

BOOK IV RELATIVES

CHAPTER I GENERAL PROVISIONS

(Scope of relatives)

Article 725. The persons mentioned below are relatives:

- (1) Relatives by blood up to the sixth degree of relationship;
- (2) Spouses;
- (3) Relatives by affinity up to the third degree of relationship.

(Degree of relationship)

Article 726. The degree of relationship is determined by computing the number of generations between relatives.

2. As between collateral relatives the degree of relationship is determined by the number of generations ascending from one of them, or his or her spouse, to the common ancestor, and then descending from such ancestor to the other.

(Relationship by adoption)

Article 727. As between an adopted child on the one hand and the parent by adoption and his or her relatives by blood on the other, there arises the same relationship as between relatives by blood as from the day of the adoption.

(Termination of matrimonial relationship)

Article 728. The matrimonial relationship is terminated by divorce.

2. The same shall apply also if after the death of either husband or wife, the surviving spouse declares his or her intention to terminate the matrimonial relationship.

(Termination of adoptive relationship)

Article 729. The relationship between an adopted child, its spouse, its lineal descendants and their spouses on one hand and the parent by adoption and his or her relatives by blood on the other, is terminated by dissolution of the adoptive relation.

(Mutual cooperation of relatives)

Article 730. Lineal relatives by blood and the relatives living together shall mutually cooperate.

CHAPTER II MARRIAGE

Section 1 Formation of Marriage

Sub-Section I Requisites for Marriage

(Puberty)

Article 731. A man may not marry until the completion of his full eighteen years of age, nor a woman until the completion of her full sixteen years of age.

(Prohibition of plural marriage)

Article 732. A person who has a spouse may not effect an additional marriage.

(Re-marriage)

Article 733. A woman may not re-marry unless six months have elapsed from the day of the dissolution or annulment of her previous marriage.

2. In cases a woman is pregnant from before the dissolution or annulment of her previous marriage, the preceding paragraph shall cease to apply as from the day of her delivery.

(Prohibition of marriage between relative by blood) (27)

Article 734. No marriage may be effected between lineal relatives by blood, nor between collateral relatives by blood up to the third degree of relationship; however, this shall not apply between an adopted child and any of the collateral relatives by blood on the side of the adoptive relatives.

2. The provision of the preceding paragraph shall also apply even after the relationship has terminated in accordance with the provision of Article 817-9.

(Prohibition of marriage between lineal relatives by affinity) (27)

Article 735. No marriage may be effected between lineal relatives by affinity. The same shall apply after the relationship by affinity has ceased in accordance with the provision of Article 728 or Article 817-9.

(Prohibition of marriage between adopted child and adoptive parent)

Article 736. No marriage may be effected between an adopted child, his or her spouse, his or her lineal descendants or their spouses on the one hand, and the parent by adoption or his or her lineal ascendants on the other, even after the relationship has ceased in accordance with the provisions of Article 729.

(Minor's marriage)

Article 737. A minor child shall obtain the consent both of his or her father and mother in order to marry.

2. If either the father or mother does not give the consent, the consent of the other parent only shall be sufficient. The same shall also apply, if either the father or mother is unknown, or is dead or is unable to declare his or her intention.

(Major ward's marriage) (34)

Article 738. A major ward need not obtain the consent of a guardian for majority in order to marry.

(Notification of marriage)

Article 739. A marriage becomes effective by notification thereof in accordance with the provisions of the Family Registration Law.

2. The notification mentioned in the preceding paragraph shall be made by both the parties and two or more witnesses of full age either orally, or by a document signed by them.

(Ibid--acceptance)

Article 740. The notification of marriage may not be accepted unless the marriage does not contravene the provisions of Articles 731 to 737 inclusive and paragraph 2 of the preceding Article, and of other laws or ordinances.

(Ibid--in foreign country)

Article 741. In cases Japanese subjects resident in a foreign country desire to effect a marriage between themselves, notification thereof may be made to the Japanese Ambassador, Minister, or a Japanese Consul acting in that country. In this case the provisions of the preceding two Articles shall apply mutatis mutandis.

Sub-Section 2 Nullity and Annulment of Marriage**(Nullity of marriage--causes)**

Article 742. A marriage is void only in the following cases:

- (1) Where there is no intention to marry common to the parties owing to a mistake as to the identity of the person or through any other cause;
- (2) Where the parties do not make notification of the marriage; however, if the notification only fails to fulfill the conditions prescribed in Article 739 paragraph 2, the validity of the marriage shall not be affected thereby.

(Annulment of marriage)

Article 743. A marriage cannot be annulled except in accordance with the provisions of Articles 744 to 747 inclusive.

(Ibid--unlawful marriage)

Article 744. In cases of a marriage effected in contravention of the provisions of Articles 731 to 736 inclusive, an application may be made to the Court for its annulment by either party thereto, any of each party's relatives or a public procurator; however, a public procurator may not make such an application

after the death of either of the parties.

2. In cases of a marriage effected in contravention of the provisions of Article 732 or Article 733, the spouse or the former spouse of the party may also apply for its annulment;

(Ibid--marriage under puberty)

Article 745. No application may be made for the annulment of a marriage effected in contravention of the provisions of Article 731, if the person who was not of marriageable age has attained the requisite age.

2. A person married under the marriageable age may still apply for the annulment of the marriage during a period of three months from his or her attainment of the requisite age; however, this shall not apply when he or she has ratified it after having attained the requisite age.

(Ibid--earlier re-marriage)

Article 746. No application may be made for the annulment of a marriage effected in contravention of the provisions of Article 733 after the lapse of six months from the day of the dissolution or annulment of the previous marriage nor in cases where the woman has become pregnant after her re-marriage.

(Ibid--marriage due to fraud or duress)

Article 747. A person who has been induced by fraud or duress to effect a marriage may apply to the Court for the annulment of such marriage.

2. The right of annulment mentioned in the preceding paragraph shall be extinguished if three months have elapsed since the party discovered the fraud, or became free from the duress, or if he or she has effected a ratification.

(Ibid--non-retroactivity)

Article 748. The annulment of a marriage shall have no retroactive effect.

2. In cases any party, who was unaware at the time of the marriage that a ground for its annulment existed, has acquired property by reason of the marriage, such party shall return the property to the extent that he or she is still enriched thereby.

3. Any party who was aware at the time of the marriage that a ground for its annulment existed shall return the whole benefit which he or she has acquired by reason of the marriage, and further if the other party acted bona fide, he or she shall be liable in compensation for damages thereto.

(Ibid--application mutatis mutandis of the provisions on divorce)

Article 749. The provisions of Articles 766 to 769 inclusive shall apply mutatis mutandis to the annulment of a marriage.

Section 2 Effect of Marriage

(Surname)

Article 750. Husband and wife assume the surname of the husband or wife in accordance with the agreement made at the time of the marriage.

(Ibid--resuming prior surname)

Article 751. If either husband or wife has died, the surviving spouse may resume the surname assumed by her or him before the marriage.

