

Rules on Juvenile Hearing and Decision

(Rules of the Supreme Court No. 33 of December 21, 1948)

The Rules on Juvenile Hearing and Decision are established as follows.

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Chapter I General Provisions

(Construction and Operation of these Rules; Attitude to be taken when Treating a Juvenile Protection Case)

Article 1 (1) In order to appropriately treat a juvenile protection case, these rules shall be construed and operated in accordance with the purpose and spirit of the Juvenile Act (Act No. 168 of 1948; hereinafter referred to as the Act).

(2) When dealing with an investigation, hearing and decision or other treatment of a juvenile protection case, constant effort must be made to protect the juvenile's emotional stability with consideration and good will, while endeavoring to earn the trust from the juvenile and the custodian, etc. through the course of these actions.

(Written Decision)

Article 2 (1) Upon making a decision, the judge must prepare a written decision, and affix the judge's signature and seal to it. If a panel of judges makes a decision and if there is a judge who is unable to affix the judge's signature and seal to the written decision, one of the other judges (if the judge who is unable to affix the judge's signature and seal is a judge other than the presiding judge, the presiding judge) must indicate the grounds for such, in a supplementary note, and affix the judge's signature and seal.

(2) When the judge affixes the judge's signature and seal pursuant to the provisions of the preceding paragraph, the judge may affix the judge's seal next to the judge's name in lieu of affixing the judge's signature and seal.

(3) The judge may affix the judge's seal to the written decision for a decision

other than those listed in any of the following items in lieu of affixing the judge's signature and seal under paragraph (1) or affixing the judge's seal next to the judge's name under the preceding paragraph:

- (i) a decision to close a case;
 - (ii) the decision referred to in Article 5, paragraphs (2) and (3) of the Act; Article 17, paragraph (1) of the Act and the proviso to paragraph (3) of the same Article; Article 33 of the Act as applied mutatis mutandis pursuant to the first sentence of Article 17-2, paragraph (4) of the Act (including a case as applied mutatis mutandis pursuant to Article 17-3, paragraph (2) of the Act); the main clause of Article 17-4, paragraph (1) of the Act; Article 22-2, paragraph (1) of the Act (including a case as applied mutatis mutandis pursuant to the Act or a case in which the rule of the Act governs; the same applies to item (v) of the following paragraph); Article 24-2 of the Act; Article 25 of the Act; Article 32-4, paragraph (3) of the Act; and the proviso to Article 34 of the Act (including a case as applied mutatis mutandis pursuant to the first sentence of Article 35, paragraph (2) of the Act); and
 - (iii) the decision referred to in Article 46-3, paragraph (7).
- (4) The written decision must include the information listed in the following items:
- (i) main text of the decision;
 - (ii) reasons for the decision;
 - (iii) name and age of the juvenile;
 - (iv) occupation, residence, and registered domicile of the juvenile; and
 - (v) in a written decision for a decision to close a case in which the court of that instance makes the decision referred to in Article 22-2, paragraph (1) of the Act, the fact that the decision referred to in that paragraph is made and any matter sufficiently identifying the case pertaining to that decision.
- (5) The written decision for a decision other than those listed in any of the following items may omit the matters listed in items (ii) and (iv) of the preceding paragraph:
- (i) the decision referred to in Article 17, paragraph (1), item (ii) of the Act and the proviso to paragraph (3) of the same Article;
 - (ii) the decision referred to in Article 20 of the Act, Article 24 of the Act, and Article 24-2 of the Act;
 - (iii) the decision referred to in Article 27-2, paragraph (1) of the Act and the main clause of paragraph (2) of the same Article;
 - (iv) the decision referred to in Article 33 of the Act (including a case as applied mutatis mutandis pursuant to the first sentence of Article 17-2, paragraph (4) of the Act (including a case as applied mutatis mutandis pursuant to Article 17-3, paragraph (2) of the Act) and the first sentence of Article 35, paragraph (2) of the Act); and

- (v) a decision not to subject a juvenile under protective measures for a case in which the decision referred to in Article 22-2, paragraph (1) of the Act (hereinafter referred to as the "decision requiring participation of the public prosecutor") is made.
- (6) The written decision may quote the contents of the documents in the case record.
- (7) If the presiding judge finds it to be appropriate, the presiding judge may have a decision included in the record, and substitute the record for the written decision.

(Announcement of a Decision)

Article 3 (1) In order to announce a decision listed in the following items, the presiding judge must render it on a hearing date:

- (i) the decision referred to in Article 24, paragraph (1) of the Act; and
 - (ii) the decision referred to in Article 23 of the Act for a case in which a decision requiring participation of the public prosecutor is made.
- (2) In order to announce a decision listed in the following items, the presiding judge must render it in the presence of the juvenile:
- (i) the decision referred to in Article 17, paragraph (1) of the Act (excluding the case referred to in item (i) of the following paragraph); the main clause of Article 17-4, paragraph (1) of the Act (excluding the case referred to in item (ii) of the following paragraph); Article 23 of the Act (excluding the case referred to in item (ii) of the preceding paragraph); and Article 25 of the Act; and
 - (ii) the decision referred to in Article 20 of the Act for a case in which the measures referred to in Article 17, paragraph (1), item (ii) of the Act are implemented.
- (3) In order to announce a decision listed in the following items, the judge who makes the decision must render it in the presence of the juvenile:
- (i) the decision referred to in Article 17, paragraph (1) of the Act under paragraph (10) of the same Article; and
 - (ii) the decision referred to in the main clause of Article 17-4, paragraph (1) of the Act under paragraph (2) of the same Article.
- (4) Except in the case referred to in the preceding three paragraphs, the decision is announced by a method that is found to be appropriate. The same applies to a case in which it is not possible or it is found to be inappropriate to make the decision referred to in Article 23, paragraphs (2) and (3) of the Act (excluding the case referred to in paragraph (1), item (ii)) and Article 25 of the Act pursuant to the provisions of paragraph (2), item (i).
- (5) It is not required to announce the decision referred to in Article 19 of the Act, if it is not possible to make the announcement of the decision pursuant to the

provisions of the preceding paragraph.

- (6) The court clerk indicates the method, place, and date of the announcement, in the case referred to from paragraphs (1) through (4), and the fact that the announcement is not made, in the case referred to in the preceding paragraph, in a supplementary note to a written decision or a record including the decision, and affix the court clerk's seal to the written decision or the record.

(Direction to Execute a Decision and Order to Accompany)

Article 4 (1) The decision and an order to accompany referred to in Article 17, paragraph (1), item (ii) of the Act; the main clause of Article 17-4, paragraph (1) of the Act; Article 18 of the Act; Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3)); Article 20 of the Act; Article 23, paragraph (1) of the Act; Article 24, paragraph (1) of the Act; the main clause of Article 26-2 of the Act; and the main clause of Article 27-2, paragraph (5) of the Act are executed under the direction of the judge of the family court which made the decision or issued the order to accompany.

- (2) The judge is to implement the direction referred to in the preceding paragraph by affixing the judge's seal to the original of a written decision, a copy or an extract of the written decision or a record including the decision, or the order to accompany; provided, however, that in case of urgency, the judge may implement the direction by affixing the judge's seal to documents including the name and age of the juvenile, the main text of the decision, the announcement date, the name of the court, and the name of the judge.

(Notification of a Decision)

Article 5 (1) If a family court makes the decision referred to from Articles 18 through 20 of the Act, and Article 23 of the Act or Article 24, paragraph (1) of the Act for a case which has been referred to the court by a public prosecutor, a judicial police officer, a police officer, a prefectural governor, or a director of a child consultation center, the court must notify those who referred the case to the court of that fact. The same applies to a case in which a family court makes the decision referred to in Article 24, paragraph (1) of the Act for a case for which the court has received a notification under Article 68, paragraph (1) of the Offenders Rehabilitation Act (Act No. 88 of 2007) from a director of a probation office.

