Determination and Conciliation Procedure in Family Affairs Cases

1. Both determination and conciliation proceedings are commenced upon application of the person concerned. The application may be either

written or oral—oral applications being permitted as a means of expediting a case. All hearings involved are closed and informal, which are quite different from litigation in a regular civil court. After the application is filed, the Family Court summons the parties and conducts a hearing in the presence of Family Court Councillors (Sanyo-in). Where necessary the judge may order an investigation by Family Court Probation Officers, seek the diagnostic services of the Family Court's clinic or require the introduction of evidence. (See Table No. 2 (B) for statistical data on determinations of family affairs cases.)

When a determination is issued by the judge it may be appealed to the High Court. Once the determination becomes binding personal relationships are fixed in accord therewith. If the decision orders payment of money or transfer of property, it may immediately be enforced.

2. Conciliation seeks to settle a family dispute through the intervention of a court facilitating a compromise between the parties. The conciliation proceedings are conducted by a conciliation committee which is normally composed of one judge and two Conciliation Commissioners (Chôtei-iin), one of whom is usually a woman. As mentioned above the parties are ordinarily summoned to the Family Court for a hearing—the court, itself, having a wide variety of techniques to investigate the case. An attempt is then made through expert advice to guide the parties to reach a compromise which is both just and fitted to the actual circumstances.

When the parties in the conciliation proceedings reach an agreement approved of by the conciliation committee, the agreement is entered in the court's case record and it has the same binding force as a decree by a regular civil court. Table No. 2 (C) provides statistical data on conciliation cases. Cases most frequently subjected to conciliation are those



CONCILIATION
 From extreme left, clockwise: Conciliation Commissioner,
 Judge, Conciliation Commissioner, Family Court
 Probation Officer, Parties and Court Clerk.

involving divorce, dissolution of adoptive relationship, compensation on termination of the *Naien* status (*de facto* marriage), and support. Applications for divorce are submitted principally by wives—constituting about 70% of the total.

Since in Japan divorce can be accomplished merely by a simple registration of an agreement between the spouses, only a portion of divorces reach the Family Court. Most of the divorce cases appearing before the Family Court are disposed of there and only a very small number go on to the District Court's judicial divorce procedure. Though many of the divorce cases in the Family Court attain their aim, a considerable number end in reconciliation and rehabilitation of the matrimonial relationship. If a divorce is effected, such matters as compensa-

tion, support, distribution of matrimonial property, and the custody of children are also determined by the conciliation proceedings.

3. Until 1956 no concrete method was prescribed for the Family Court to enforce its orders or to hold money deposited with it under determination or conciliation proceedings. In this year the Law for Determination of Family Affairs was partially revised to provide for such procedures. Today, upon petition of the party concerned, the Family Court will investigate to see if an obligation to pay money imposed by it has been performed. If not, the court will issue a warning notice to perform the obligation which, in turn, if neglected will result in an enforcement order. Failure to obey the enforcement order produces a non-penal fine against the offending party. Also, where it is inconvenient for the parties to make payments directly between each other or payments are to be made in installments, the Family Court may intervene between them requiring the obligor to make deposits of money with the court which the court in turn pays to the obligee.

In the same year the Supreme Court partially amended Rules for the Determination of Family Affairs (1947) to extend the powers of the Family Court Probation Officer who is responsible for family affairs cases. Prior to this change the scope of his authority had been considerably restricted when compared with that of the Family Court Probation Officer in juvenile cases. Now he may make an investigation into the character, life history, and living conditions of the parties before the court, he may attend the conciliation conference to present his views, and may carry on what liaison is necessary with various social welfare organizations in regard to the case. Here, as in the juvenile cases, we can observe the developing position of the Family Court Probation Officer

who has come to perform a very important role in the family affairs cases.

4. Counselling Service in the Family Court

The Family Court functions much like a social welfare organization. Persons involved in problems which have not yet been brought before the court in a formal action, interested parties who are troubled over juveniles, and members of families who have questions falling under the jurisdiction of the Family Court may all seek counselling from the court as to how the problem should be solved or as to what formal procedure is necessary. This service is performed chiefly by Probation Officers and clerks of the Family Court.

* * * *

In the 29 years since its foundation, the Family Court has gone through a remarkable development in its organization and activities. However, many problems yet await a solution. For instance greater co-operation between the Juvenile Division and the Family Affairs Division is hoped for. Again, a more harmonious relationship between the court's legal function and its social welfare function (judicial function and social casework function) would be desirable to attain the court's aim of truly becoming a court of the people for the people. In order to answer these problems and provide for the wholesome development of the court much further research in Japan and comparatively in the international level is necessary.

Table No. 1 (A)

Total Number of Juvenile Cases Handled in Family Courts in Japan

Year	Number of Cases	
	Filed	Disposed of
1974	428,888	432,023
1975	437,981	434,026
1976	461,824	462,974

Table No. 1 (B)

Total Number of Actions for the Protection of Juveniles Classified by the Types of Offenses

Year	1	2	3	4	5
	Total Number of Juvenile Cases Filed in the Family Court	Offenses Constituting Crimes under the Penal Code	Juveniles Prone to Commit Offenses	Offenses under the Penal Provision of Laws Other than the Penal Code	Traffic Offenses
1974	428,888	174,120	3,347	251,421	232,251
1975	437,981	171,543	3,972	262,466	240,787
1976	461,824	169,784	3,693	288,347	257,889

Note: Column 1 (Total Number of Juvenile Cases Filed) is the sum of only columns 2, 3 and 4, and column 4 is inclusive of column 5 (Traffic Offenses).