2. The provisions of Article 769 shall apply mutatis mutandis in the case mentioned in the preceding paragraph and Article 728 paragraph 2.

(Cohabitation and cooperation)

Article 752. Husband and wife shall cohabit, and shall cooperate and aid each other.

(Attaining majority by marriage)

Article 753. If a minor effects a marriage, he or she shall be deemed, by reason thereof, to have attained majority.

(Avoiding contract between husband and wife)

Article 754. In cases a contract is entered into between husband and wife, it may be avoided by either of them at any time during the subsistence of marriage; however, the rights of third persons may not be prejudiced thereby.

Section 3 Matrimonial Property System

Sub-Section 1 General Provisions

(Statutory property system)

Article 755. If husband and wife have not, prior to the notification of marriage, entered into a contract which provides otherwise with respect to their property, their property relations shall be governed by the provisions of the next Sub-Section.

(Contractual property system--factor for setting up against)

Article 756. If husband and wife have entered into a contract which differs in its terms from the statutory property system, such contract cannot be set up against their successors in title or third persons unless it is registered prior to the notification of the marriage.

Article 757. deleted. ((28))

(Ibid--change)

Article 758. Property relations between husband and wife cannot be changed after the notification of

marriage.

2. If, in cases where one spouse manages the property of the other, such property is imperiled by mismanagement, the other may apply to the Family Court to be allowed to undertake the management thereof for himself or herself.

3. As regards property in co-ownership an application may be made for a partition thereof in addition to the application mentioned in the preceding paragraph.

(Ibid--change of manager, partition)

Article 759. In cases the manager has been changed or a partition of property in co-ownership has been effected, in accordance with the provisions of the preceding Article or as the result of a contract, such change or partition cannot be set up against the successors in title of the husband or of the wife or against third persons, unless it has been registered.

Sub-Section 2 Statutory Property System

(Expenses of married life)

Article 760. Husband and wife shall share the expenses of the married life with each other, taking into account their property, income and all other circumstances.

(Liability of daily household matters)

Article 761. If, with respect to daily household matters, one spouse effects a juristic act with a third person, the other spouse shall be jointly and severally liable for the obligations arising therefrom. However, this shall not apply in cases where a previous notice to the effect that the other spouse will not assume the liability has been given to the third person.

(Separate property, co-owned property)

Article 762. Property belonging to either a husband or wife from a time prior to the marriage and property acquired during the subsistence of the marriage in his or her own name constitutes his or her separate property.

2. Any property, in regard to which it is uncertain whether it belongs to the husband or the wife, is presumed to be the property in their co-ownership.

Section 4 Divorce

Sub-Section 1 Divorce by Agreement

(Divorce by agreement)

Article 763. Husband and wife may effect divorce by agreement. (Application mutatis mutandis of the provisions on marriage)

Article 764. The provisions of Articles 738, 739 and 747 shall apply mutatis mutandis to a divorce by

agreement.

(Notification of divorce)

Article 765. The notification of divorce may not be accepted unless the divorce does not contravene the provisions of Article 739 paragraph 2 and Article 819 paragraph 1, and of other laws and ordinances.

2. The validity of divorce shall not be affected even in cases where the notification of divorce has been accepted in contravention of the provisions of the preceding paragraph.

(Custody of children after divorce)

Article 766. In cases father and mother effect a divorce by agreement, the person who is to take the custody of their children and other matters necessary for the custody shall be determined by their agreement, and if no agreement is reached or possible, such matters shall be determined by the Family Court.

2. The Family Court may, if it deems necessary for the benefit of the children, change the person to take the custody of them or order such other dispositions as may be appropriate for the custody.

3. The provisions of the preceding two paragraphs shall not cause any change in the rights and duties of father and mother outside the scope of the custody.

(Resuming prior surname) ((23))

Article 767. Husband or wife, who has changed his or her surname by reason of marriage, resumes, by reason of divorce by agreement, the surname assumed thereby before the marriage.

2. Husband or wife who has resumed the surname assumed thereby before the marriage in accordance with the provision of the preceding paragraph may assume the surname assumed at the time of divorce, by a notification as prescribed by the Family Registration Law within three months from the day of divorce.

(Distribution of property)

Article 768. Husband or wife who has effected divorce by agreement may demand the distribution of property from the other spouse.

2. If no agreement is reached or possible between the parties with respect to the distribution of property in accordance with the provisions of the preceding paragraph, any of the parties may apply to the Family Court for measures to take the place of such agreement; however, this shall not apply after the lapse of two years from the time of the divorce.

3. In the case mentioned in the preceding paragraph, the Family Court shall determine whether any such distribution is to be made or not, and, if it is to be made, the sum as well as the mode of the distribution, taking into account the sum of such property as is acquired by cooperation of the parties and all other circumstances.

(Genealogical records, etc.)

Article 769. If husband or wife, who had changed his or her surname by reason of the marriage, has

effected divorce by agreement after his or her succession to the right stated in Article 897 paragraph 1, the person who is to succeed to the right shall be determined by an agreement between the parties and other persons concerned.

2. If no agreement mentioned in the preceding paragraph is reached or possible, the person who is to succeed to the right mentioned in the preceding paragraph shall be determined by the Family Court.

Sub-Section 2 Judicial Divorce

(Judicial divorce--causes)

Article 770. Husband or wife can bring an action for divorce only in the following cases:

- (1) If the other spouse has committed an act of un-chastity;
- (2) If he or she has been deserted maliciously by the other spouse;
- (3) If it is unknown for three years or more whether the other spouse is alive or dead;
- (4) If the other party is attached with severe mental disease and recovery therefrom is hopeless;
- (5) If there exists any other grave reason for which it is difficult for him or her to continue the marriage.

2. Even in cases where any or all of the grounds mentioned in items (1) to (4) inclusive of the preceding paragraph exist, the Court may dismiss the action for divorce, if it deems the continuance of the marriage proper in view of all the circumstances.

(Custody of children, resumption of surname, distribution of property, genealogical records, etc.)

Article 771. The provisions of Articles 766 to 769 inclusive shall apply mutatis mutandis to judicial divorce.

CHAPTER III PARENTS AND CHILDREN

Section I Children of the Body

(Presumption of legitimacy)

Article 772. A child conceived by a wife during marriage shall be presumed to be the child of the husband.

2. A child, born two hundred days or more after the day on which the marriage was formed or born within three hundred days from the day on which the marriage was dissolved or annulled, shall be presumed to have been conceived during marriage.

(Determination of paternity)

Article 773. If, in cases where a woman who has remarried in contravention of the provisions of Article 733 paragraph I has been delivered of a child, it is impossible to determine the father of the child in accordance with the provisions of the preceding Article, the Court shall determine the paternity.

(Denial of legitimacy)

Article 774. In any case mentioned in Article 772, the husband may deny that the child is legitimate.

