

### 3 Steps for Getting a Divorce in Japan (text)

Hello, everyone, I am Shogo Yamagami, an attorney at law in Japan.

This time, I would like to introduce three steps for getting a divorce in Japan.

By the way, we have another video about three important things of divorce in Japan, so if you have time, please watch it.

In Japan, there are 3 steps for getting a divorce;

No.1 is divorce by consent;

No.2 is mediation in court;

and No.3 is lawsuit in court.

First of all, divorce by consent means both spouses make an agreement to get a divorce, and they submit the divorce paper (in Japanese “Rikon-todoke”) to the local government. Some countries do not allow this, but it is OK in Japan.

And two witnesses have to give their signature on this divorce paper, but anyone is OK for witness.

The divorce paper does not have enough room to decide detailed things, so it is common that both spouses make another divorce agreement.

However, in this situation, the relationship between both spouses tends to be not so good, for example, they often fight each other or they do not speak to each other. If so, an amicable conversation must be difficult, so we lawyers can accept divorce cases in such a negotiation stage and we can negotiate with the opposing party on behalf of the client. The client does not need to contact the opposing party directly.

If both spouses cannot make an agreement, the party who wants to get a divorce needs to file mediation with a family court.

In Japan, a divorce mediation procedure is needed before a divorce lawsuit.

What is divorce mediation?

It is a procedure that two mediators hear the both parties' argument and mediators try to have the parties make a final agreement.

Family courts have different reception rooms for both parties, so they do not need to face each other until they make a final agreement.

Someone attends mediation without a lawyer, however, mediators are neutral and they must not take sides, so I think it is better that you hire a lawyer in this mediation stage to protect your rights.

And if you hire a lawyer, you do not need to attend mediation yourself until you make a final agreement.

If both spouses cannot make an agreement in the mediation stage, the party who wants to get a divorce needs to file a divorce lawsuit with a family court.

In a divorce lawsuit procedure, both parties shall submit their argument and evidence to the court, and then if the judge believes that there is a reasonable ground for divorce, the judge makes a decision to allow to get a divorce.

If you hire a lawyer, generally you do not need to attend hearings yourself, except for examinations and making an agreement in court.

I think you might know on TV dramas, examinations are a procedure that both parties' lawyers and the judge ask questions and the parties must answer.

Finally, if you are not satisfied with the court decision at the 1<sup>st</sup> instance, you can appeal to the high court as 2<sup>nd</sup> instance.

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