Table No. 1 (C)

Total Number of Actions Involving Offenses by Adults in the Family Court

Year	Number of Cases Filed
1974	379
1975	430
1976	648

Table No. 1 (D)
Total Number of Actions for the Protection of Juveniles
Classified by the Means Used to Institute Them

Means of Instituting the Action	1974	1975	1976
1. Cases in which the court was informed by interested persons.	630	630	416
2. Cases reported by a Family Court Probation Officer.	301	265	280
3. Cases sent by a Prefectural Governor or the Chief of a Child Guidance Center.	206	228	237
4. Cases sent by a Police Officer.	18,361	23,298	32,246
5. Cases sent by the Public Prosecutor.	377,559	381,537	395,435
6. Cases transferred from other courts* and others.**	31,738	31,925	33,088
7. Cases in which the court was informed by the Chief of a Probation-Parole Supervision Office.	93	98	122
TOTAL	428,888	437,981	461,824

Note: * "Other courts" not only include other Family Courts—which constitute the greatest number—but District Courts and High Courts as well.
** "Others" mean such matters as cases referred from the branch office of a Family Court to the main office of the same court.

Table No. 1 (E)
Number of Family Court Decisions Disposing of Juvenile
Cases Classified by the Method of Disposition

	1974	1975	1976	
* Minors placed under the supervision of a Family Court Probation Officer.	84,024	81,651	82,861	
1. Decision to conclude the case without a hearing.	113,403	114,966	121,718	
2. Decision to dismiss the case without placing him under protective control.	188,639	182,307	192,454	
3. Decision to transfer the case to another Family Court.	33,069	33,261	34,659	
4. Decision to turn the case over to the Prefectural Governor or the Chief of a Child Guidance Center.	215	204	257	
Final Determinations Determinations to Place the Juvenile under Protective Control (Educative Measures)	5. Decision to place the juvenile under the supervision of a Probation-Parole Supervision Office.	20,448	21,720	24,337
	6. Decision to place the juvenile in a Child Education and Training Home or a Home for Dependent Children.	163	184	212
	7. Decision to place the juvenile in a Reform and Training School:	1,977	2,570	2,674
	a) to a Primary Reform and Training School for those between 14 and 16;	230	308	327
	b) to a Middle Reform and Training School for those over 16;	1,337	1,810	1,944
	c) to a Senior Reform and Training School for those over 16 with advanced criminal tendencies;	282	299	261
	d) to a Medical Reform and Training School for treatment.	128	153	142
	8. Decision to send the case to the Public Prosecutor:	50,323	51,586	55,870
	a) due to the nature, etc. of offense;	46,557	47,410	50,953
	b) due to over-age.	3,766	4,176	4,917
9. Others.	23,786	27,228	30,793	
Total Number of Final Determinations.	432,023	434,026	462,974	

Note: * Intermediate Determination

Table No. 2 (A)
Total Number of Family Affairs Cases Filed in Family Courts
in Japan

Year	Number of Cases	
	Filed	Disposed of
1972	275,558	274,503
1973	275,050	274,486
1974	276,333	276,625
1975	284,635	282,523
1976	304,731	305,149

Table No. 2 (B)
Total Number of Actions Seeking a Determination (Shimpan)
Involving Family Affairs Classified by the Cause of Action

Cause of Action	Number of Cases by Year		
	1974	1975	1976
1. Action for a declaration of incompetence or quasi-incompetence or its revocation.	1,045	1,073	1,038
2. Action for a declaration of absence or its revocation.	2,984	3,013	2,961
3. Action for permission to change a child's family name.	66,077	69,907	81,170
4. Action for permission to adopt a minor.	7,483	6,772	6,333
5. Action for permission to dissolve an adoptive relationship with a deceased parent.	1,420	1,442	1,398
6. Action to deprive a parent of his parental rights or right of management over his child's property, or to revoke such a prior decree.	74	102	97
7. Action to have a guardian, curator, or supervisor of guardianship appointed.	6,046	5,720	5,523
8. Registration of the renunciation of inheritance rights.	52,586	48,981	47,182
9. Action for bestowal of property of decedent with no known heir on person of special personal relationship.	346	358	400
10. Submission of a will made by a special form for confirmation and actions for probate of wills.	1,786	1,965	2,072
11. Action to have an executor of a will appointed.	690	767	857
12. Action for permission to change a surname or first name under the Family Registration Law.	11,586	11,334	12,901
13. Action for permission to establish a Family Register.	470	415	333
14. Action to have the Family Register corrected.	3,094	2,959	2,875
15. Action for a distribution of property due to divorce.	83	122	123
16. Action for support.	766	892	1,010
17. Action for disinheritance of an heir or to revoke such a prior decree.	89	109	88
18. Action for partition of property inherited in co-ownership.	831	834	914
19. Other Cases.	50,352	53,787	59,112
TOTAL	207,808	210,552	226,387

Table No. 2 (C)

Total Number of Actions Seeking Conciliation Involving Family Affairs Classified by the Cause of Action

Cause of Action	Number of Cases by Year		
	1974	1975	1976
1. Action for restoration of conjugal rights or for mutual assistance among spouses.	553	536	505
2. Action to obtain the custody of children on divorce.	1,899	2,016	2,635
3. Action for a distribution of property due to divorce.	444	504	547
4. Action for support.	2,880	2,982	3,017
5. Action for disinheritance of an heir, or to revoke such a prior decree.	69	86	73
6. Action for partition of property inherited in co-ownership.	4,118	4,395	4,590
7. Action for divorce.	36,108	39,578	41,872
8. Action for dissolution of an adoptive relationship.	1,140	1,230	1,250
9. Action for compensation on termination of the Naïen status (de facto marriage).	4,240	4,706	4,598
10. Other cases.	17,074	18,050	19,257
TOTAL	68,525	74,083	78,344

END