(Ibid--action of denial)

Article 775. The right of denial mentioned in the preceding Article shall be exercised by an action against the child or the mother exercising parental power. In cases there is no mother who exercises parental power, the Family Court shall appoint a special representative.

(Recognition of legitimacy)

Article 776. If, after it has been born, the husband recognizes that the child is legitimate, he loses the right of denial.

(Ibid--period to bring action of denial)

Article 777. An action of denial shall be brought within one year from the time when the husband became aware of the child's birth.

(Ibid--major ward husband) (34)

Article 778. In cases the husband is a major ward, the period specified in the preceding Article shall be computed as from the time when the husband became aware of the child's birth after the revocation of the adjudication for commencement of guardianship.

(Acknowledgment)

Article 779. A child who is not legitimate may be acknowledged by its father or mother.

(Ibid--father or mother under limited-ability) (34)

Article 780. Father or mother, even when he or she is a minor or a major ward, need not obtain the consent of his or her legal representative in order to acknowledge a child.

(Ibid--manner)

Article 781. The acknowledgment of a child is effected by giving notification thereof in accordance with the provisions of Family Registration Law.

2. Acknowledgment may also be effected by means of will.

(Ibid--child of full age)

Article 782. A child of full age cannot be acknowledged without his or her assent.

(ibid--child en ventre sa mere, diseased child)

Article 783. A father may acknowledge even a child en ventre sa mere. In this case the assent of the mother shall be obtained.

2. Father or mother may acknowledge even a deceased child, but only when a lineal descendant of the child is living. In this case if such lineal descendant is of full age his or her assent shall be obtained.

(Ibid--retroactivity)

Article 784. Acknowledgment shall be effective retroactively as from the time of birth; however, the rights acquired by third persons prior thereto shall not be prejudiced thereby.

(Ibid--prohibition to revoke)

Article 785. Father or mother who has effected acknowledgment cannot revoke such acknowledgment.

(Ibid--alleging adverse fact)

Article 786. A child or any other person interested may allege any fact adverse to acknowledgment.

(Ibid--action for)

Article 787. A child or any of its lineal descendants or the legal representative of any of them can bring an action for acknowledgment; however, this shall not apply after the lapse of three years from the time when the father or mother died.

(Ibid--custody of child)

Article 788. The provisions of Article 766 shall apply mutatis mutandis in cases where a father effects acknowledgment.

(Ibid--status of legitimacy)

Article 789. A child acknowledged by its father acquires the status of a legitimate child by reason of the marriage of its father and mother.

2. A child acknowledged by its father and mother during the subsistence of the marriage acquires the status of a legitimate child as from the time of such acknowledgment.

3. The provisions of the preceding two paragraphs shall apply mutatis mutandis in cases where the child is already dead.

(Surname of child)

Article 790. A legitimate child assumes the surname of its father and mother. If, however, before the birth of the child its father and mother have divorced, the child assumes the surname of its father and mother at the time of the divorce.

2. An illegitimate child assumes the surname of its mother.

(Ditto--change) (27)

Article 791. In cases where the surname of a child differs from that of its father or mother, the child may, with the leave of the Family Court, assume the surname of its father or mother by giving notification in accordance with the provisions of the Family Registration Law.

2. In cases where the surname of a child differs from that of its father or mother by reason that its father or mother has changed the surname, assume the surname of its father or mother only during a marriage of the father and mother without the leave under the preceding paragraph, by giving notification in accordance with the provisions of the Family Registration Law.

3. In cases where a child is under the age of fifteen, the legal representative thereof may perform the acts under the preceding two paragraphs on behalf of the child.

4. The minor child who has changed its surname in accordance with the provisions of the preceding three paragraphs may, within one year from the day on which the child attained majority, resume the former surname by giving notification in accordance with the provisions of the Family Registration Law.

Section 2 Adoption**Sub-Section I Requisites for Adoption****(Competency to adoption)**

Article 792. Any person who has attained majority may adopt another.

(Prohibition to adopt ascendant or older person)

Article 793. No ascendant or person of older age may be adopted.

(Adoption of ward by guardian) (34)

Article 794. A guardian shall obtain the leave of the Family Court in order to adopt the ward (meaning a minor ward and a major ward; hereinafter the same). The same shall also apply after the duties of the guardian have come to an end, so long as the accounts of the management have not been completed.

(Adoption by person having spouse) (27)

Article 795. To adopt a minor child, a person who has a spouse shall do it so jointly with the spouse. However, this shall not apply in cases where a person adopts the legitimate child of a spouse or where a spouse is unable to declare his or her intention.

(Ditto) (27)

Article 796. To effect adoptive relation, a person who has a spouse shall obtain the consent of the spouse. However, this shall not apply in cases where a person effects adoptive relation jointly with a spouse or a spouse is unable to declare his or her intention.

(Adopting person under fifteen years of age) (27)

Article 797. If the person to be adopted is under fifteen years of age, his legal representative can assent to the adoption in his place.

2. To give the assent under the preceding paragraph, the legal representative shall, if there are any others who are the parents of a person to be adopted and should take his care and custody, obtain their consent

(Adopting minor child)

Article 798. In order to adopt a minor child, the leave of the Family Court shall be obtained; however, this shall not apply when a person adopts any of the lineal descendants of his own or of the other spouse.

(Adoption mutatis mutandis of the provisions on marriage)

Article 799. The provisions of Articles 738 and 739 shall apply mutatis mutandis to an adoption.

(Notification of adoption)

Article 800. The notification of adoption may not be accepted unless the adoption does not contravene the provisions of Articles 792 to the preceding Article inclusive and of other laws and ordinances.

(Ibid in foreign country)

Article 801. In cases Japanese subjects resident in a foreign country desire to effect an adoption of the one by the other, notification thereof may be made to the Japanese Ambassador, Minister or a Japanese Consul acting in that country. In this case the provisions of Article 739 and the preceding Article shall apply mutatis mutandis.

Sub-Section 2 Nullity and Annulment of Adoption

(Nullity of adoption--causes)

Article 802. An adoption is void only in the following cases:

- (1) Where there is no intention to effect adoption common to the parties owing to a mistake as to the identity of the person or through any other cause;
- (2) Where the parties do not make notification of the adoption; however, if the notification only fails to fulfill the conditions prescribed in Article 739 paragraph 2, the validity of the adoption shall not be affected thereby.

(Annulment of adoption)

Article 803. An adoption cannot be annulled except in accordance with the provisions of Articles 804 to 808 inclusive.

(Ditto-adoption by minor parent)

Article 804. In the case of an adoption which has contravened the provision of Article 792, an application

for its annulment may be made to the Court by the adoptive parent or his or her legal representative. However, this shall not apply when six months have elapsed or the adoptive parent has ratified it after he or she attained majority.

(Ditto-adopting ascendant or older person)

Article 805. In the case of an adoption which has contravened the provision of Article 793, an application for its annulment may be made to the Court by either party concerned or any relative thereof.