- (2) The provisions of the preceding paragraph apply mutatis mutandis to a case that has been transferred to the family court pursuant to the provisions of Article 55 of the Act.
- (3) If the family court rescinds protective measures pursuant to the provisions of Article 27 of the Act and Article 27-2, paragraph (1) of the Act, the court is to

notify the director of a probation office, a children's self-reliance support facility, foster home, or a juvenile training school which implements the protective measures of that fact.

(Preparer of Documents; Quotation in Record)

- Article 6 (1) Except as otherwise provided, a document pertaining to a juvenile protection case is prepared by a court clerk; provided, however, that a document pertaining to an investigation by a family court investigating officer or other matters may be prepared by the family court investigating officer.
- (2) Any document, photograph, or other material which is found to be appropriate may be cited in a record and be deemed to constitute part of a case record and attached thereto.

(Notification to a Concerned Person of the Case)

- Article 6-2 (1) The court or the presiding judge may have a court clerk provide notification which is to be provided by the court or the presiding judge pursuant to the provisions of these rules.
- (2) When a court or presiding judge, or a court clerk provides notification under the Act or these rules, the court clerk must keep a record of that fact in the case record.
- (3) When the family court investigating officer provides notification under these rules, the family court investigating officer must keep a record of that fact in the case record.

(Inspection and Copying of the Case Record and Evidence)

- Article 7 (1) Except in a case under Article 5-2, paragraph (1) of the Act or in a case in which a permit is granted by a court which retains the case record or evidence of a juvenile protection case, the case record or the evidence must not be inspected or copied.
- (2) Notwithstanding the provisions of the preceding paragraph, the attendant (excluding those who are appointed pursuant to the provisions of Article 6-3 of the Act; the same applies hereinafter) may inspect a case record or evidence of a juvenile protection case after a decision for commencement of a hearing and decision procedure is made.
- (3) If the court finds that, in part of a case record or evidence of a juvenile protection case, there is any mention or record of any matter likely to cause any act which harms the body or property of a person or threatens or confuses a person, or any act which has serious negative effects on the dignity or the peaceful existence of the person in society, by having the case record or the evidence inspected, the court may attach a condition that the attendant does not inform the juvenile or the custodian of any of the matters designated by the

court, or designate a time when, and a method by which, the attendant may inform the juvenile or the custodian of any of the matters designated by the court when the attendant inspects the case record or the evidence pursuant to the provisions of the preceding paragraph, after considering the relationship between the attendant and the juvenile or other circumstances; provided, however, that this does not apply to a case in which there is a risk of interfering with the attendant's preparation for a hearing and decision or other preparation for a hearing and decision.

- (4) If the court finds that, in the case referred to in the main clause of the preceding paragraph, it is likely impossible to prevent the acts referred to in the main clause of that paragraph by the method under the main clause of that paragraph, the court may prohibit the attendant from inspecting any part of the case record or the evidence that are provided in the main clause of the preceding paragraph and designated by the court when the attendant inspects the case record or the evidence pursuant to the provisions of paragraph (2), except in a case in which there is a risk of interfering with the attendant's preparation for a hearing and decision or other preparation for the hearing and decision. In this case, if the name or residence of the person is mentioned or recorded in part of the case record or evidence which the court has prohibited the attendant from inspecting, the court must inform the attendant of a nominal designation in lieu of the person's name and a contact address in lieu of the person's residence at the attendant's request.
- (5) In order for the court to take measures under the preceding two paragraphs, the court must hear the attendant's opinions in advance.
- (6) If the court takes measures under paragraphs (3) or (4), the court must notify the attendant of that fact. The court must provide this notification, while identifying the matters designated by the court in the case of measures under paragraph (3) and the part designated by the court in the case of measures under paragraph (4).
- (7) If the attendant violates any condition attached pursuant to the provisions of paragraph (3) or does not comply with the designation of the time or method under the same paragraph, the court may notify the bar association to which the attendant who is an attorney at law belongs or the Japan Federation of Bar Associations, and request that any appropriate measures be taken.
- (8) Any entity which has received a request under the preceding paragraph must notify the court that made the request of measures which the entity has taken.

(Matters to be Clarified When Making a Request for Inspection or Copying of the Case Record; Article 5-2 of the Act)

Article 7-2 The following information must be clarified when making the request referred to in Article 5-2, paragraph (1) of the Act:

- (i) name or trade name and address of the requester;
- (ii) matters sufficiently identifying a case record whose inspection or copying is required;
- (iii) a fact based on which the requester falls on a person who may make the request referred to in Article 5-2, paragraph (1) of the Act; and
- (iv) grounds based on which the requester makes a request for inspection or copying.

Chapter II Notification; Investigation by Police Officers

(Method of Referral to a Family Court)

Article 8 (1) The public prosecutor, the judicial police officer, the police officer, the prefectural governor, or the director of a child consultation center must refer a case to the family court with a document for referral that includes the information listed in the following items:

- (i) name, age, occupation, and residence of the juvenile and custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person) and the registered domicile of the juvenile;
 - (ii) grounds for a hearing and decision; and
 - (iii) other matters for reference.
- (2) In the case referred to the preceding paragraph, documents, evidence, or other material for reference, if any, must also be transferred.
- (3) The document for referral may include opinions pertaining to the treatment of the juvenile.
- (4) If the public prosecutor re-refers a case that a family court had referred to the public prosecutor to the family court, the public prosecutor must include the reason for the re-referral in the documents for referral.
- (5) The provisions of the preceding four paragraphs apply mutatis mutandis to a case in which a director of a probation office provides notification under Article 68, paragraph (1) of the Offenders Rehabilitation Act.

(Method of Notification; Article 6 of the Act)

Article 9 (1) In order for a person who discovered a juvenile who is to be subject to a hearing and decision of a family court to notify the court of the discovery, the person, to the greatest extent possible, must clarify the name, age, occupation, and residence of the juvenile and the custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person) and the registered domicile of the juvenile as well as the grounds for the hearing and decision.

(2) The notification referred to in the preceding paragraph may be provided in

writing or provided orally. If the notification is provided orally, the family court investigating officer or the court clerk must include that fact in the record.

(3) The provisions of paragraph (3) of the preceding Article apply mutatis mutandis to the case referred to in paragraph (1).

(Seizure, Search, Inspection, and Request for an Expert Examination; Article 6-5 of the Act)

Article 9-2 The provisions pertaining to seizure, search, inspection, and request for an expert examination conducted by judicial police personnel in the Rules of Criminal Procedure (Rules of the Supreme Court No. 32 of 1948) (excluding Article 158-2 of the same Rules) apply mutatis mutandis to seizure, search, inspection, and request for expert examination under Article 6-5, paragraph (1) of the Act.

(Method of Reporting; Article 7 of the Act)

Article 9-3 The family court investigating officer must make a report pursuant to the provisions of Article 7, paragraph (1) of the Act with a written report including the information listed in the following items:

- (i) name, age, occupation, and residence of the juvenile and the custodian (in a case in which the custodian is a juridical person, a name or trade name and the location of the principal office or head office of the juridical person);
- (ii) summary of grounds for a hearing and decision; and
- (iii) other matters for reference.

(Investigation Before the Report by the Family Court Investigating Officer; Article 7 of the Act)

Article 10 The family court investigating officer must conduct the investigation referred to in Article 7, paragraph (2) of the Act within the limit necessary for reporting, and be careful not to get too deeply involved in the investigation.

