



## 2 Divorce

### 2-2 Divorce and children

According to Japanese law, in cases where there are children under the age of 20, the divorce notification cannot be accepted unless the person with custody has been decided.

A child born within 300 days of a divorce is, in principle, considered to be the child of the father in the family register prior to the divorce (Civil Law, Article 772). If this father is not the real father, a suit to confirm parent-child relationship does not exist must be filed. If certain conditions are fulfilled, (e.g. "having a certificate from a medical doctor, etc.") the child may be registered as the legitimate child of the father after divorce (details are not given here).

If, after a divorce, a parent who does not have authorized parental custody, etc. takes a child out of the country, such an act is considered abduction (a crime). The child must be returned to the original country immediately. (Hague Convention on the Civil Aspects of International Child Abduction, 1980)