(Ditto-adopting ward by guardian)

Article 806. In the case of an adoption which has contravened the provision of Article 794, an application for its annulment may be made to the Court by the adopted child or any relative on the side of its original family. However, this shall not apply when the adopted child has ratified it or six months have elapsed after the accounts of the management were completed.

2. The ratification is of no effect unless it is made after the adopted child has attained majority or has received its capacity.

3. In cases where the accounts of the management have been completed before the adopted child attains majority or recovers its capacity, the period specified in the proviso to paragraph 1 shall be computed as from the time when the adopted child has attained majority or has recovered its capacity.

(Ditto) @

Article 806-2. In the case of an adoption which has contravened the provision of Article 796, an application for its annulment may be made to the Court by a person who has not given his consent to the adoption. However, this shall not apply when six months have elapsed or the person has ratified it after he came to know the adoption.

2. A person who has given the consent under Article 796 by fraud or duress may make an application for annulment of the adoption to the Court. However, this shall not apply when six months have elapsed or the person has ratified it after he found the fraud or became free from the duress.

(Ditto) O

Article 806-3. In the case of an adoption which has contravened the provision of Article 797 paragraph 2, a person who has not given his consent to the adoption may make an application for its annulment to the Court. However, this shall not apply when the person has ratified it, or when six months have elapsed or the adopted child has ratified it after the child attained the age of fifteen.

2. The provision of paragraph 2 of the preceding Article shall apply mutatis mutandis to the person who has given the consent under Article 797 paragraph 2 by fraud or duress.

(Ditto--adopting minor child)

Article 807. In cases of an adoption effected in contravention of the provisions of Article 798, an application may be made to the Court for its annulment by the adopted child or by any of its relatives on

the side of its original family, or by the person who has assented to the adoption in place of the adopted child. However, this shall not apply when six months have elapsed from the time when the adopted child attained majority, or if it has ratified the adoption.

(Application mutatis mutandis of the provisions on annulment of marriage)

Article 808. The provisions of Articles 747 and 748 shall apply mutatis mutandis to an adoption; however, the period specified in Article 747 paragraph 2 shall be six months.

2. The provisions of Articles 769 and 816 shall apply mutatis mutandis to the annulment of adoption.

Sub-Section 3 Effect of Adoption

(Status of legitimacy)

Article 809. An adopted child acquires, as from the day of adoption, the status of a legitimate child of the parent by adoption.

(Surname) @

Article 810. An adopted child assumes the surname of the parent by adoption. However, this shall not apply while a person who has changed the surname should assume the surname determined at the time of marriage.

Sub-Section 4 Dissolution of Adoptive Relation

(Dissolution by agreement) (27)(34)

Article 811. The parties to an adoption may effect by agreement a dissolution of the adoptive relation.

2. If an adopted child is under fifteen years of age, dissolution of adoptive relation may be effected by agreement between the parent by adoption and the person who would become its legal representative after the dissolution of adoptive relation of the adopted child.

3. If, in the case of the preceding paragraph, the father and mother of the adopted child had effected divorce, one of them shall, by their agreement, be determined to have the parental power after the dissolution of adoptive relation of the adopted child.

4. If no agreement mentioned in the preceding paragraph is reached or possible, the Family Court may render judgment in place of agreement on application of the father or mother or the parent by adoption under the preceding paragraph.

5. If there is no person to become the legal representative under paragraph 2, the Family Court shall appoint a person to become the guardian for minors after dissolution of adoptive relation of the adopted child on application of any of the adopted child's relatives or of any other persons interested.

6. If, after the death of either party of adoption, a surviving party desires to effect a dissolution of adoptive relation, the surviving party may effect it with the leave of the Family Court.

(Ditto) (27)

Article 811-2. If, in the case of the adopters who are husband and wife, they effect a dissolution of the adoptive relation with a minor, they should do it so jointly. However, this shall not apply when one spouse is unable to declare his or her intention.

(Application mutatis mutandis of the provisions on marriage, etc.)

Article 812. The provisions of Articles 738, 739, 747 and Article 808 paragraph 1 proviso shall apply mutatis mutandis to dissolution of adoptive relation by agreement.

(Notification of dissolution) (27)

Article 813. The notification of dissolution of the adoptive relation may not be accepted unless the dissolution does not contravene the provisions of Article 739 paragraph 2, Article 811 and Article 811-2, and of other laws and ordinances.

2. The validity of a dissolution of the adoptive relation shall not be affected even when the notification has been accepted in contravention of the provisions of the preceding paragraph.

(Action for dissolution of adoptive relation-causes)

Article 814. One of the parties to an adoption can bring an action for dissolution of adoptive relation only in the following cases:

- (1) If such party has been deserted maliciously by the other;
- (2) If it is unknown for three years or more whether the other is alive or dead;
- (3) If there exists any other grave reason for which it is difficult for such party to continue the adoptive relation.

2. The provisions of Article 770 paragraph 2 shall apply mutatis mutandis in the cases mentioned in any of items (1) and (2) of the preceding paragraph.

(Ditto--action by assenting person)

Article 815. So long as an adopted child has not fully attained fifteen year of age, an action for dissolution of adoptive relation can be brought from or against the person who can, in accordance with the provision of Article 811, make agreement with the parent by adoption.

(Resumption of surname)@

Article 816. An adopted child resumes, by reason of dissolution of the adoptive relation, the surname assumed thereby before the adoption. However, this shall not apply in cases where the dissolution of adoptive relation has been effected against only one adopter who adopted a child jointly with a spouse.

2. After the lapse of seven years from the date of the adoption, a person who resumes the surname assumed before the adoption in accordance with the provision of the preceding paragraph may, by giving notification in accordance with the provisions of the Family Registration Law within three months from the date of the dissolution of adoptive relation, assume the surname assumed at the time of the

dissolution of adoptive relation.

(Genealogical records, etc.)

Article 817. The provisions of Article 769 shall apply mutatis mutandis in the case of dissolution of adoption.

Section Special Adoption @

(Formation of special adoptive relation) ((27))

Article 817-2. The Family Court may, if there are requisites provided for in the following next Article through Article 817-7, form an adoption to terminate the relationship with relatives of blood on the side of a child's original family (hereinafter referred to as a "special adoptive relation" in this Section) on application of a person to become an adopter.

2. To make an application prescribed in the preceding paragraph, the leave under Article 794 or Article 798 shall be dispensed with.

(Joint adoption by adopters) @

Article 817-3. A person to become an adopter shall be the one who has a spouse.

2. Either husband or wife may not become an adopter unless one spouse becomes an adopter. However, this shall not apply when either husband or wife becomes an adopter of the legitimate child of one spouse (excluding an adopted child by adoptive relation other than a special adoptive relation).

(Age restriction of adopter) @

Article 817-4. A person who does not attain the age of twenty five may not become an adopter. However, this shall not apply when, even though either husband or wife to become an adopter has not attained the age of twenty five, such person has attained the age of twenty.