Chapter III Investigation and Hearing and Decision

(Investigation Policy; Article 9 of the Act)

Article 11 (1) An investigation is to be conducted concerning matters necessary for a hearing and decision and treatment of the juvenile who is to be subject to the hearing and decision, such as matters pertaining to the family and custodian, circumstances, backgrounds, educational level and conditions, process of delinquent behavior, character and conduct, facts and matters pertaining to the case, physical and mental condition, etc.

(2) Whenever possible, an investigation is also to be conducted concerning the

background, educational level, character and conduct, inherited character, etc. of the family and other concerned person of the juvenile.

- (3) If the juvenile is referred to a juvenile classification home, any note for assessment and treatment at the time of observation and protection of the juvenile or other matters for reference must be indicated to the greatest extent possible to the juvenile classification home.

(Preparation of a Recorded Statement Document)

Article 12 (1) If the family court finds that a statement given by the juvenile, the custodian, or a relevant person is necessary for a hearing and decision in a case, the court must have it included in the record, or include it in the record.

- (2) The family court must have the person who has given a statement affix the person's signature and seal to the record referred to in the preceding paragraph.
- (3) If the family court investigating officer finds it to be appropriate in the case referred to in paragraph (1), the family court investigating officer may prepare a document including a summary of the statement given by the juvenile, the custodian, or the relevant person, and substitute this for the record referred to in the same paragraph.

(Reporting of the Investigation by the Family Court Investigating Officer;
Article 8 of the Act)

Article 13 (1) The family court investigating officer is to report the results of the investigation in writing to the family court.

- (2) The family court investigating officer must attach the family court investigating officer's opinions to the document referred to in the preceding paragraph.
- (3) Regardless of whether before or after reporting under paragraph (1), the family court investigating officer must state the family court investigating officer's opinions pertaining to treatment of the juvenile to the family court.

(Matters to be Clarified when Making a Request for a Statement of Opinions;
Article 9-2 of the Act)

Article 13-2 (1) The following information must be clarified when making the request referred to in the main clause of Article 9-2 of the Act:

- (i) name or trade name and address of the requester;
 - (ii) matters sufficiently identifying the case pertaining to the request; and
 - (iii) a fact based on which the requester falls on a person who may make the request referred to in the main clause of Article 9-2 of the Act.
- (2) With regard to the request referred to in the main clause of Article 9-2 of the Act, it is not permissible for a person other than an attorney at law to become a

representative.

(Notification of Date and Time for Hearing Opinions; Article 9-2 of the Act)

Article 13-3 If a family court or a family court investigating officer hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the family court or the family court investigating officer must notify the requester to that effect and of the date, time, and place to hear opinions.

(Consideration Given to Hearing Opinions; Article 9-2 of the Act)

Article 13-4 Upon hearing opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the physical and mental condition of the requester is to be considered.

(Notification of the Fact that Opinions are Heard; Article 9-2 of the Act)

Article 13-5 If the juvenile has an attendant and if the family court hears opinions pursuant to the provisions of the main clause of Article 9-2, the family court must promptly notify the attendant of that fact.

(Preparation of Documents Including a Summary of Opinions; Article 9-2 of the Act)

Article 13-6 (1) If the family court hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act on a day other than the hearing date, the family court must order a court clerk to prepare documents including a summary of opinions.

(2) If the family court investigating officer hears opinions pursuant to the provisions of the main clause of Article 9-2 of the Act, the family court investigating officer must prepare a document including a summary of the opinions.

(3) The provisions of Article 12 do not apply to a statement of opinions under the main clause of Article 9-2 of the Act.

(Attendant; Article 10 of the Act)

Article 14 (1) The number of attendants who are attorneys at law must not exceed three.

(2) In order to appoint an attendant, a document which is signed jointly by the juvenile and the attendant is to be submitted. This document must include the relationship between the juvenile and the attendant.

(3) If an attendant is to affix the signature and seal pursuant to the provisions of the preceding paragraph, the attendant may affix the seal next to the attendant's name in lieu of affixing the signature and seal.

(4) An attendant must be appointed at each instance.

- (5) In order for a custodian to become an attendant, the custodian is to submit a written request to that effect to the family court. The provisions of the second sentence of paragraph (2) and the preceding paragraph apply mutatis mutandis to this case.
- (6) Permission for appointing an attendant and for becoming an attendant may be rescinded at any time.

(Descriptive Requirements of Writ of Summons; Article 11 of the Act)

Article 15 The writ of summons for an investigation or a hearing and decision is to include the name, age, and residence of the juvenile concerned, a statement to the effect that the juvenile concerned is to be summoned for a juvenile protection case, a date, time, and place to appear, and a statement to the effect that an order to accompany may be issued if the juvenile concerned does not appear without justifiable grounds; and the presiding judge affixes the presiding judge's seal next to the presiding judge's name on the writ of summons.

(Service of Writ of Summons; Article 11 of the Act)

Article 16 (1) The writ of summons referred to in the preceding Article is served.

(2) The provisions pertaining to a service in civil actions and those of Article 65, paragraphs (2) and (3) of the Code of Criminal Procedure (Act No. 131 of 1948) apply mutatis mutandis to the service in a juvenile protection case; provided, however, that the provisions pertaining to a service in the workplace, notification of a place for service, etc., and a service by publication do not apply.

(Summary Summons)

Article 16-2 The summons for an investigation or a hearing and decision may be given by a method that is found to be appropriate other than the service of a writ of summons.

(Descriptive Requirements of an Order to Accompany; Article 11 of the Act)

Article 17 (1) The order to accompany for an investigation or a hearing and decision must include the name, age, and residence of the juvenile concerned, the grounds for the hearing and decision, a place to be escorted, a valid period, a statement to the effect that after expiry of the period, the order is not to be executed and must be returned, and the date when the order is issued; and the presiding judge or a judge who issues the order to accompany must affix the judge's seal next to the judge's name.

(2) The order to accompany that is issued in case of an emergency must include concrete reasons for the special necessity for issuance in addition to the matters referred to in the preceding paragraph.

- (3) If the presiding judge issues the order to accompany referred to in the preceding paragraph pursuant to the provisions of Article 12, paragraph (2) of the Act, the presiding judge must include that fact in the order to accompany.
- (4) The valid period of an order to accompany is to be seven days from the date when the order is issued; provided, however, that if it is found to be appropriate, a period exceeding seven days may be specified.

(Execution of an Order to Accompany and Measures to be Taken After Execution; Article 13 of the Act)

- Article 18 (1) In order to execute an order to accompany, the order must be shown to the juvenile concerned; and the juvenile must be escorted to the designated place as promptly as possible.
- (2) Notwithstanding the provisions of the preceding paragraph, even if the person in charge of execution of an order to accompany does not possess the order, the person may, in an urgent case, execute the order after informing the juvenile of the grounds for the hearing and decision and the fact that the order has been issued; provided, however, that the order must be shown to the juvenile as promptly as possible.
 - (3) If the person in charge of execution of an order to accompany executes the order, the person must include the place, date, and time of execution in the order; if the person fails to execute the order, the person must include the reason for the failure; and in either of the cases the person must affix the person's seal next to the person's name.
 - (4) If the person in charge of execution of an order to accompany executes or fails to execute the order, the person must submit the order to a judge who gives direction regarding the execution.
 - (5) Except in the case where the person in charge of execution of an order to accompany fails to execute the order, if a judge receives the order, the judge must have a court clerk include the date and time of the escort in the order.

