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Lawmakers plan bill to ensure visitation rights after divorce

→ [POLITICS](#) DEC. 23, 2016 - 03:00PM JST (25)

TOKYO — A multiparty group of legislators is preparing to submit a bill to ensure that children can continue seeing both parents in the event of their divorce.

In Japan, divorce often means a child losing contact with one parent, the father in many cases, along with that parent's relatives, because there is no joint custody under the law. Whether or not to allow the parent who does not live with the child to see the child, and how often, is basically up to the parent who retains custody.

While the lawmakers' move is a boon to civic groups such as The Parents and Children's Network, consisting of parents and grandparents who cannot see their children and grandchildren after divorce of the children's parents, the bill faces opposition from different civic groups—those helping women and children victimized by domestic violence.

"If the bill makes it a prescribed course for children to see (the parent who does not have custody), it will hamper the recovery from damage caused to their bodies and minds, and risk their safety," said Keiko Kondo, an executive member of one such group called Zenkoku Josei Shelter Net (nationwide network of shelters for women).

Even if children were not directly victimized by physical violence, they can suffer indirectly by seeing the violence one parent has used on the other, and hearing verbal abuse, Kondo said.

For children who took refuge at a shelter with one of their parents victimized by domestic violence, seeing the other parent often takes a toll on their mental and physical health, with some of them becoming self-injurious or suffering insomnia, she said.

The groups helping victims of domestic violence are also concerned that abusive parents, when seeing their children, might ask them the names of their daycare centers to find out where they live, and try to forcibly take them back.

The women's groups have held rallies inside the National Diet Building to lobby against the bill, which would require divorcing parents to agree in writing on visitation and child support payment.

The prospective legislation would have spared a 41-year-old woman, who is a company board member, from being unable to see her daughter for three and a half years after her husband forcibly took the now 7-year-old girl and left the house with her in 2012.

She said she asked a family court immediately to grant her visitation rights, but her husband prolonged the court procedures by saying he was too busy.

The woman can now see her daughter periodically, but said, "I feel sad that I could not see my daughter grow during those years when court hearings were prolonged."

Noboru Sasaki, leader of The Parents and Children's Network, said it is "unreasonable that the separation of a husband and his wife entails the separation of a child and parent."

The prospective legislation "should stipulate standards for visitations so children can promptly receive the love of both parents" after divorce, he said. Sasaki's group has been campaigning for the realization of joint custody in Japan.

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The Health, Labor and Welfare Ministry estimates the number of marriages at 635,000 and that of divorces at 225,000 in 2015.

With divorce no longer a rarity in Japan, family courts have been handling an increasing number of disputes over custody and visitation.

The lawmakers said their bill will include a clause that says "special consideration" must be given if domestic violence has been confirmed, such as preventing the abusive parents from seeing their children.

Weeds, a civic group based in Funabashi, Chiba Prefecture, promotes visitation after divorce. Its leader Akira Haga said he hopes politicians make a decision on the issue by "giving top priority to how children will feel."

The planned bill is tentatively called "a bill to prevent severance of ties between children and their parents."

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Shumatsu_Samurai DEC. 23, 2016 - 08:28AM JST

Sounds sensible. I can understand why some groups are concerned where a spouse has been a victim of domestic violence, but the primary concern must be ensuring visitation rights are the norm, with restrictions applied where necessary, rather than the other way around (no contact except in special circumstances).



5

TheGodfather DEC. 23, 2016 - 09:03AM JST

"a bill to prevent severance of ties between children and their parents"

This is a good idea and well long-due. Well done Japan!!



8

powderb DEC. 23, 2016 - 09:07AM JST

I've been asked, over two decades, what has surprised you most about Japan, and this has been one of my answers: the idea that a child essentially disappears from from one side of the family upon divorce is something I'll never grasp.

It's not just the fathers who are suddenly without their child. I've met heartbroken grandmothers and grandfathers who suddenly find themselves without the one person who brought them their greatest joy.