(Age restriction of adoptee) @

Article 817-5. A person who has attained the age of six at the time of the application prescribed in Article 817-2 may not become an adopted child. However, this shall not apply in cases where the person is under the age of eight and is placed under the care and custody of a person to become an adopter continuously before attaining the age of six.

(Consent of father and mother) @

Article 817-6. In formation of a special adoptive relation, the consent of the father and mother of a person to be adopted shall be obtained. However, this shall not apply in cases where the father and mother are unable to declare their intention or where there is cruel treatment, malicious desertion by father and mother, or any other cause seriously harmful to the benefits of a person to be adopted.

(Necessity of care)

Article 817-7. A special adoptive relation shall, in cases where the care and custody of a person to be adopted are difficult or unfit or there are special circumstances, if it is recognized specially necessary for the benefits of a child, be formed.

(Trial period, etc. of care) @

Article 817-8. To form a special adoptive relation, the circumstances of which the care and custody of a person to be adopted have been taken by a person to become an adopter for the period of six months or more are considered.

2. The period under the preceding paragraph shall be computed from the time of the application prescribed in Article 817-2. However, this shall not apply if the circumstances of the care and custody before the application are clarified.

(Termination of relationship between adopted child and its original family) ((27))

Article 817-9. The relationship between an adopted child and its parents on the side of its original family and their relatives of blood shall be terminated by a special adoptive relation. However this shall not apply with respect to the relationship with the other and its relatives prescribed in the proviso to Article 817-3 paragraph 2.

(Dissolution of adoptive relation of adopted child by special adoption) @

Article 817-10. In the case falling under either of the following respective items, if it is recognized specially necessary for the benefits of an adopted child, the Family Court may have the parties concerned of a special adoptive relation dissolve the adoptive relation on application of an adopted child, its natural parents, or a procurator.

1. The fact that there is cruel treatment or malicious desertion by an adopter, or other cause seriously harmful to the benefits of an adopted child;
 2. The fact that the natural parents can take proper care and custody.
2. Dissolution of adoptive relation may not be effected except under the cases prescribed in the preceding paragraph.

(Ditto--effect) Q

Article 817-10. Between an adopted child and its natural parents and their relatives of blood, there arises the same relationship as the relationship terminated by a special adoptive relation from the day of the dissolution of adoptive relation.

CHAPTER IV PARENTAL POWER**Section 1 General Provisions****(Parental power)**

Article 818. A child who had not yet attained majority is subject to the parental power of its father and mother.

2. If such child is an adopted one, it is subject to the parental power of its parent by adoption.

3. While father and mother are in matrimonial relation, they jointly exercise the parental power. However, if either the father or the mother is unable to exercise the parental power, the other parent exercises it.

(Ibid--in cases of divorce, recognition)

Article 819. If father and mother have effected divorce by agreement, they shall determine one of them to have the parental power by agreement.

2. In cases of judicial divorce the Court shall determine father or mother to have the parental power.

3. If father and mother have effected divorce before the birth of child, the parental power is exercised by the mother. However, the father and mother may determine the father to have the parental power by agreement after the birth of child

2. The parental power over a child recognized by its father shall be exercised by its father, if and only if the father and mother determine the father to have the parental power by their agreement.

5. If no agreement mentioned in any of paragraph 1, 3 or the preceding paragraph is reached or possible, the Family Court may render judgment in place of agreement on application of the father or mother.

6. The Family Court may, if it deems necessary for the benefit of a child, transfer the parental power from one of parents to other on application of any relative of the child.

Section 2 Effect of Parental Power

(Custody and education)

Article 820. A person who exercises parental power has the right and incurs the duty of providing for the custody and of educating the child.

(Place of residence)

Article 821. A child shall establish its place of residence in the place designated by the person who exercises parental power.

(Chastisement)

Article 822. A person who exercises parental power can, in so far as it is necessary, personally chastise his or her child, or can, with the permission of the Family Court, place it in a disciplinary institution.

2. The period for which a child is to be placed in a disciplinary institution shall be determined by the Family Court within six months or less; however, such period may be shortened by the Family Court at any time on the application of the person who exercises parental power.

(Permission to occupation)

Article 823. A child may not carry on an occupation unless with the permission of the person who exercises parental power.

2. In cases of Article 6 paragraph 2 the person who exercises parental power may revoke or restrict the permission mentioned in the preceding paragraph.

(Management of property, representation)

Article 824. A person who exercises parental power manages the property of a child and represents the child on juristic acts concerning its property; in cases, however, where an obligation is to be created having for its subject any act of the child, the consent of the child itself shall be obtained.

(Ibid--exercising not jointly)

Article 825. In cases either father or mother who shall exercise parental power jointly with the other has performed a juristic act in place of the child or has given consent to its being performed by the child, in the names of both of them, the validity of such act shall not, even if it should be contrary to the intention of the other, be affected thereby. However, this shall not, apply when the other party to such act was acting mala fide

(Special representative)

Article 826. In respect of acts in which the interests of father or mother who exercises parental power conflict with those of his or her child, the person who exercises the parental power shall apply to the Family Court for the appointment of a special representative on behalf of the child.

2. In cases where a person who exercises parental power exercises the same over two or more children, the provisions of the preceding paragraph shall, on behalf of one party, apply mutatis mutandis in respect of acts in which the interests of one child conflict with those of the other or others.

(Manner of exercising)

Article 827. A person who exercises parental power shall exercise his or her right of management with the same care as he or she uses when acting on his or her own behalf.

(Account of management)

Article 828. When a child has attained majority, the person who has been exercising parental power shall without delay render an account of the management; however, the expenses of the maintenance of the child and of the management of the property on the one hand and the profits of the child's property on the other shall be deemed to have been set-off against each other.

(Ibid--exception)

Article 829. If a third person who gratuitously transfers property to a child has declared an intention contrary to the provisions of the proviso to the preceding Article, they shall not apply to such property.

(Management of property transferred by third person)

Article 830. If a third person who gratuitously transfers property to a child has declared an intention not to permit its father or mother who exercises parental power to manage it, such property shall not come under the management of such father or mother.

2. If, in the case where neither father nor mother has the right of management with respect to the property mentioned in the preceding paragraph, the third person has designated no manager, the Family Court shall appoint one on the application of the child, of any of its relatives or of a public procurator.

3. Even when the third person has designated a manager, it shall be the same as the preceding paragraph if, in cases where the powers of such manager have come to an end or the appointment of another manager in his stead has become necessary, the third person fails to appoint a manager anew.

4. The provisions of Articles 27 to 29 inclusive shall apply *mutatis mutandis* in the cases mentioned in the preceding two paragraphs.

(Application *mutatis mutandis* of the provisions on mandate)

Article 831. The provisions of Articles 654 and 655 shall apply *mutatis mutandis* in cases where a person who exercises parental power manages the property of the child, and also in the case mentioned in the preceding Article.