(Examination of Witnesses; Article 14 of the Act)

Article 19 Unless contrary to the nature of a juvenile protection case, the provisions pertaining to examination of witnesses, expert examination, interpretation, translation, inspection, seizure, and search conducted by a court in the Rules of Criminal Procedure apply *mutatis mutandis* to examination of witnesses, expert examination, interpretation, and translation under Article 14, paragraph (1) of the Act and inspection, seizure, and search under Article 15, paragraph (1) of the Act.

(Request for Investigation)

Article 19-2 The family court may request another family court or a summary

court to investigate the facts.

(Matters to be Notified to the Juvenile in Proceedings to make a Decision for Referral to a Juvenile Classification Home)

Article 19-3 On implementing the measures referred to in Article 17, paragraph (1), item (ii) of the Act, the presiding judge (in a case under paragraph (10) of the same Article, a judge who implements the measures) must explain in advance and in a way that is easily understood by the juvenile that the juvenile will not be forced to make a statement and is able to appoint an attendant; and must inform the juvenile of the summary of the grounds for a hearing and decision; and must give the juvenile an opportunity to make a statement thereupon.

(Method Pertaining to Measures for the Observation and Protection of a Juvenile; Article 17 of the Act)

Article 20 (1) In order to make the decision referred to in Article 17, paragraph (1), items (i) or (ii) of the Act, a family court investigating officer or a juvenile classification home is to be designated.

(2) In order to make the decision referred to in the main clause of Article 17-4, paragraph (1) of the Act, a juvenile training school or a penal institution is to be designated.

(3) The designation under the preceding two paragraphs may be amended at any time.

(Rescission of Measures for Observation and Protection of a Juvenile; Article 17 of the Act)

Article 21 If measures for observation and protection of a juvenile are no longer necessary, the measures must be promptly rescinded.

(Notification to a Juvenile Classification Home)

Article 21-2 If a case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented is referred to the family court, the family court must notify the juvenile classification home, the juvenile training school, or the penal institution to which the juvenile is committed of that fact. The same applies to a case in which the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or the decision referred to in Article 20 of the Act is made in the case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented.

(Notification Pertaining to Measures for Observation and Protection of a

Juvenile; Article 17 of the Act)

Article 22 The fact that measures for observation and protection of a juvenile have been implemented or rescinded or amended must be promptly notified to the custodian or attendant, whomever is found to be appropriate; and the fact that the measures referred to in Article 17, paragraph (1), item (ii) of the Act are deemed to be detained pursuant to the provisions of Article 45, item (iv) of the Act, if the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act is made in the case for which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented, must also promptly be notified to the custodian or attendant, whomever is found to be appropriate.

(Filing of Objection; Article 17-2 of the Act)

- Article 22-2 (1) If an objection under the main clause of Article 17-2, paragraph (1) of the Act is filed and if it is found to be necessary, the family court in which a juvenile protection case is pending must deliver the case record and evidence of the juvenile protection case to the court which is to make the decision referred to in the first sentence of paragraph (3) of the same Article (hereinafter referred to as the "court for objection").
- (2) The court for objection may request delivery of the case record and evidence of the juvenile protection case.
- (3) If the court for objection makes the decision referred to in the first sentence of Article 17-2, paragraph (3) of the Act, the court for objection must notify the court in which the juvenile protection case is pending of that fact.
- (4) The provisions of Article 43, Article 44 (excluding the case referred to in the second sentence of paragraph (1) of the same Article and a part pertaining to notification of the date referred to in paragraph (2) of the same Article), Article 45, paragraph (2), and Article 47 apply mutatis mutandis to the filing of objections referred to in the main clause of Article 17-2, paragraph (1) of the Act.

(Special Appeals; Article 17-3 of the Act)

Article 22-3 The provisions of the preceding Article and Article 45, paragraph (1) apply mutatis mutandis to the appeal referred to in the main clause of Article 35, paragraph (1) of the Act as applied mutatis mutandis pursuant to the first sentence of Article 17-3, paragraph (1) of the Act. In this case, the phrase "Article 44 (excluding the case referred to in the second sentence of paragraph (1) of the same Article and a part pertaining to notification of the date referred to in paragraph (2) of the same Article)" in paragraph (4) of the preceding Article is deemed to be replaced by "Article 44," and the phrase "as well as the

case record promptly" in Article 45, paragraph (1) is replaced by "promptly."

(Method of Referral to the Prefectural Governor; Article 18 of the Act)

Article 23 In order to make a decision for referring a case to a prefectural governor or a director of a child consultation center, the prefectural governor or the director of the child consultation center to whom the case is to be referred is to be designated.

(Method of Referral to the Public Prosecutor; Article 20 of the Act)

Article 24 In order to make a decision for referring a case to a public prosecutor, a fact constituting a crime and a penal statute applicable to the fact must be specified.

(Notification when Measures for Observation and Protection of a Juvenile are Deemed to be Detention; Article 45, item (iv) of the Act)

Article 24-2 (1) Upon making the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act for a case in which the measures referred to in Article 17, paragraph (1), item (ii) of the Act have been implemented, the presiding judge must notify the juvenile concerned in advance of the facts constituting a crime, and that there are the grounds referred to in any of the items of Article 60, paragraph (1) of the Code of Criminal Procedure and that the juvenile concerned has the right to appoint a defense counsel; provided, however, that, if the juvenile has an attendant who is an attorney at law appointed by the juvenile or a custodian, it is not required to notify the juvenile of the fact that the juvenile has the right to appoint a defense counsel.

(2) Upon notifying the juvenile concerned that the juvenile concerned has the right to appoint a defense counsel pursuant to the provisions of the preceding paragraph, the juvenile concerned must be instructed that the juvenile concerned may make a request for appointment of a defense counsel by specifying an attorney at law, a legal professional corporation, or a bar association, and a person with which the request must be made.

(3) Upon notifying the juvenile concerned that has the right to appoint a defense counsel, the presiding judge referred to in paragraph (1) must notify that the juvenile concerned may make a request for appointment of a defense counsel if the juvenile is unable to personally appoint a defense counsel because of indigence or other reasons. The provisions of Article 207, paragraph (4) of the Code of Criminal Procedure apply mutatis mutandis to this case.

(4) Upon providing notification and instruction pursuant to the provisions of the preceding three paragraphs, the court clerk is to attend to the notification and

the instruction and prepare a record.

(The Place to be Detained when measures for observation and protection of a juvenile are deemed to be detention; Article 45, item (iv) of the Act)

Article 24-3 (1) The public prosecutor may make a request to the presiding judge in advance that, if the decision referred to in Article 19, paragraph (2) of the Act (including a case as applied mutatis mutandis pursuant to Article 23, paragraph (3) of the Act) or Article 20 of the Act is made for a juvenile who has been committed to a juvenile classification home as a result of the measures referred to in Article 17, paragraph (1), item (ii) of the Act, the presiding judge gives consent to commit the juvenile concerned to another juvenile classification home or a penal institute or to detain the juvenile concerned in a detention facility pursuant to the provisions of Article 15, paragraph (1) of the Act on Penal Detention Facilities and the Treatment of Inmates and Detainees (Act No. 50 of 2005).

(2) If the presiding judge gives the consent referred to in the preceding paragraph, the public prosecutor is to commit or detain the juvenile concerned in the juvenile classification home or the penal institute or the detention facility pertaining to the consent.

(3) If the public prosecutor does not make the request referred to in paragraph (1) or if the presiding judge does not give the consent referred to in the same paragraph, the public prosecutor is to commit the juvenile concerned to the juvenile classification home to which the juvenile concerned has been committed as the results of the measures referred to in Article 17, paragraph (1), item (ii) of the Act.

(Rescission of Decision for Commencement of a hearing and decision)

Article 24-4 The decision referred to in Article 21 of the Act may be rescinded at any time.

