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Preventative Law Series

Divorce in Japan

Divorce in Japan

There are three routes for divorce in Japan:

- Mutual Consent City Hall Divorce (Not recognized in the U.S. and thus not recommended)
- Mediated Divorce in Family Court (Can only happen if both parties agree to all terms of the divorce)
- Contested Divorce in Family Court (Expensive and lengthy, and requires Japanese attorneys)

Divorce in Family Court

To get divorced at the Family Court, the parties first go through “mediation.” If both parties agree to all terms of child custody, child support, and spousal support (if any) at the end of the “mediation” the Family Court Judge grants the divorce. Here is the procedure for a Mediated Divorce in Family Court:

- Prepare/obtain following documents that are applicable to your case, and get non-Japanese documents translated.
 - () request form (available at any family court or NLSO)
 - () copy of marriage certificate
 - () copy of birth certificate, passport or ID card of non-Japanese party
 - () family registry (戸籍謄本) of Japanese party
 - () residence card (住民票) of Japanese party
 - () birth certificate of minor child(ren) of non-Japanese child(ren).
 - () Abstract of home country/home state divorce law (available at NLSO)
 - () divorce settlement agreement, if already prepared
 - () certificate of naturalization, if applicable
 - () agreement on change of venue, if applicable
 - () any other documents that Family Court request
- Submit request form and required supporting documents to Family Court. They are open between 0900-1000 and 1300-1530. To file in the Yokosuka Branch Family Court, respondent must live in Yokosuka, Hayama, Zushi, or Miura; or obtain agreement on change of venue.
- You must bring 2,000 yen to pay for the court fees.
- The Family Court will respond with a date and time for “mediation.” Both parties must go to the Family Court at the appointed date and time.
- Both parties must speak Japanese or bring a translator. Anyone who speaks Japanese can act as a translator. At the Family Court, a mediator will speak with both parties to try and come to an agreement on all terms of the divorce.
- “Mediation” may take as little as one trip to Family Court or may take several trips.
- The Family Court awards spousal and child support according to the amount(s) agreed upon between the spouses.

- You should consider legal representation at the “mediation.” Sometimes it is easier to work everything out with the help of attorneys.

All 50 U.S. States should recognize Family Court divorces; however, be certain your original divorce decree is translated into English and keep both copies together.

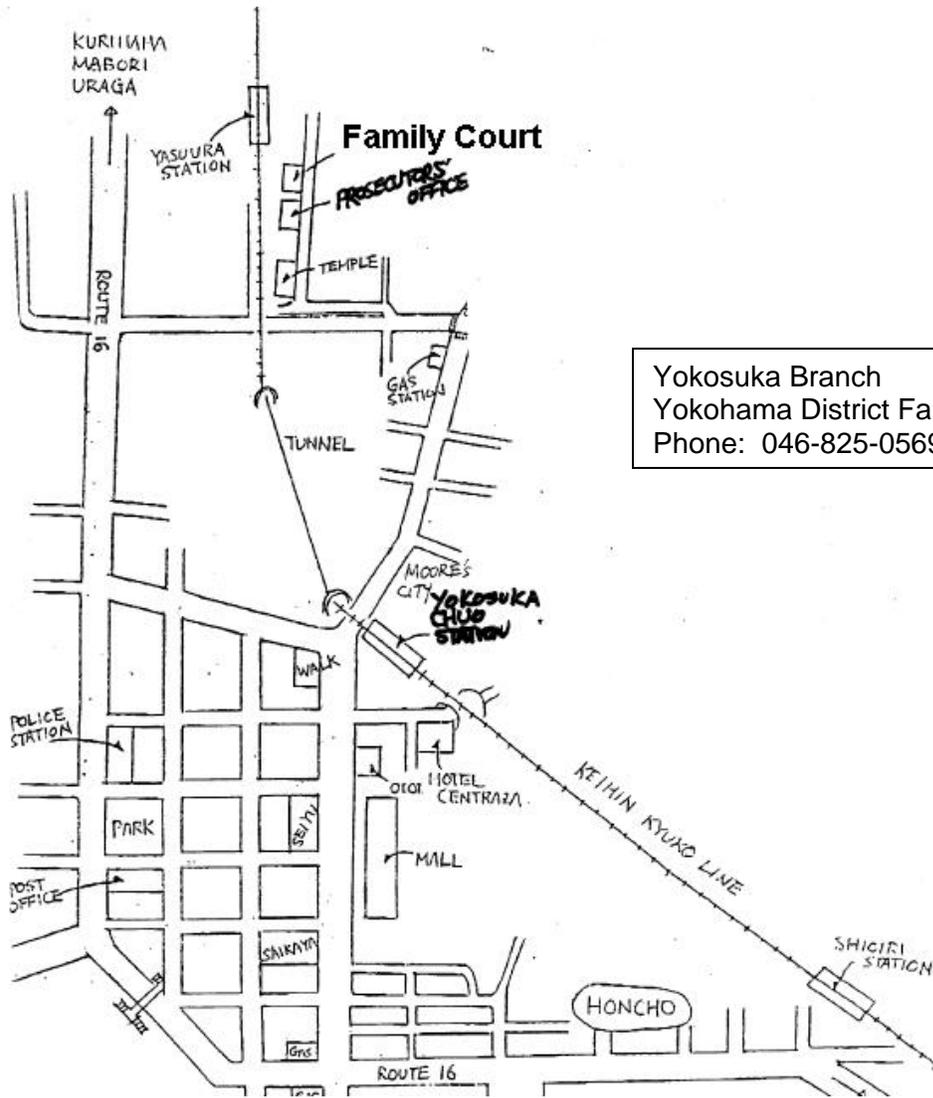
The court will ask you how many copies of the divorce decree you want -- get at least five (one for City Hall, one for DFAS, one for your State, one for you, and one for your translator). You may also want to keep a copy of the marriage certificate and the former-spouse’s ID card.

In the event of contested case, you must retain a civilian lawyer to represent and defend you.

The following U.S. Embassy in Tokyo homepage has a list of Japanese attorneys by area:

<http://tokyo.usembassy.gov/e/acs/tacs-7113.html>

For assistance and questions on Japanese divorce, make an appointment with a Japanese Legal Advisor at Naval Legal Service Office Pacific.



Yokosuka Branch
Yokohama District Family Court
Phone: 046-825-0569