

Important Things of divorce in Japan (text)

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

This time, I would like to introduce three important things about getting a divorce in Japan.

I think it is necessary to think No.1 about whether you can get a divorce, No.2 about Children, and No.3 about money and properties.

First, about whether you can get a divorce, if both spouses agree to get a divorce, they can.

However, if they cannot make an agreement to get a divorce, a reasonable ground for divorce is needed.

Adultery, domestic violence, or non-payment of living expenses are examples of reasonable grounds, and it is also necessary to prove existing of such a reasonable ground in front of the court by submitting evidence.

For example, communications between the spouse and the other person, pictures and recordings will be examples of evidence of adultery.

In addition, even if there is no reasonable ground but there is 3 to 5 years of separation, there is a possibility to get a divorce. So I think that a separation is also important.

Second, about children, parental rights and custodial rights are often controversial.

About this issue, which spouse has mainly taken care of their children is considered as the most important thing by the Japanese court.

Therefore if a father mainly takes care of children, he has a chance to get parental rights and custodial rights of his children.

Of course, evidence is needed to prove this fact, so pictures or movies of children's daily life, a diary describing how you have taken care of children etc. are considered as evidence.

Also regarding children, amount of child support shall be decided. Japanese courts have the chart for determining amount of child support

Third, regarding money and properties, there are two issues, that damages for mental suffering and property distribution.

If you suffered the mental damages by your spouse's behavior, you can seek compensation against your spouse and others, and in adultery cases the amount of damages for mental suffering is generally 2 million to 3 million Japanese yen.

Property distribution means to distribute both spouses' common properties equally in general.

However in case that you do not know well about your spouse's properties, there is a possibility that you cannot get a fair amount.

Therefore I think that it is quite important to know which bank and branch the spouse is using and his/her financial situation.

As I mentioned earlier, evidence is very important, so please feel free to consult lawyers on how to get evidence.

Thank you very much for your reading this website.

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