(Designation of the Hearing Date and Summons)

Article 25 (1) In order to hear a case, the presiding judge designates a hearing date.

(2) The juvenile and the custodian must be summoned on the hearing date.

(Joint Hearing and Decision of the Case)

Article 25-2 Two or more cases for a single juvenile must be jointly heard as much as possible.

(Notification to the Probation Office)

Article 26 When it is found to be appropriate to hear the opinions of a probation

officer or volunteer probation officer, or a technical official in the Ministry of Justice or law instructor who works at a juvenile classification home with regard to treatment of the juvenile, the probation office or the juvenile classification home must be notified of that fact and of a date and time, etc. to hear the opinions.

(Place of the Hearing)

Article 27 The hearing may be conducted outside the court as well.

(Persons Assembled on the Hearing Date)

Article 28 (1) A hearing is conducted in the assembled presence of judges and court clerks.

(2) Except in a case in which the permission of the presiding judge is obtained, the family court investigating officer must be present at the hearing.

(3) If the juvenile does not appear on the hearing date, the hearing must not be conducted.

(4) The attendant may be present at the hearing.

(5) The family court must notify the attendant of the hearing date.

(Permission of Presence)

Article 29 The presiding judge may permit a relative or a teacher of the juvenile or other person whom the presiding judge finds to be appropriate to be present at the hearing.

(Notification on Hearing Date)

Article 29-2 At the beginning of the first hearing date, the presiding judge must explain to the juvenile in an understandable way that the juvenile will not be forced to make a statement, inform the juvenile of the summary of the grounds for the hearing and decision, and give the juvenile an opportunity to make a statement concerning the aforementioned. In this case, if the juvenile has an attendant, the presiding judge must give the attendant an opportunity to make a statement concerning the grounds for the hearing and decision.

(Request for Examination of Evidence)

Article 29-3 The juvenile, the custodian, and the attendant may request a family court for the examination of witnesses, expert examination, inspection, or other examination of evidence.

(Questioning of the Juvenile Concerned)

Article 29-4 In the course of the hearing, the attendant may question the juvenile with notification to the presiding judge.

(Notification Pertaining to the Document to be Subsequently Delivered)

Article 29-5 If a family court makes the decision referred to in Article 21 of the Act and then receives documents, evidence, or other material for reference from a public prosecutor, a director of a probation office, a judicial police officer, a police officer, a prefectural governor, or a director of a child consultation center concerning the case for which the decision is made, the family court must promptly notify the attendant of that fact.

(Statement of Opinions)

Article 30 The juvenile, the custodian, the attendant, the family court investigating officer, the probation officer, the volunteer probation officer, the technical official in the Ministry of Justice, and the law instructor may state opinions in the course of the hearing after obtaining permission of the presiding judge.

(Method of Decision Requiring Participation of the Public Prosecutor; Article 22-2 of the Act)

Article 30-2 The family court must clarify the case for which the public prosecutor is required to participate in the hearing in the main text of a decision requiring participation of the public prosecutor.

(Appointment of a Court-Appointed Attendant; Article 22-3 of the Act)

Article 30-3 (1) If a juvenile does not have an attendant who is an attorney at law in the case for which the family court makes a decision requiring participation of a public prosecutor, the family court must require the juvenile without delay to respond to the family court as to whether the juvenile intends to appoint an attendant who is an attorney at law within a certain period designated by the family court.

(2) If the juvenile does not respond or appoint an attendant who is an attorney at law within the period referred to in the preceding paragraph, the presiding judge must immediately appoint an attendant.

(3) The attendant to be appointed by the family court pursuant to the provisions of Article 22-3, paragraphs (1) or (2) of the Act or Article 22-5, paragraph (2) of the Act must be appointed by the presiding judge from among attorneys at law who belong to a bar association within a jurisdictional district of the family court; provided, however, that, if there is no attorney at law who is able to act as an attendant for a case for which an attendant is appointed within the jurisdictional district or if there are any other unavoidable circumstances, an attendant may be appointed from among attorneys at law who belong to a bar association within a jurisdictional district of other family court adjacent to the

family court or from among other appropriate attorneys at law.

- (4) If the presiding judge appoints an attendant pursuant to the provisions of the preceding paragraph, the presiding judge must immediately notify the juvenile and the custodian and the public prosecutor (limited to the case for which a decision requiring participation of the public prosecutor is made) of that fact. In this case, the presiding judge must also immediately notify the Japan Legal Support Center of that fact.
- (5) The intention referred to in Article 22-5, paragraph (3) of the Act in writing, must be submitted to the family court.

(Preparation for the Hearing and Decision)

- Article 30-4 (1) If a family court makes a decision requiring participation of the public prosecutor and finds it to be appropriate, the family court may have the public prosecutor and an attendant who is an attorney at law appear at the family court and discuss matters necessary for proceedings of the hearing and decision in order to find the facts of delinquency of the case for which the decision is made (referring to the facts of delinquency referred to in the proviso to Article 17, paragraph (4) of the Act; the same applies hereinafter).
- (2) The family court may have a member of the panel of judges have the discussion referred to in the preceding paragraph.
 - (3) The family court may order the court clerk to make an inquiry to the public prosecutor or an attendant who is an attorney at law concerning matters necessary for proceedings of the hearing and decision.

(Inspection of Records or Evidence by the Public Prosecutor)

Article 30-5 Notwithstanding the provisions of Article 7, paragraph (1), in the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may inspect the case record or evidence of the juvenile protection case to the extent needed to contribute to finding the facts of delinquency of the case.

(Presence of the Public Prosecutor at the Hearing)

- Article 30-6 (1) In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may be present at the hearing (including the hearing in which a decision to close a case is announced) and attend proceedings of the examination of witnesses, expert examination, interpretation, translation, inspection, seizure, and search conducted on a day other than the hearing date to the extent needed to contribute to finding the facts of delinquency of the case.
- (2) If the family court makes a decision requiring participation of the public prosecutor, the family court must notify the public prosecutor of the hearing

date when the family court conducts proceedings in order to find the facts of delinquency of the case for which the decision is made, and the hearing date when the family court announces a decision to close the case.

(Request for Examination of Evidence by the Public Prosecutor)

Article 30-7 In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may make a request to the family court for examination of witnesses, expert examination, inspection, or other examination of evidence to the extent needed to contribute to finding the facts of delinquency of the case.

(The Public Prosecutors' Right to Examine)

Article 30-8 (1) In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may examine a witness, an expert witness, an interpreter, and a translator with notification to the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

(2) In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may question the juvenile in the course of the hearing with notification to the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

(Notification Pertaining to Documents to be Submitted to the Public Prosecutor)

Article 30-9 (1) If the family court makes a decision requiring participation of the public prosecutor and then receives documents, evidence, or other material for reference from the juvenile, the custodian, or the attendant concerning the case for which the decision is made, the family court must promptly notify the public prosecutor of that fact.

(2) If a family court makes a decision requiring participation of the public prosecutor and if a hearing of opinions under the main clause of Article 9-2 of the Act is conducted, the family court must promptly notify the public prosecutor of that fact.

(Statement of Opinions by the Public Prosecutor)

Article 30-10 In the case for which a decision requiring participation of the public prosecutor is made, the public prosecutor may state opinions in the course of the hearing after obtaining permission of the presiding judge to the extent needed to contribute to finding the facts of delinquency of the case.

(Matters to be Clarified when Making a Request for Observation; Article 22-4

of the Act)

Article 30-11 (1) The following information must be clarified when making the request referred to in Article 22-4, paragraph (1) of the Act:

- (i) name or trade name and address of the requester;
- (ii) matters sufficiently identifying the case pertaining to the request; and
- (iii) a fact based on which the requester falls on a person who may make the request referred to in Article 22-4, paragraph (1) of the Act.