(Extinctive prescription of the right with respect to management)

Article 832. Any claim, arising as between a person who has exercised parental power and the child, with respect to the management of the property, shall be extinguished by prescription if not exercised within five years from the time when the right of management had extinguished.

2. If the right of management has been extinguished and there is no legal representative of the child before the child attains majority, the period mentioned in the preceding paragraph shall be computed as from the time when the child has attained majority or a succeeding legal representative has assumed office.

(Exercise of child's parental power)

Article 833. A person who exercises parental power exercises, in place of the child subjected to his parental power, the parental power of such child.

Section 3 Loss of Parental Power

(Forfeiture of parental power)

Article 834. If father or mother abuses parental power or is guilty of gross misconduct, the Family Court may, on the application of any of the child's relatives or of a public procurator, adjudge the forfeiture of the parental power.

(Forfeiture of right of management)

Article 835. If father or mother who exercises parental power endangers by mismanagement the property of his or her child, the Family Court may, on the application of any of the child's relatives or of a public

procurator, adjudge the forfeiture of the right of management.

(Ibid--revocation)

Article 836. If the causes mentioned in the preceding two Articles have ceased to exist, the Family Court may, on the application of the party concerned or of any of his relatives, revoke the adjudication of the forfeiture of the power or right.

(Declining and recovering parental power and right of management)

Article 837. Father or mother who exercises parental power may, where circumstances make it imperative, decline the parental power or the right of management with the leave of the Family Court.

2. If the circumstances mentioned in the preceding paragraph cease to exist, father or mother may recover the parental power or the right of management with the leave of the Family Court.

CHAPTER V GUARDIANSHIP

Section I Commencement of Guardianship

(Causes) (34)

Article 838. Guardianship commences in any of the following cases:

- (1) If there is no one to exercise parental power over a minor, or if the person who exercises parental power has no right of management;
- (2) If the adjudication for commencement of guardianship has been made.

Section 2 Organs of Guardianship

Sub-Section 1 Guardian

(Designated guardian of minor) (34)

Article 839. The person who last exercises parental power over a minor can designate a guardian for minors by will; however, this shall not apply when such person has no right of management.

2. If either father or mother who exercises parental power has no right of management, the other parent may designate a guardian for minors in accordance with the provisions of the preceding paragraph.

(Appointing a guardian for minors) (34)

Article 840. If there is no person to be a guardian for minors under the provision of the preceding Article, the Family Court shall, on the application of a minor ward, his/her relatives, or any other persons interested, appoint a guardian for minors. The same shall also apply in cases where a vacancy occurs in the position of guardian for minors.

(Request for appointing a guardian for minors by father or mother) (34)

Article 841. If it has become necessary to appoint a guardian for minors for the reason that a father or

mother has declined to exercise his or her parental power or to manage the property, or that a father or mother has forfeited his or her parental power, such father or mother shall, without delay, request the Family Court to appoint a guardian for minors.

(The number of guardians for minors) (34)

Article 842. There cannot be more than one guardian for minors.

(Appointing a guardian for majority) (34)

Article 843. When the Family Court renders the adjudication for commencement of guardianship, it shall, ex-officio, appoint a guardian for majority.

2. If a vacancy occurs in the position of guardian for majority, the Family Court shall, on the application of a major ward, his/her relatives or any other persons interested, or ex-officio, appoint a guardian for majority.

3. Even in the case where a guardian for majority is appointed, the Family Court may, when it deems necessary, on the application of persons mentioned in the preceding paragraph or of the guardian for majority, or ex-officio, appoint another guardian for majority.

4. In appointing a guardian for majority, mental and physical condition as well as state of livelihood and property of a major ward, occupation and career of a person who becomes the guardian for majority as well as the presence of beneficial interest between the major ward and the person (if the person who becomes a guardian for majority is a juristic person, the kind and detail of its business as well as the presence of beneficial interest between the juristic person and its representative and the major ward), opinions of the major ward and all other circumstances shall be taken into consideration.

(Resignation)

Article 844. A guardian may, where any reasonable ground exists, resign his office with the leave of the Family Court.

(Appointing a new guardian) (34)

Article 845. If it has become necessary to newly appoint a guardian for the reason that a guardian has resigned his office, such guardian shall, without delay, make an application to the Family Court for appointing a new guardian.

(Removal) (34)

Article 846. If there is any unjust act or gross misconduct done by a guardian, or any other ground for which a guardian is unfit to perform the duties, the Family Court may remove such guardian from the office on the application of a supervisor of guardian, a ward or any of his/her relatives or of a public procurator, or ex-officio.

(Qualification) (34)

Article 847. None of the persons mentioned below may become a guardian.

- (1) A minor;
- (2) A legal representative, a curator or an assistant who has been removed by the Family Court;
- (3) A bankrupt;
- (4) A person who brings or has brought an action against the ward, and the spouse as well as any of the lineal relatives by blood of such person;
- (5) A person whose whereabouts is unknown.

Sub-Section 2 Supervisor of Guardian

(Designated supervisor of guardian)

Article 848. A person who can designate a guardian for minors can designate by will a supervisor of guardian for minors.

(Appointed supervisor of guardian)

Article 849. In cases where no supervisor of guardian for minors is designated in accordance with the provisions of the preceding Article, the Family Court may, if it deems necessary, appoint a supervisor of guardian for minors on the application of a minor ward, any of his/her relatives or of a guardian for minors, or ex officio. The same shall also apply in cases where a vacancy occurs in the position of a supervisor of guardian for minors.

(Appointing a supervisor of guardian for majority) (34)

Article 849-2. The Family Court may, if it deems necessary, on the application of a major ward, any of his/her relatives or a guardian for majority, or ex officio, appoint a supervisor of guardian for majority.

(Qualification)

Article 850. The spouse, the lineal relatives by blood and the brothers and sisters of a guardian cannot become a supervisor of guardian.

(Duties)

Article 851. The duties of a supervisor of guardian are as follows:

- (1) To supervise the conduct of the affairs by the guardian;
- (2) In cases a vacancy occurs in the position of guardian, to apply to the Family Court for the appointment of a guardian;
- (3) To adopt such measures as may be necessary in cases where circumstances of urgency exist;
- (4) In respect of acts in which the interests of the guardian or any person whom he represents conflict with those of the ward to represent the ward.

(Application mutatis mutandis of the provisions on guardian) (34)

Article 852. The provisions of Article 644, Article 654, Article 655, Article 843 paragraph 4, Article 844, Article 846, Article 847, Article 859-2, Article 859-3, Article 861 paragraph 2 and Article 862 shall apply mutatis mutandis to a supervisor of guardian.

Section 3 Functions of Guardianship

(Survey of property, preparation of inventory)

Article 853. A guardian shall without delay enter upon a survey of the ward's property, and shall complete such survey and prepare an inventory of such property within one month; however, this period may be extended by the Family Court.

