

Lawyers Pledge to Support Children's Rights in Japan

It is the policy of [name of attorney or law firm] that children should have frequent, meaningful and continuing contact with both natural parents regardless of the citizenship, marital status or gender of the parent. Frequent, meaningful and continuing contact should occur at all times regardless of whether the parents are living together or apart, and regardless of whether it is ordered to occur by a mediator, judge or other legal representative. Frequent, meaningful and continuing contact should occur during any family law dispute separation, mediation, court proceedings and any other circumstances where a child may be separated from a parent, whether prior to or after a legal decision being issued.

Denial of frequent, meaningful and continuing contact with either natural parent (Denial of Access) violates the United Nations Convention on the Rights of the Child (CRC), which Japan ratified on May 22, 1994. Repeated disparagement or an attitude of rejection by a parent toward the other parent or the other parent's nationality and culture (Parental Alienation) violates Japan's Child Abuse Prevention Law. Denial of Access and Parental Alienation is both a crime and a form of child abuse in a number of countries. We note that Japanese lawyers have a special duty to detect and prevent child abuse.

International parental child abduction is a crime in many countries Japanese Penal Code, Chapter 33, Crimes of Kidnapping, Abduction and Human Trafficking, Article 226(1) also prohibits parental child abduction both into and out of Japan. This is in accordance with the Hague Convention on the Civil Aspects of International Child Abduction, which although Japan is not a party to, this law firm supports in principle. Thus custody, visitation and other such orders issued by a court of law in a foreign country that was at the time, the habitual residence of a child, should be honored. Any child internationally abducted to Japan should be returned to its country of habitual residence, as if Japan was a party to the Hague Convention on the Civil Aspects of International Child Abduction.

While there may be circumstances in which contact with one or both parents may be detrimental to a child, we believe that such cases are rare and should only be permitted after a thorough and conclusive investigation by professionals educated and trained in child psychology and welfare, and after such evidence has been submitted, on the record, to a court of law. Denial of frequent, meaningful and continuing contact with any parent should only occur upon subsequent order of a judge to that effect. Should a judge issue such order, we believe that it should allow for Frequent, meaningful and continuing contact under supervision, unless the evidence submitted shows that even supervised contact would be likely to pose a threat to the child's safety. In absence of such an order, no parent should deny this policy.

Lawyers Pledge to Support Children's Rights in Japan

I/We, [name of attorney or law firm] pledge to support this policy by

- Presenting every potential client of a case involving a marital, child custody, child visitation or other family law dispute (collectively, "Family Law Case") with a copy of this policy, in Japanese or their native language;
- Not knowingly facilitating, encouraging or permitting one parent to practice Denial of Access or Parental Alienation against another parent;
- Refusing to take a Family Law Case from a client who will not agree to abide by this policy, and retiring from a case if a client subsequently will not abide by this policy in actual practice or in spirit;
- Ensuring that all suggestions, motions, etc. we submit to mediators, judges and other officers of the court follow this policy;
- Refusing to take a Family Law Case from a parent who has abducted their child internationally, except to assist in returning the child to the other parent, and to its country of habitual residence before the abduction;
- Refusing to take a Family Law Case from a parent who has abducted their child domestically, except to assist in returning the child to the other parent;
- Displaying a signed copy of this pledge on our website, if one exists, and in our offices.

I understand and agree to the foregoing (signed): _____

Name of Attorney and Law Firm: _____

Date: _____