(2) With regard to the request referred to in Article 22-4, paragraph (1) of the Act, it is not permissible for a person other than an attorney at law to become a representative.

(Notification of Permission or Rejection of Observation; Article 22-4 of the Act)

Article 30-12 If a family court permits observation of a hearing pursuant to the provisions of Article 22-4, paragraph (1) of the Act, the family court must promptly notify the requester, the public prosecutor in the case for which a decision requiring participation of the public prosecutor is made, and the attendant who is an attorney at law in the case for which a juvenile has the attendant of that fact and the hearing date; and, if the family court rejects the observation, the family court must notify them of that fact.

(Particulars to be Clarified when Making a Request for Explanation; Article 22-6 of the Act)

Article 30-13 (1) The following information must be clarified when making the request referred to in Article 22-6, paragraph (1) of the Act:

- (i) name or trade name and address of the requester;
- (ii) matters sufficiently identifying the case pertaining to the request; and
- (iii) a fact based on which the requester falls on a person who may make the request referred to in Article 22-6, paragraph (1) of the Act.

(2) With regard to the request referred to in Article 22-6, paragraph (1) of the Act and receipt of an explanation under the same paragraph, it is not permissible for a person other than an attorney at law to become a representative.

(Person who may Provide an Explanation; Article 22-6 of the Act)

Article 30-14 The family court may have a court clerk or a family court investigating officer provide an explanation under Article 22-6, paragraph (1) of the Act.

(Measures to Ensure a Fair Hearing)

Article 31 (1) If the presiding judge finds it to be necessary for a fair hearing, the presiding judge may take appropriate measures, such as restraining from speaking up or ordering those other than the juvenile to leave the hearing

room.

- (2) If any situation which is found to harm the juvenile's emotional stability occurs, the presiding judge may order the juvenile to leave the hearing room while the situation persists.

(Recusal of the Judge)

Article 32 If the judge considers that there are grounds for which any doubt may arise with regard to fairness of the hearing and decision, the judge must recuse oneself from execution of the judge's duty.

(Hearing Record)

Article 33 (1) Proceedings on the hearing date is recorded in the hearing record.

- (2) The following information or other important matters pertaining to the hearing and decision are recorded in the hearing record:

- (i) name of the court, date, and place in which the hearing takes place;
- (ii) names of the judge and court clerk, and the family court investigating officer, the public prosecutor, probation officer, volunteer probation officer, technical official in the Ministry of Justice, and law instructor who are present at the hearing and decision;
- (iii) names of the juvenile, and the custodian and attendant who are present at the hearing (in the case in which the custodian is a juridical person, the name of its representative who is present at the hearing);
- (iv) a summary statement from the family court investigating officer, public prosecutor, probation officer, volunteer probation officer, technical official in the Ministry of Justice, law instructor, custodian, and attendant;
- (iv)-2 a summary of opinions which is heard pursuant to the provisions of the main clause of Article 9-2 of the Act;
- (v) a summary of the statement from the juvenile;
- (vi) a summary of the statement from the witness, expert witness, interpreter, and translator, and the relevant person;
- (vii) the fact that a decision is made or other measures are implemented; and
- (viii) any matters that the presiding judge orders to be recorded.

- (3) If the court clerk obtains permission from the presiding judge, the court clerk is dispensed from preparing the hearing record or may omit part of the matters listed from items (i) through (vii) of the preceding paragraph; provided, however, that this does not apply to a case in which an appeal or a motion under Article 32-4, paragraph (1) of the Act (hereinafter referred to as the "motion for acceptance of an appeal") is filed.

(Affixing of a Signature and Seal and Seal of Approval to the Hearing Record)

Article 34 (1) The court clerk must affix the court clerk's signature and seal to

the hearing record, and the presiding judge must affix the presiding judge's seal of approval to it as well.

- (2) If the presiding judge is unable to affix the presiding judge's seal of approval, one of the other judges must affix the judge's seal of approval and indicate the grounds for such in a supplementary note; provided, however, that if no judge is able to affix the judge's seal of approval, it is sufficient for a court clerk to indicate the grounds for such in a supplementary note and affix the court clerk's signature and seal.
- (3) If the court clerk is to affix the court clerk's signature and seal pursuant to the provisions of paragraph (1) and the proviso to the preceding paragraph, the court clerk may affix the court clerk's seal next to the court clerk's name in lieu of affixing the court clerk's signature and seal.
- (4) If the court clerk is unable to affix the court clerk's signature and seal, it is sufficient for the presiding judge to indicate the grounds for such in a supplementary note and affix the presiding judge's seal of approval.

(Rendering of the Decision for Protective Measures; Article 24 of the Act)

Article 35 (1) In order to render a decision for protective measures, the purpose of the protective measures must be explained to the juvenile and the custodian in a manner that can be fully understood.

- (2) In the case referred to in the preceding paragraph, it must be notified that an appeal may be filed by submitting a written motion for the appeal to the court within two weeks.

(Method of Decision for Protective Measures; Article 24 of the Act)

Article 36 In order to make a decision for protective measures in the case of a juvenile who has committed a crime, the fact constituting the crime and the penal statute applicable to that fact must be specified.

(Formality and Notification of Each Type of Protective Measure; Article 24 of the Act)

Article 37 (1) In order to make the decision referred to in Article 24, paragraph (1), item (i) of the Act, the probation office in which the juvenile is to be under probation is to be designated; and in order to make the decision referred to in item (iii) of the same paragraph, the type of juvenile training school to which the juvenile is to be referred (limited to those listed from Article 4, paragraph (1), items (i) through (iii) of the Juvenile Training School Act (Act No.58 of 2014)) must be designated.

- (2) If the decision referred to in Article 24, paragraph (1), item (i) of the Act is made, that fact must promptly be notified to the director of the probation office; if the decision referred to in item (ii) of the same paragraph is made,

notification must be made to the director of a child consultation center; and if the decision referred to in item (iii) of the same paragraph is made, notification must be made to the director of a juvenile classification home.

- (3) Upon providing the director of the probation office with the notification referred to in the preceding paragraph, opinions pertaining to special matters with which the person who is to be under probation must comply during the period of the probation must also be notified.

(Delivery of Documents for Reference)

Article 37-2 (1) Upon providing the notification referred to in paragraph (2) of the preceding Article, a written opinion pertaining to treatment of the juvenile and the juvenile investigation report or other reference documents pertaining to the treatment of the juvenile (hereinafter referred to as reference documents) may be delivered.

- (2) The reference documents must be handled in compliance with the order of the family court.
- (3) If the family court finds it to be necessary for execution of its duty, the family court may demand the return of the reference documents at any time.
- (4) If protective measures are terminated or rescinded, the reference documents must promptly be returned to the family court.

(Execution of a Decision for Confiscation; Article 24-2 of the Act)

Article 37-3 Execution of a decision for confiscation and treatment of a confiscated object is conducted in accordance with the provisions pertaining to execution of a judgment of confiscation and treatment of a confiscated object in the Code of Criminal Procedure.

(Measures to be Taken After a Decision for Protective Measures)

Article 38 (1) The family court that made the decision for protective measures must have interest in the juvenile's behavior and endeavor to observe or have a family court investigating officer observe the juvenile's performance at any time.

- (2) If the family court that made a decision for protective measures finds it to be necessary, the family court may make a recommendation to a probation office, a children's self-reliance support facility, a foster home, or a juvenile training school with regard to treatment of the juvenile.