2. The survey of the property and the preparation of the inventory thereof are of no effect unless conducted, in cases there is a supervisor of the guardian, in the presence thereof.

(Authority before completing preparation of inventory)

Article 854. Until having completed the preparation of the inventory, a guardian has authority to do acts of urgent necessity only; however, this cannot be set up against a bona fide third person.

(Report to supervisor of guardian on claim and obligation against ward)

Article 855. If, in cases where a guardian possesses a claim as against, or is under an obligation towards, the wards, there is a supervisor of the guardian, the guardian shall make a report thereof to the supervisor of the guardian before entering upon the survey of the property.

2. If a guardian, who is aware of the fact of possessing a claim as against the ward, fails to make a report thereof, the guardian forfeits such claim.

(Ward's acquisition of property by universal title)

Article 856. The provisions of the preceding three Articles shall apply mutatis mutandis in cases where the ward has acquired property by a universal title after the guardian has assumed office.

(Authority of minor's guardian) (34)

Article 857. The guardian for minors has, with regard to the matters mentioned in Article 820 to 823 inclusive, the same rights and duties as a person who exercises parental power; however, the guardian shall obtain the consent of the supervisor of guardian for minors, any fi, in order to change the mode of education or the place of residence determined by the father or mother who exercised parental power, to place the minor ward in a disciplinary institution, to permit it to carry on business or to revoke or to restrict such permission.

(Obligation of a guardian for majority to take into consideration) (34)

Article 858. A guardian for majority shall, in performing the business concerning the livelihood, medical treatment and care and management of property of a major ward, respect intentions of the major ward

and take the mental and physical conditions and the state of livelihood into consideration.

(Management of property and representation)

Article 859. A guardian manages the ward's property and represents the ward in juristic acts concerning the latter's property.

2. The provisions of the proviso to Article 824 shall apply *mutatis mutandis* in the case mentioned in the preceding paragraph.

(Several guardians for majority) (34)

Article 859-2. If there are several guardians for majority, the Family Court may, *ex officio*, stipulate that these several guardians for majority shall exercise their powers jointly or by taking charge of a portion of their affairs.

2. The Family Court may, *ex officio*, cancel the stipulations under the provision of the preceding paragraph.

3. If there are several guardians for majority, it shall be sufficient for a third party to indicate its intention to one of them.

(Permission of the Family Court) (34)

Article 859-3. If a guardian for majority intends, in place of a major ward, to perform sale, let, cancel the lease, create a hypothec or adopt any other disposition of similar nature with respect to a building furnished for the ward's use of residence or its area of yards, such guardian for majority shall obtain permission of the Family Court.

(Special representative)

Article 860. The provisions of Article 826 shall apply *mutatis mutandis* to the guardian; excepting, however, cases where there is a supervisor of guardian.

(Estimation of expenditures)

Article 861. A guardian shall, on assuming office, estimate the amount of money to be expended annually for the livelihood, the education, the medical treatment and the care of the ward and for the management of the property.

2. Expenses necessary for guardian's performing the affairs of guardianship are defrayed out of the property of the ward.

(Remuneration)

Article 862. The Family Court may allow reasonable remuneration to the guardian out of the ward's property, taking into consideration of the financial capacity of the guardian and the ward and other circumstances.

(Supervision of guardian's functions) (34)

Article 863. At any time, a supervisor of guardian or the Family Court may demand a guardian to report the guardianship affairs or to submit the inventory, or may investigate such affairs or the state of the ward's property.

2. The Family Court may, on the application of a supervisor of guardian, of a ward or any of the ward's relatives, or of any other persons interested, or of its own motion, order such dispositions or other guardianship affairs as may be necessary for the management of the ward's property.

(Consent of supervisor of guardian) (34)

Article 864. A guardian shall, in cases there is a supervisor of guardian, obtain the consent in order to conduct business or to do any of the acts mentioned in Article 12 paragraph 1 in place of the ward, or to give consent to its performance by the minor ward; however, this shall not apply to the receipt of capital.

(Ibid--effect in cases of no consent)

Article 865. Any act done or consented to by a guardian in contravention of the provisions of the preceding Article may be avoided by the ward or by the guardian; In this case the provisions of Article 19 shall apply mutatis mutandis.

2. The provisions of the preceding paragraph shall not preclude the application of the provisions of Articles 121 to 126 inclusive.

(Acquiring by assignment of ward's property)

Article 866. If a guardian has acquired by assignment the ward's property or a third person's right as against the ward, the ward may avoid the assignment. In this case the provisions of Article 19 shall apply mutatis mutandis.

2. The provisions of the preceding paragraph shall not preclude the application of the provisions of Articles 121 to 126 inclusive.

(Exercise of minor's parental power) (34)

Article 867. A guardian for minors exercises parental power in place of a minor ward.

2. The provisions of Articles 853 to 857 inclusive and Articles 861 to the preceding Article inclusive shall apply mutatis mutandis in the cases mentioned in the preceding paragraph.

(Guardian possessing only the right of managing property) (34)

Article 868. In cases where the person who exercises parental power does not possess the right of management, the guardian for minors possesses only such powers as relating to the property.

(Application mutatis mutandis of the provisions on mandate and parental power)

Article 869. The provisions of Articles 644 and 830 shall apply mutatis mutandis to guardianship.

Section 4 Termination of Guardianship

(Account of management)

Article 870. When the duties of a guardian have terminated the guardian or the successor shall surrender an account of the management within two months; however, such period may be extended by the Family Court.

(Ibid--in the presence of supervisor of guardian)

Article 871. The accounts of the guardianship shall, in cases there is a supervisor of guardian, be made up in the presence thereof.

(Avoidance of contract between guardian and minor ward)

Article 872. Any contract entered into between a minor ward and the guardian for minors or the successor, after the former has attained majority but before the accounts of the guardianship have been completed may be avoided by the former. The same shall apply to any unilateral act effected by such person towards the guardian or the successor.

2. The provisions of Article 19 and Articles 121 to 126 inclusive shall apply mutatis mutandis in the cases mentioned in the preceding paragraph.

(Interest on expended money)

Article 873. Money to be returned by a guardian to the ward or by a ward to the guardian shall bear interest as from the time when the accounts of the guardianship have been completed.

2. If a guardian has expended the ward's money on his or her own behalf, such money shall bear interest as from the time of the expenditure, and if there has been any damage, the former is bound also to make compensation therefore.

(Application mutatis mutandis of the provisions of mandate)

Article 874. The provisions of Articles 654 and 655 shall apply mutatis mutandis to guardianship.

(Extinctive prescription of claims in respect of guardianship)

Article 875. The prescription provided for in Article 832 shall apply mutatis mutandis to claims which have arisen in respect of guardianship as between the guardian or the supervisor of guardian and the ward.

2. In cases where a juristic act has been avoided in accordance with the provisions of Article 872, the prescription mentioned in the preceding paragraph shall be computed as from the time of the avoidance.

