

## Current Status and Issues of Attorney Activities Regarding Applications for Assistance in Child's Return from the United States to Japan (summary)

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1. After Japan's ratification of the Child Abduction Convention, the United States received the largest number of applications for assistance in child's return to Japan, accounting for about 20% of the total.

2. The Author has handled six (6) applications for assistance in child's return from the United States to Japan, as a legal advisor/an attorney.

3. Each application varies, and the law system varies depending on the region where the child is located. However, there are general points to be noted.

(1) It is important to utilize MOFA's financial assistance in preparing application forms, including, but not limited to legal advice services and translation services. Applications and attachments are admissible in courts in the U.S. If an applicant does not have the financial resources, legal consultation fees for assistance in preparing the application form, which is paid by MOFA, is a valuable reward. Also, interactions with MOFA concerning the preparation and submission of the applications may be subject to discovery by courts in the U.S.

(2) After a decision for assistance in child's return to Japan has been made, analyses of U.S. literature, law firms and attorneys, and DV victim care agencies can be helpful. However, the choice of attorneys is very difficult if the budget is limited.

Attorneys' activities include liaison with attorneys in the U.S., preparation, translation of documents, explanation and translation of the Japanese system, response to inquiries from foreign courts, preparation of draft agreements on conditions for visits and exchanges, preparation of affidavits for evidence, assistance in the preparation of written assertions, support for testimony in courts in the U.S., and coordination with Japanese embassies and consulates upon their return to Japan.

4. The results of the Child Abduction Convention cases are often based on the judgment by courts in the U.S. Despite the efforts of an applicant's attorney, the result may be disappointing to the applicant. Provided, however, continuing commitment to an applicant, from preparing applications for assistance in child's return to services after the deci-

sion has been made, is important because it provides mental supports to the applicant. On the other hand, the cost and time burden for an attorney, including support at courts in the U.S., is extremely heavy.

Currently, MOFA's financial support for the preparation of applications is the only legal aid, and it is hoped that it will continue and develop. Furthermore, it is hoped that bar associations in Japan will recognize the activities of attorneys applying for assistance in child's return to Japan as pro bono and that major law firms handling international cases will utilize them for educating their young attorneys.