3

Strangerland DEC. 23, 2016 - 09:42AM JST

This is good news, progress, and definitely a step forward.

the bill faces opposition from different civic groups—those helping women and children victimized by domestic violence.

I can understand their concerns, but it seems they are already being addressed:

The lawmakers said their bill will include a clause that says "special consideration" must be given if domestic violence has been confirmed, such as preventing the abusive parents from seeing their children.

So it seems that their objections may be unreasonable, and in fact, destructive to families. Why should the large majority of parents who are not domestically violent have to not be able to see their kids as a result of the fact that some are violent?

Their opposition to this bill appears to be unreasonable.



3

Disillusioned DEC. 23, 2016 - 10:04AM JST

While it does sound like a step in the right direction, it also seems to be quite open to subjection. As it stands now, the woman only has to say, "I fear violence" and that is the end of any joint custody negotiations, regardless of the truth. There is also the issue of child support payments. Again, as it stands now, the woman can request any amount she desires and does not have to agree to any kind of access to the children. There is also one point missing from this legislation is, property settlement. There are no laws regarding this in Japan either. However, it is good to see them making some attempt to reunite children with their estranged children. I've seen my kids once in the last three years, which was one month ago, despite paying regular support. I'm currently begging her to let me see them for Christmas, but she has declined to reply to any of my requests. The law needs to be changed to stop this kind of crap! She has no reason to deny me access to my kids other than, she can!

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Joeintokyo DEC. 23, 2016 - 10:07AM JST

"A multiparty group of legislators is preparing to submit a bill to ensure that children can continue seeing both parents in the event of their divorce."

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Just in time to ring in 2017. Better late than never.



TheGodfather DEC. 23, 2016 - 10:19AM JST

"She has no reason to deny me access to my kids other than, she can!"

1

You have confused cause and effect. Just because there is no law to stop you doing something does not mean that you can do it. So what you really mean is: "she has no reason to deny me access to my kids other than, there is no law to stop her"

Well now there is...



Strangerland DEC. 23, 2016 - 10:19AM JST

As it stands now, the woman only has to say, "I fear violence" and that is the end of any joint custody negotiations, regardless of the truth.

3

Yeah, this is a horrible thing, and it looks like this bill is being introduced to try to fix this problem.

I've seen my kids once in the last three years, which was one month ago, despite paying regular support. I'm currently begging her to let me see them for Christmas, but she has declined to reply to any of my requests. The law needs to be changed to stop this kind of crap!

I think that's what they're trying to fix with this law. I hope for your sake they can fix this problem. It's sad for both the estranged parent and the children when they cannot meet.



Dman112 DEC. 23, 2016 - 11:26AM JST

The opponents of this bill should be ashamed of themselves – they are assuming that most divorces are the result of physical/verbal abuse. I'm sure some are but not most.

3

The opponents need to look at the bigger picture and realize that kids need to see both parents, as if they don't, the longer lasting effects of "Why did my daddy leave, does he not love me?" would cause more damage to the children.



Peter Joyce DEC. 23, 2016 - 12:01PM JST

Most of em live in danboru boxes!

-4



GW DEC. 23, 2016 - 12:09PM JST

Decades overdue!! Lets hope this gains traction big time!

2

"If the bill makes it a prescribed course for children to see (the parent who does not have custody), it will hamper the recovery from damage caused to their bodies and minds, and risk their safety," said Keiko Kondo, an executive member of one such group called Zenkoku Josei Shelter Net (nationwide network of shelters for women).

This group has been way too selfish for far too long, while I openly applaud helping people who suffer violence, that should be EASILY taken into account when discussing access. This group has made it so the parent who has custody can PUNISH their ex-spouse to no end & for no damned good reason!

Again issues of abuse/violence etc should be EASILY accommodated while allowing both parents access which in most cases is surely justified!!