(Measures of Modification of the Environment; Article 24 of the Act)

Article 39 If the family court has a director of a probation office implement measures for modification of a family environment and other environments, the family court must notify the results of an investigation on the environment and

order necessary matters.

(Measures of Decision for Placing a Juvenile Under Observation by a Family Court Investigating Officer; Article 25 of the Act)

- Article 40 (1) In order to make a decision for placing a juvenile under observation by a family court investigating officer, a family court investigating officer is to be designated. In this case, the observation period may be specified.
- (2) If the family court establishes a compliance rule and gives an order to implement it, the family court must instruct the rule in a concrete and clear manner and endeavor to ensure that the juvenile is prepared to comply with it voluntarily.
- (3) If the family court determines the conditions and delivers the juvenile to the custodian under the conditions, the family court must instruct the conditions necessary for the custody of the juvenile to the custodian in a concrete manner.
- (4) If the family court entrusts correctional guidance of the juvenile to an appropriate institution, organization, or individual, the family court must instruct matters that serve as a useful reference for the correctional guidance of the juvenile to the entity or person to be entrusted with the correctional guidance of the juvenile.
- (5) The provisions of Article 13 apply mutatis mutandis to observations by the family court investigating officer.
- (6) The decision for placing a juvenile under observation by a family court investigating officer may be rescinded or amended at any time.

(Descriptive Requirements of Writ of Summons for Execution; Article 26 of the Act)

Article 41 The writ of summons for execution of a decision must include the name, age, and residence of the juvenile concerned, the type of the decision to be executed, a date, time, and place to appear, and a statement to the effect that an order to accompany may be issued if the juvenile concerned does not appear without justifiable grounds; and the presiding judge must affix the presiding judge's seal next to the presiding judge's name on the writ of summons.

(Descriptive Requirements of the Order to Accompany for Execution, and Execution; Article 26 of the Act)

Article 42 (1) The order to accompany for execution of a decision must include the name, age, and residence of the juvenile concerned, the type of the decision to be executed, the place to be escorted, and the date when the order is issued; and the presiding judge or the judge who issues the order to accompany, must affix the judge's seal next to the judge's name.

- (2) If the presiding judge issues the order to accompany referred to in Article 26, paragraph (4) of the Act pursuant to the provisions of paragraph (6) of the same Article, the presiding judge must include that fact in the order to accompany.
- (3) The provisions of Article 18 apply mutatis mutandis to execution of the order to accompany referred to in paragraph (1).

(Matters to be Clarified When Making a Request for Notification; Article 31-2 of the Act)

Article 42-2 (1) The following matters must be clarified when making the request referred to in the main clause of Article 31-2, paragraph (1) of the Act:

- (i) name or trade name and address of the requester;
- (ii) matters sufficiently identifying the case relating to the request; and
- (iii) a fact based on which the requester falls on a person who may make the request referred to in the main clause of Article 31-2, paragraph (1) of the Act.

- (2) With regard to the request referred to in the main clause of Article 31-2, paragraph (1) of the Act and receipt of the notification referred to in the main clause of the same paragraph, it is not permissible for a person other than an attorney at law to become a representative.

(Inspection of the Case Record or Evidence by the Public Prosecutor; Article 45-3 of the Act)

Article 42-3 Notwithstanding the provisions of Article 7, paragraph (1), in the case for which the family court makes a decision ordering a juvenile to bear court costs, the public prosecutor may inspect the case record or evidence of the juvenile protection case to the extent needed to execute the decision.

Chapter IV Appeals

(Method of Motion for an Appeal; Article 32 of the Act)

Article 43 (1) In order to file an appeal, a written motion is to be submitted to the court of prior instance.

- (2) The written motion referred to in the preceding paragraph must clearly and succinctly specify the reasons for the appeal.

(Motion for Appeal Filed by a Juvenile who is Committed to a Juvenile Classification Home or any Other Facility; Article 32 of the Act)

Article 44 (1) In order for a juvenile who is in a juvenile classification home, a children's self-reliance support facility, a foster home, or a juvenile training school to file an appeal, the juvenile may submit a written motion via the

director of the facilities or the director's deputy. In this case, if the juvenile submits the written motion to the director of the facilities or the director's deputy within the period for filing the appeal, the appeal is deemed to have been filed within the period for filing the appeal.

- (2) In the case referred to in the preceding paragraph, the director of the facilities or the director's deputy must deliver the written motion to the court of prior instance and notify the court of the date when the director or the director's deputy received it.
- (3) Except in the case referred to in the first sentence of paragraph (1), if the court of prior instance receives a written motion for an appeal against a decision for protective measures that has been made for a juvenile protection case referred to in the first sentence of the same paragraph, the court of prior instance must promptly notify the director of the facility in which the juvenile is or the director's deputy of that fact.

(Delivery of a Written Motion)

Article 45 (1) If the court of prior instance receives a written motion for an appeal, the court of prior instance must promptly deliver it with the case record to the court in charge of appeals.

- (2) In the case referred to in the preceding paragraph, the court of prior instance may attach a written opinion to the written motion for an appeal.

(Delivery of Evidence)

Article 45-2 (1) If the court of prior instance finds it to be necessary, the court must deliver evidence to the court in charge of appeals.

- (2) The court in charge of appeals may demand delivery of evidence.

(Notification of an Appeal)

Article 46 If an appeal is filed against a decision for referral to a children's self-reliance support facility, a foster home, or a juvenile training school, the court of prior instance must notify the court in charge of appeals without delay of the name of the facility to which the juvenile is committed.

(Notification of an Appeal to the Public Prosecutor)

Article 46-2 If the court of prior instance receives a written motion for an appeal against a decision for protective measures made for a case in which a decision requiring participation of the public prosecutor has been made, the court of prior instance must notify the public prosecutor of the fact that the appeal has been made and the reasons for the appeal.

(Motion for Acceptance of an Appeal; Article 32-4 of the Act)

- Article 46-3 (1) The written motion referred to in the first sentence of Article 32-4, paragraph (2) of the Act must include concrete reasons for the motion for acceptance of the appeal.
- (2) The court of prior instance must deliver the case record with the written motion referred to in the preceding paragraph promptly to the high court.
- (3) If the court of prior instance receives the written motion referred to in paragraph (1), the court of prior instance must notify the juvenile and the custodian of the fact that a motion for acceptance of an appeal has been filed and the reasons for the motion for acceptance of the appeal.
- (4) If the high court makes the decision referred to in Article 32-4, paragraph (3) of the Act (hereinafter referred to as the "decision for acceptance of an appeal"), the high court, in that decision, must identify those that it eliminates from among the reasons for the motion for acceptance of an appeal pursuant to the provisions of paragraph (4) of the same Article.
- (5) If the decision for the acceptance of an appeal is made, the court in charge of appeals must notify the juvenile and the custodian of the contents of the decision.
- (6) If a decision for acceptance of an appeal is made for a motion for acceptance of an appeal against a decision that has been made for the juvenile protection case referred to in the first sentence of Article 44, paragraph (1), the court in charge of appeals must promptly notify the director of the facility to which the juvenile is committed or the director's deputy of that fact.
- (7) If the high court receives a motion for acceptance of an appeal and does not accept the case as the court of the appeal, the high court must make a decision to that effect within the period referred to in Article 32-4, paragraph (5) of the Act.
- (8) If the high court makes the decision referred to in the preceding paragraph, the high court must notify the juvenile and the custodian of that fact.
- (9) The provisions of Article 45, paragraph (2), Article 45-2, and Article 46 apply mutatis mutandis to a case in which a motion for acceptance of an appeal is filed. In this case, the phrase "an appeal" in Article 46 is replaced by "a motion for acceptance of an appeal."

