

4 FAMILY LAW, LAW GOVERNS DOMESTIC AFFAIRS

4.1 PRINCIPLES OF FAMILY LAW

Day 4, Family Law	Fact: Decrease birth, Demand of adoption Family Law Human Right and welfare of children Fact: Increase Aged Basic Human Rights	Convention on the Rights of the Child https://www.unicef.org/crc/ http://www.humanium.org/en/convention/text/ [Material adoption.doc] Leading case May 24, 1967 Supreme Court Case (Asahi Suite) [Material asahi_case.doc, seikatuho.doc]
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The purpose of this class is to understand family law.

- Q: What is family?
- Q: What is parent's right of on children?
- Q: What is the purpose of the Hague Convention?
- Q: Can the law govern family relationships?

Exercise: Please make pair of word and content

Word list	Content list
(1)養子縁組 YouShiEngumi (2)戸籍 KoSeki (3)後見 KouKen (4)相続 SouZoku (5)調停 ChoTei (6)親権 ShinKen	(a)record of family relationships (b)inheritance of money or property received from someone died (c)bring about an agreement by intervening in a dispute (d) legally take child and bring it up as one's own (e) protective care or guardianship of someone or something (f)right to control a child

4.2 FAMILY IN LAW

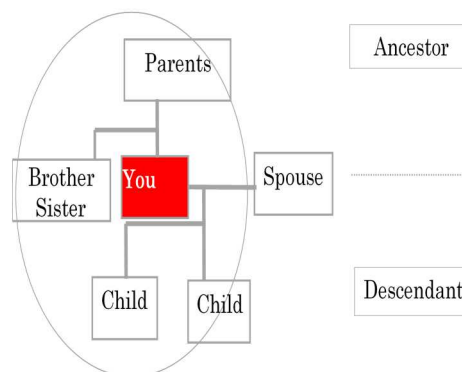
4.2.1 Relative

Civil Code Article 725 The following persons shall be relatives,

- a relative by blood within the sixth degree,
- A spouse; and,
- a relative by affinity within the third degree.

Exercise 2

Try to count your relative you can contact.



4.2.2 Parental authority

(Right and Duty of Care and Education)

Civil Code Article 820 A person who exercises parental authority holds the right, and bears the duty, to care for and educate the child for the child's interests.

Exercise 3

What are child's right and duty?

4.3 CHILD ABUSE AND

DISCIPLINARY RIGHT

(Discipline)

Civil Code Article 822 A person who exercises parental authority may discipline the child to the extent necessary for the care and education under the provisions of Article 820.

Exercise 4

What are child's right and duty?

Exercise 5

What is the role of Child Welfare Center at child abuse? What can they do?

4.4 INTERNATIONAL MARRIAGE AND DIVORCE

法の適用に関する通則法

Act on General Rules for Application of Laws, Act No. 78 of June 21, 2006

(Formation and Formalities of Marriage)

Art. 24 (1) The formation of a marriage shall be governed by the national law of each party.

(2) The formalities for a marriage shall be governed by the law of the place where the marriage is celebrated (lex loci celebrationis).

Exercise 6

How many international couple divorced in a year?

4.5 THE HAGUE CONVENTION (CONVENTION ON THE CIVIL ASPECTS OF INTERNATIONAL CHILD ABDUCTION)

When divorce a couple decide which of them live with children. If their nationalities are different, where children live.

Child is happy to live with his/her mother, isn't it? Japanese mother take child to Japan contradict the decision at divorce.

*Kidnapping?

Exercise 7

How to enforce to live with someone?