Patrick Kimura-Macke DEC. 23, 2016 - 12:32PM JST

First hand experience: I hope this will help future heartbreak. My father (94) came to Japan from the UK twice a year to see his grandsons but was not allowed to meet them the last two times he came. He doesn't come anymore. He will be 97 next year and believes he will never see them again. There is more chance for me but it still hurts as I miss important years of their lives. In 2015 I saw them for a total of 4 hours. So far this year seven 3 hour meetings. Although I say it myself, there were no grounds for my wife to leave, however my attorney says that even in cases where it is the woman who has committed the grounds she can still take the children and deny access. I also worry about what the children will think when they grow up and understand that their mother stopped them from seeing their grandfather before he died.

2



brianprager DEC. 23, 2016 - 12:38PM JST

The Japanese state continues to pretend that anyone in its enormously resistant bureaucracies and courts, which don't give a flying fig about parents and children and have never, *ever* taken the tiniest step to use their powers to HELP families stay together, and to protect small children from being abducted by one vicious, "koseki"-bearing parent, and whisked away, will now suddenly be viewed favorably by parents and the world. Well don't hold your breath! We have been unable to see our children because of Japanese laws and procedures for so long now our children are barely children any more. There is no sense in which the false optimism and "progress narrative" of Japanese family courts and rule makers will ever, ever, ever have the strength to lift themselves from their chairs and their glazed-over bureaucrat complacency to assist others. The anti-child habits of this state are so ingrained, people have no concept of the pain and suffering they inflict. The children of Japan are the VICTIMS of Japan.. 3 million of them can have no normal relations with their parent; hundreds of

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thousands are abducted from abroad and live there in hiding, with the Japanese state refusing to help us year after year, and thwarting every attempt by parents to find and resume their relationships with their children. Just listen to the objections raised in the article: the same hoary song and dance. It is SO tired... and so obvious that if the Japanese state wanted to protect people from domestic violence it could do so without destroying every normal, loving father who is subjected to the machinations of Japan's child abduction "industry." Now, here comes some snout flapping Japanophile to engage in some nationalist "what-aboutery." Follow the comments folks!



smithinJapan DEC. 23, 2016 - 01:41PM JST

About time! Barring abuse or potential danger, I don't see why one parent should ever be denied the right to see his (or her) child, even if the are deadbeats.

1



Jandworld DEC. 23, 2016 - 01:43PM JST

While other royals are concerned that "rising intolerance risks repeat of horrors of the past" only an isolated island society on the far side of the globe can believe itself being part of the advanced world with such a unique and unhealthy family custom still in place.

2



Disillusioned DEC. 23, 2016 - 01:48PM JST

You have confused cause and effect. Just because there is no law to stop you doing something does not mean that you can do it. So what you really mean is: "she has no reason to deny me access to my kids other than, there is no law to stop her" Well now there is...

1

I haven't confused anything. There is no law, as yet, and it may take another ten years before anything changes. This is just a proposal that will need to go through the diet and be enacted. Furthermore, if it's anything like The Hague agreement there will be very open-ended clauses and they will refuse to acknowledge any cases prior to the legislation. These will make this legislation a paper law only.



sensei258 DEC. 23, 2016 - 02:53PM JST

Whether or not to allow the parent who does not live with the child to see the child, and how often, is basically up to the parent who retains custody.

1

Only partially true, the other parent has to want to see their children. After their divorce, my stepdaughter's ex once brought his son for a weekend stay at Disney, but ignored his daughter completely, didn't even buy her an omiyage. But now, he'll stop by a couple times a year to drop off some cheap present. He recently had to move to another prefecture because of his job. He wanted to take his daughter there for New Years weekend, but we refused. Who in their right mind would allow a 9 year old girl to stay in a house far away, with a group of guys getting their New Years drink on.