(Appointment of a Court-Appointed Attendant for the Second Instance; Article 32-5 of the Act)

- Article 46-4 (1) The provisions of Article 30-3, paragraphs (1) and (2) apply mutatis mutandis to a case in which a court in charge of appeals appoints an attendant who is an attorney at law (excluding the case referred to in Article 32-5, paragraph (2) of the Act).
- (2) The attendant to be appointed by the court in charge of appeals pursuant to the provisions of Article 32-5 of the Act or the provisions of Article 22-3,

paragraph (1) of the Act as applied mutatis mutandis pursuant to the provisions of Article 32-6 of the Act must be appointed by the presiding judge from among attorneys at law who belong to a bar association within the jurisdictional district of the family court exercising jurisdiction over an area where the court in charge of appeals is located; provided, however, that, if there is no attorney at law who is able to act as an attendant for a case for which an attendant is appointed within the jurisdictional district or if there are any other unavoidable circumstances, an attendant may be appointed from among attorneys at law who belong to a bar association within the jurisdictional district of other family court adjacent to the family court or from among other appropriate attorneys at law.

- (3) Notwithstanding the provisions of the preceding paragraph, if the presiding judge finds it to be particularly necessary for proceedings in the second instance, the presiding judge may appoint an attorney at law who served as an attendant appointed by the court of prior instance as such.
- (4) The provisions of Article 30-3, paragraph (4) apply mutatis mutandis to a case in which the presiding judge appoints an attendant pursuant to the provisions of the preceding two paragraphs.

(Provisions Applied Mutatis Mutandis)

Article 46-5 Beyond what is provided for in the preceding Article, the provisions pertaining to the hearing and decision of the family court apply mutatis mutandis to proceedings in the second instance, unless contrary to the nature of the proceedings in the second instance.

(Court Making a Decision for Suspension of Execution; Article 34 of the Act)

Article 47 The decision for suspending execution of a decision in prior instance with regard to a case for which an appeal has been filed is to be made by the court of prior instance before the case record arrives at the court in charge of appeals; and it is to be made by the court in charge of appeals after the case record arrives at the court in charge of appeals.

(Notification of Decision to the Public Prosecutor)

Article 48 If the court in charge of appeals makes the decision referred to in Article 33 of the Act with regard to a case for which the decision referred to in Article 22-2, paragraph (1) of the Act (including a case as applied mutatis mutandis pursuant to Article 32-6 of the Act) has been made, the court in charge of appeals must notify the public prosecutor of that fact.

Articles 49 and 50 Deletion

(Effectiveness of the Decision)

Article 51 (1) If a juvenile is in a children's self-reliance support facility, a foster home, or a juvenile training school in a case in which a decision to revoke a decision in prior instance becomes final and binding, the court in charge of appeals must immediately order the director of the facility to refer the juvenile to the family court to which the case has been remanded or transferred.

(2) In the case referred to in the preceding paragraph, the director of the facility must immediately have a staff member belonging to the facility refer the juvenile to the family court to which the case has been remanded or transferred.

(Hearing and decision After a Remand or Transfer)

Article 52 (1) The case remanded or transferred by the court in charge of appeals must be further tried and decided.

(2) In the case referred to in the preceding paragraph, the judge who participated in the decision in prior instance may not participate in the hearing and decision.

Article 53 Deletion

(Provisions Applied Mutatis Mutandis)

Article 54 The provisions of Articles 43 through 46-2, Articles 46-4 through 48, and Articles 51 and 52 apply mutatis mutandis to the appeal referred to in the main clause of Article 35, paragraph (1) of the Act. In this case, the phrase "a decision for protective measures that are made for a case in which a decision requiring participation of the public prosecutor has been made" in Article 46-2 is replaced by "the decision referred to in Article 33 of the Act for a case in which the decision referred to in Article 22-2, paragraph (1) of the Act (including a case as applied mutatis mutandis pursuant to Article 32-6 of the Act) has been made"; the phrase "Article 32-6 of the Act" in Article 48 is replaced by "Article 32-6 of the Act (including a case as applied pursuant to the first sentence of Article 35, paragraph (2) of the Act)"; and the phrase "Article 33 of the Act" in Article 48 is replaced by "Article 33 of the Act as applied mutatis mutandis pursuant to the first sentence of Article 35, paragraph (2) of the Act".

Chapter V Miscellaneous Provisions

Article 55 Deletion

(Request for the Order to Retrieve)

Article 56 (1) The request for an order to retrieve under Article 89, paragraph (3) of the Juvenile Training School Act (including a case as applied mutatis mutandis pursuant to Article 90, paragraph (6) of the same Act and Article 133, paragraph (3) of the same Act) must be made in writing.

(2) The following information must be included in the written request for an order to retrieve.

(i) name, age, and residence or current location of the juvenile concerned. If the residence or current location of the juvenile is unknown, that fact;

(ii) the last date of the period during which the juvenile concerned may be committed to a juvenile training school;

(iii) grounds for retrieving the juvenile;

(iv) the juvenile training school or any other place to which the juvenile is to be retrieved to;

(v) the government position and name of the person who makes the request;

(vi) if a validity exceeding thirty days is necessary, that fact and the grounds for such;

(vii) if two or more retrieval orders are necessary, that fact and the grounds for such; and

(viii) if a request for an order to retrieve or issuance of an order to retrieve was made in the past for the juvenile concerned based on the same grounds, that fact.

(3) The written request for an order to retrieve must accompany its copy.

(4) In order to request an order to retrieve, materials establishing the grounds for bringing back the juvenile must be provided.

(5) If the judge who receives a request for an order to retrieve finds it to be necessary, the judge may request the director of the juvenile training school or staff member of the juvenile training school who has made the request for an order to retrieve to appear at the court and hear their statements or request them to submit documents or any other articles.

(Descriptive Requirements of an Order to Retrieve)

Article 57 (1) The order to retrieve is to include the information listed in the following items; and a judge is to affix the judge's seal next to the judge's name.

(i) name, age, and residence or current location of the juvenile concerned. If the residence or the current location of the juvenile is unknown, that fact;

(ii) the last date of the period during which the juvenile concerned may be committed to the juvenile training school;

(iii) grounds for retrieving the juvenile;

(iv) the juvenile training school or any other place to which the juvenile is to be retrieved to;

(v) the government position and name of the person who makes the request;

- (vi) the validity;
 - (vii) a statement to the effect that, after the validity passes, the juvenile may not be retrieved and that the order to retrieve must be returned; and
 - (viii) the date when the order to retrieve is issued.
- (2) The validity of an order to retrieve is to be thirty days from the date when the order to retrieve is issued; provided, however, that if the judge who receives the request of the order to retrieve finds it to be appropriate, a validity exceeding thirty days may be specified.
- (3) The order to retrieve may be prepared by the use of a copy of a written request for the order to retrieve and the contents of the request.
- (4) Two or more orders to retrieve may be issued upon request.
- (5) The provisions from Article 18, paragraphs (1) through (3) apply mutatis mutandis to the retrieving of a juvenile by using the order to retrieve.
- (6) In order for a judge to reject a request for an order to retrieve, it is to suffice that the judge include that fact in a copy of the written request, affix the judge's seal next to the judge's name, and deliver it to the person who made the request.

(Provisions Applied Mutatis Mutandis)

Article 58 The preceding two paragraphs apply mutatis mutandis to a request for an order to retrieve and an order issued at the request under Article 78, paragraph (3) of the Juvenile Classification Home Act (Act No. 59 of 2014)(including the case as applied mutatis mutandis pursuant to Article 79, paragraph (6) of the same Act).