

Information for Applicants for Mediation regarding Agreement on the Return of Children and Parents' Access to their Children Conducted by the Tokyo Bar Association

The Tokyo Bar Association has established and operates the 'Dispute Resolution Center' as an alternative dispute resolution organization for the purpose of facilitating swift, fair and reasonable resolution of civil matters through simple procedures.

At the request of the Ministry of Foreign Affairs of Japan(the Central Authority of Japan), the Center provides mediation of the Hague Convention aiming at agreement on the return of children and on the visit to and other parents' access to their children in cases of children being removed to or retained in Japan from overseas locations.

You will attend mediation date using either the Internet television conference system or international telephone, and can discuss matters, basically, free of fee within four dates.

(Please refer to 7 Costs paid by the applicant in order to use this mediation service below.)

This is a specialized mediation different from the procedure for the normal mediation of this Center.

1 Parties involved

The party must be a person currently residing outside Japan who is a parent or a party of a case in which his/her child has been removed to or retained in Japan or a person entitled to custody of the child.

The case to be applied has to be the case under the determination of the support of the Ministry of Foreign Affairs of Japan, which is in charge of the receipt of applications for this support.

Respondent must be a parent removed his/her child to or retained in Japan or a person taking actual care of the child.

2 Period for receipt of applications

The period for receipt of applications is from April 1, 2016 to March 31, 2017.

The period of this mediation according to the contract with the Ministry of Foreign Affairs of Japan is to be renewed by the year.

3 Number of mediation sessions

The number of times this mediation can be used (application filed) is limited to once per person. Further, the number of mediation sessions is ideally limited to four times per case.

Please refer to 6 Mediation Procedures (6) Conclusion of proceedings and to 7 Costs paid by the applicant in order to use this mediation service (1) Mediation fee below.

4 Language

Mediation will be conducted in Japanese or in English. The service of the translation and the interpretation is availed when necessary, and the Center will bear the fee of them.

Please refer to 7 Costs paid by the applicant in order to use this mediation service (3) Translation fee and (4) Interpretation fee below.

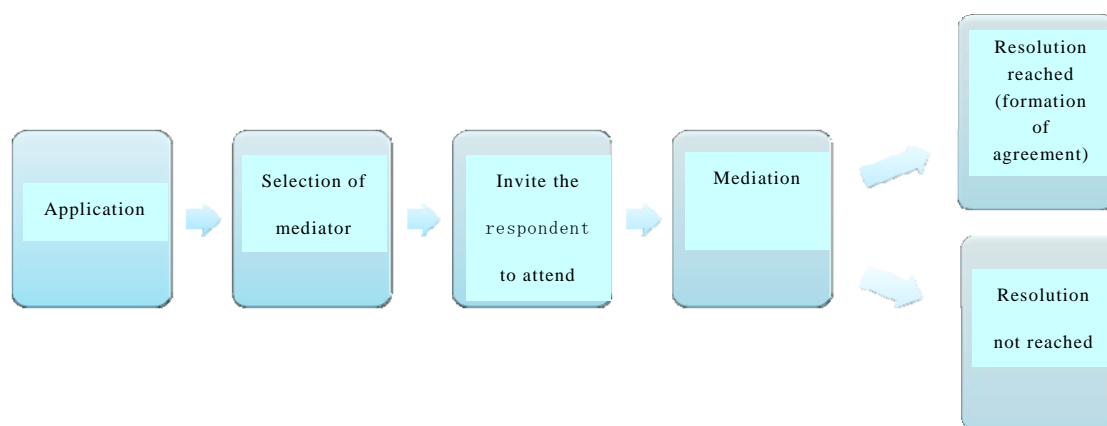
5 Content of mediation

The aim is to facilitate the formation of agreement on the return of a child and on parents' access between the applicant who resides outside Japan and the respondent who resides in Japan.

You can discuss child-support payments, the divorce, or other issue about a family in the session by common consent.

Please refer to 7 *Costs paid by the applicant in order to use this mediation service (2) Contingency fee* below.

6 Mediation Procedures



(1) Method of Application

Please send the Application form to the Dispute Resolution Center according to the method forwarded on the website of the Center. The application can be submitted via e-mail.

Please attach Japanese translation to the Application form, other documents or evidences written by English. In case Documents or evidences are submitted in English only, the mediator will decide documents and evidences to be translated into Japanese and the Center will translate them into Japanese. In case that the number of total words/letters of the documents or evidences to be translated into Japanese exceeds a certain number of words/letters, the exceeding translation fees shall be borne by the parties (refer 7(3) below).

(2) Selection of mediator

The Dispute Resolution Center will select two mediators from a list of mediator candidates and the parties may select a mediator or both mediators from it by common consent.

The mediators are composed of professions. [e.g. a lawyer, a scholar, a social worker, a clinical psychologist, etc.]