MaikuC DEC. 23, 2016 - 03:22PM JST

Separation as a result of child abduction is enough to remove a parent's right of access and custody of their child. No matter how married you are your custody rights will not be protected in Japan if the abducting parent does not want the left behind parent to see their child. Enforcement is nine tenths of the law. Without it the legislation is just a piece of paper. Hopefully the legislation is passed and the courts actually enforce their own orders.

1



John-San DEC. 23, 2016 - 03:29PM JST

It depends on the parent mental status. Even with accompanied visitation vindictive parent have murder the child. The child should have 50/50 if the child chooses not the courts. And this should be revisited for assessment yearly or every 6 months that id if the Parent has behave him or herself and the child asked again about want she want in the following period. If the mother is breast feeding the child stay with the mother period until breast feeding ended.

-1



TheGodfather DEC. 23, 2016 - 05:32PM JST

"Separation as a result of child abduction is enough to remove a parent's right of access and custody of their child"

1

Yes. That is, always was, and always will be, the law in Japan.



bluenote1 DEC. 23, 2016 - 05:32PM JST

This is a good move. I've witnessed the vindictiveness of women and even men where the children of broken marriages become pawns in a game of spite. I think they go through enough without attempts to poison their minds against one of their parents. More mature understanding and less spite must endure.

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zones2surf DEC. 23, 2016 - 06:47PM JST

With all due respect, the fundamental problem, at the beginning, is this: there is no concept of joint custody.

1

Until the law recognizes and allows for this, everything else will be work-arounds.

In an ideal situation involving divorce, where both parents love and care for their child/children and no domestic violence issues are involved, wouldn't joint custody be the natural, desired starting point, if one is concerned about the child's well-being??

And, yet, that cannot even be considered.

And, that, my friends, is the fundamental problem from which everything else flows.



anotherexpat DEC. 23, 2016 - 07:07PM JST

Why not simply establish grounds and rights for joint custody, or regular visitation – the rest of the world did so decades ago. I cases of domestic abuse, the abusing partner should lose the right of unsupervised custody, if not visitation altogether. In cases where child support is unpaid, the person responsible should be denied visitation until a payment arrangement can be worked out, and wages garnished to pay child support.



coskuri DEC. 23, 2016 - 07:30PM JST

Whether or not to allow the parent who does not live with the child to see the child, and how often, is basically up to the parent who retains custody.

Even if the 2 parents allow it, join custody is not possible. Only one parent continues to be official, the others becomes a stranger, then if the official parent goes to a trip or whatever, the second parent is no longer able to take medical decision or anything about his/her own child. ABSURD. A dozen of couples of acquaintances that have remained married (for as long as 18 after they separated, some even got married or remarried with no intention to ever live together) and that's a 'fake marriage', only to allow both to keep parental rights, sharing custody (2 houses, new partners). The archaism of Japanese laws does not allow both parents to share custody and relay one another for child education.

the bill faces opposition from different civic groups—those helping women and children victimized by domestic violence.

Really lame. It's clear that Japan does not do enough for DV cases but that old law has never helped, on the contrary. Countless kids are routinely abused by the parent that has custody and her new boyfriend. The degree and frequency seems more than in other countries because the other parent and grand-parents are totally cut off and rendered unable to know the abuse and intervene. What is needed is arresting the brutes, forcing them to have treatments, police enforcing restricting orders.



FightingViking DEC. 23, 2016 - 08:18PM JST

Too little, too late for me and the younger brother...

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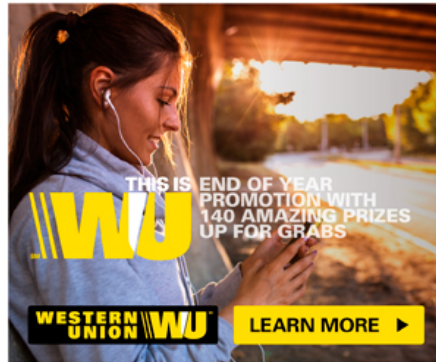


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