CHAPTER V-II CURATORSHIP AND ASSISTANCE

Section I Curatorship

(Commencement of curatorship) (34)

Article 876. Curatorship shall be commenced under the adjudication for commencement of curatorship.

(Appointing a curator) (34)

Article 876-2. The Family Court shall, when it renders the adjudication for commencement of curatorship, appoint a curator ex officio.

2. The provisions of Article 843 paragraph 2 through paragraph 4 and Article 844 through Article 847 shall apply mutatis mutandis to curators.

3. With regard to any acts in which the interests of a curator or a person representing the curator conflict with those of a person under curatorship, the curator shall apply to the Family Court for appointing a temporary curator. Provided that, the same shall not apply to the case where there is a supervisor of curator.

(Appointing a supervisor of curator) (34)

Article 876-3. The Family Court may, if it deems necessary, on the application of a person under curatorship, any of his/her relatives or his/her curator, or ex officio, appoint a supervisor of curator.

2. The provisions of Article 644, Article 654, Article 655, Article 843 paragraph 4, Article 844, Article 846, Article 847, Article 850, Article 851, Article 859-2, Article 859-3, Article 861 paragraph 2, and Article 862 shall apply mutatis mutandis to a supervisor of curator. In this case, the words "to represent the ward" in Article 851 item (4) shall be read "to represent the person under curatorship or to agree that the person under curatorship does the acts."

(Granting the power of representation to a curator) (34)

Article 876-4. The Family Court may, on the application of a person mentioned in the main body of Article 11, a curator, or a supervisor of curator, adjudicate to the effect that the power of representation is granted to the curator for the benefit of a person under curatorship in respect of specific juristic acts.

2. In rendering the adjudication mentioned in the preceding paragraph on the application of any person other than the person in question, the consent of the person in question shall be obtained.

3. The Family Court may, on the application of a person mentioned in paragraph 1, revoke the adjudication under the said paragraph in whole or in part.

(Curator's obligation) (34)

Article 876-5. The curator shall, in performing the business of curatorship, respect the intentions of a person under curatorship and take the mental and physical conditions and the state of livelihood of the person under curatorship into consideration.

2. The provisions of Article 644, Article 859-2, Article 859-3, Article 861 paragraph 2, Article 862 and Article 863 shall apply mutatis mutandis to the business of curatorship, and the provision of the proviso of Article 824 shall apply

mutatis mutandis to the case where a

curator represents a person under curatorship on the basis of the adjudication to the effect that the power of representation under paragraph 1 of the preceding Article is granted to the curator.

3. The provisions of Article 654, Article 655, Article 870, Article 871 and Article 873 shall apply mutatis mutandis to the case where curator's duties have terminated, and the provision of Article 832 shall apply mutatis mutandis to any claim arising as between a curator or a supervisor of curator and a person under curatorship with respect to curatorship.

Section 2 Assistance

(Commencement of assistance) (34)

Article 876-6. Assistance shall be commenced under the adjudication for commencement of assistance.

(Appointing an assistant) (34)

Article 876-7. The Family Court shall, when it renders the adjudication for commencement of assistance, appoint an assistant ex officio.

2. The provisions of Article 843 paragraph 2 through paragraph 4 and Article 844 through Article 847 shall apply mutatis mutandis to an assistant.

3. With regard to any acts in which the interests of an assistant or a person representing the assistant conflict with those of a person under assistance, the assistant shall apply to the Family Court for appointing a temporary assistant. Provided that, the same shall not apply to the case where there is a supervisor of assistant.

(Appointing a supervisor of assistant) (34)

Article 876-8. The Family Court may, if it deems necessary, on the application of a person under assistance, any of his/her relatives or his/her assistant, or ex officio, appoint a supervisor of assistant.

2. The provisions of Article 644, Article 654, Article 655, Article 843 paragraph 4, Article 844, Article 846, Article 847, Article 850/Article 851, Article 859-2, Article 859-3, Article 861 paragraph 2, Article 862 shall apply mutatis mutandis to a supervisor assistant. In this case, the words "to represent the ward" in Article 851 item (4) shall be read "to represent the person under assistance or to agree that the person under assistance does the acts."

(Granting the power of representation to an assistant) (34)

Article 876-9. The Family Court may, on the application of a person mentioned in the main body of Article 14 paragraph 1, an assistant, or a supervisor of assistant, adjudicate to the effect that the power of representation is granted to the assistant for the benefit of a person under assistance in respect of specific juristic acts.

2. The provisions of Article 876-4 paragraph 2 and paragraph 3 shall apply mutatis mutandis to the adjudication under the preceding paragraph.

(Provisions applicable thereunder with the necessary modifications) (34) Article 876-10. The provisions of Article 644, Article 859-2, Article 859-3, Article 861 paragraph 2, Article 862, Article 863, and Article 876-5 paragraph 1 shall apply mutatis mutandis to the business of assistance, and the provision of the proviso of Article 824 shall apply mutatis mutandis to the case where an assistant represents a person under assistance on the basis of the adjudication to the effect that the right of representation under paragraph i of the preceding Article is granted to the assistant.

2. The provisions of Article 654, Article 655, Article 870, Article 871 and Article 873 shall apply mutatis mutandis to the case where assistant's duties have terminated, and the provision of Article 832 shall apply mutatis mutandis to any claim arising as between an assistant or a supervisor of assistance and a person under assistance with respect to assistance.

CHAPTER VI SUPPORT

(Person under duty to furnish support)

Article 877. The lineal relatives by blood and brothers and sisters shall be under duty to furnish support each other.

2. If there are special circumstances, the Family Court may impose a duty to furnish support as between the relatives within the third degree other than those mentioned in the preceding paragraph.

3. If, after the decision pursuant to the provisions of the preceding paragraph had been rendered, any change has taken place in the circumstances, the Family Court may revoke the decision.

(Order of furnishing or receiving support)

Article 878. If, in cases where there exist two or more persons under a duty to furnish support, no agreement is reached or possible between the parties concerned with respect to the order in which they are to furnish support, such order shall be determined by the Family Court. If, in cases where there exist two or more persons entitled to support, the financial capacity of the person who is under duty to furnish support is insufficient to support all of them, the same as provided for above shall also apply with respect to the order in which they receive support.

(Extent and mode of support)

Article 879. If no agreement is reached or possible between the parties concerned with respect to the extent and mode of support, the Family Court shall determine such matters, taking into account the needs of the person entitled to support, the financial capacity of the person under duty to support and all other circumstances.

(Alteration or revocation of the order, extent and mode of support)

Article 880. If, after an agreement had been arrived at or a decision rendered with respect to the order in which the persons who are under duty to furnish support are to furnish support or in which the persons entitled to receive support are to receive support, or to the extent and mode of support, any change has

taken place in the circumstances, the Family Court may alter or revoke the agreement or the decision.

(Prohibition to dispose of the right to be supported)

Article 881. The right to be supported cannot be the subject of disposition.