(3) The contact with the respondent

At the point in time the mediators are selected the first session will be determined. Documents will be sent to the mediators and the respondent, and the Center will try to make contact with the respondent and will attempt to get them to participate in mediation procedures to the extent that does not call into question the Center's neutrality.

(4) After a reply from the respondent

If the mediators received a reply from the respondent that he/she will participate in the procedures, the

Dispute Resolution Center will contact the applicant. If the respondent does not wish to participate, the mediators will terminate the procedures.

(5) Mediation

- a. The applicant residing outside Japan will attend mediation date using either the Internet television conference system or international telephone. There may be cases in which the applicant and the respondent participate in mediation on separate appointed mediation dates.
- b. Each mediation session will be conducted at the office of the Dispute Resolution Center for two hours while the Center is available between 10 am and 5 pm in Japan time.
- c. The mediator/mediators will commence listening to the allegations and the statements of the respective parties.
- d. There may be cases in which on days other than the mediation sessions, the mediator/mediators may obtain information on the circumstances from one of the parties or may make inquiries or examinations on necessary matters to a party by telephone, in order to facilitate an appropriate resolution of the case.

(6) Conclusion of proceedings

If both parties reach a resolution, each agreement will be prepared in Japanese language and in English language. This agreement will then be directly handed over to the parties or will be dispatched at a later date by registered and certified mail (including international mail where necessary or appropriate).

In case the Respondent does not join the mediation, either party does not pay fees or costs (including translation fees and interpretation fees) specified herein, or the parties are considered not able to reach an agreement, the mediators will terminate the mediation procedure.

The mediation procedure can be conducted for parties' payment after the 4th session, although the model number of mediation sessions is limited to four times per case.

Please refer to *7 Costs paid by the applicant in order to use this mediation service (1) Mediation fee* below.

(7) Arbitration

Coming up to the actual agreement, it may be worth considering that the parties will assent to the arbitration process of the Center. Within the consecutive session, the mediators can arbitrate the same contents according to the parties' agreement. Please inquire the details of the mediator on a session.

7 Costs paid by the applicant in order to use this mediation service

Basically, this mediation doesn't require any usage and fee within four mediation dates (the parties' fees for their own lawyers are charged separately).

However, please be aware that following fees will be borne by the applicant or the respondent.

(1) Mediation fee

On and after the 5th mediation session, ¥10,800 (including tax) will be paid by each of the applicant and the respondent.

(2) Contingency fee

Contingency fee is not necessary for the agreement on the return of or access to a child.

For other issues, such as child-support payments, the divorce, or others about a family, the contingency fee will be needed separately. It shall be decided according to the general rules of the Center following.

Please inquire the details of the mediator on a session.

[Economic profit]	[Contingency fee]
less than ¥1,250,000	profit × 8%
from ¥1,250,000 to ¥4,999,999	¥100,000
from ¥5,000,000 to ¥14,999,999	¥150,000
from ¥15,000,000 to ¥99,999,999	profit × 1%
¥100,000,000 up	profit × 0.5% + ¥500,000

※Consumption tax (8%) will be added to the above fee.

(3) Translation fee

In case Documents or evidences are submitted in English only, the mediator will decide documents and evidences to be translated into Japanese and the Center will translate them into Japanese on its costs. However, when number of total words (English to Japanese) /letters (Japanese to English) of the documents or evidences submitted by both parties and decided to be translated exceeds a certain number of words/letters, the exceeding translation fees shall be borne by the parties. In such case please pay the exceeding translation fees according to the deadline set by the Center. If the parties do not pay translation fees by the deadline, the Center may terminate the mediation procedure. The Center may request to submit the summary of documents or evidences considering the contents and volume thereof. The details will be forwarded separately.

(4) Interpretation fee

The Center will appoint an interpreter on its costs when the mediators consider necessary. However, when the total fee exceeds a certain amount, the exceeding interpretation fees shall be borne by the parties. If the parties do not pay interpretation fees by the deadline set by the Center, the Center may terminate the mediation procedure. The details will be forwarded separately.

(5) Other expenses

Expenses to use internet television conference system (i.e. expenses for buying PCs, speakers, microphones set, Internet connection usage charges) and telephone charges based on the contract with telephone company shall be borne by each party. Further, an applicant who is able to participate in the mediation sessions conducted in Tokyo must pay for his/her own travel and hotel expenses.

8 Notes

- (1) This project is conducted by the Center which is one of the Bar Associations of Japan. Thus, as a general rule, only lawyers under the Japanese law are allowed to participate in the mediation session as attorneys for the parties,
- (2) The applicant residing outside Japan who needs to set up a PC for using the Internet television conference system, speakers, a microphone set or Internet connections by themselves is responsible for paying all the expenses as per 7 (5) above.
- (3) All fees which is sent from overseas and returned from the Dispute Resolution Center to an overseas applicant will be paid using yen-based international postal money orders. No other method of money transfer (i.e. check, credit card) may be used. The costs required to make refund shall be borne by the parties and will be deducted from the refund.