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## Divorce by international couples

By *Tokyo Families* on September 7, 2013

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**Japan's Health, Labour & Welfare Ministry's latest statistics reveal a continuing decline in the number of divorce by international couples. While this may be a good thing, couples going through one may find themselves in emotionally charged situations. We asked Dr. Douglas Berger of Meguro Counseling Center what he can tell us about divorce for international couples from a counseling center's perspective.**

*Dr. Douglas Berger:*

Divorce for international couples in Japan can be relatively easy and hassle free, or it can be rife with numerous problems, some familiar to any divorcing couple, and some hard for the

non-Japanese side to reconcile with the usual concepts of fairness in a broken family. From a counseling perspective, we usually try to keep families together or at least give the couple a chance to understand and help themselves, sometimes requiring one partner to accept and/or treat depression, anxiety, attention deficit disorder, and other psychiatric problems. There is usually an underlying cause of arguments that spiral out of control, and this may often be due to power struggles or stubbornness with neither party willing to give in. Not infrequently cases of infidelity, usually on the husband's part but sometimes on the wife's side, are a deal breaker. In these cases, we try to curb further infidelity while we counsel the other spouse to decrease their resentments and have some acceptance of human nature in order to keep the family together.

When attempts at reconciliation fail, the couple may decide on divorce. Some couples or spouses come to therapy with divorce already in progress. In Japan, the terms of divorce may be "consensual" or mutually agreed, or go to an arbitration council (arbitrations may also be requested by the couple just to confirm the consensual divorce is fair). Arbitration is a non-binding meeting with persons related to, but outside the family court, and includes lay persons and persons who may have some background in social welfare. Naturally, you must be a Japanese citizen to be on the council and the meetings

are conducted in Japanese.

The arbitration council will usually explore the possibility that the couple can reconcile or at least agree to a consensual divorce, they also want to keep couples from going to family court to reduce the case burden on the courts. Most couples who go to arbitration are already stuck and arbitration does little to get them unglued. Arbitration may also take many months and many meetings, often causing ongoing frustration and huge amounts of time spent resulting in few concrete agreements, and possibly no child visitation during this time if there is a custody issue. The foreign spouse may find that arbitration is not considering their needs fairly when it comes to ideas on custody or visitation of children.

When arbitration fails to get an agreement, the next step is family court. Assets achieved after marriage are usually split down the middle, except for rare instances custody is invariably given to the Japanese spouse no matter what the situation (the Japanese wife or the Japanese husband's parents are the usual caretakers of the children), and visitation is commonly allotted to the non-Japanese parent at one hour, once a month, under supervision of the parent with custody, and assuming they have paid child support. These minor visitation rights are often a shock for the parent without parental rights. The spouse with custody can just claim the child is not feeling well or that they are busy

and skip a visitation, or every visitation for years even so that the family court's decision on allowing this even minor visitation has no teeth to it in actuality. The child's school does not often allow the non-custodial parent onto school grounds during special events (or any time), and many parents become despondent. On the opposite side, the family court has blunt teeth when it comes to enforce splitting of assets or child support, and spouses attempting to collect funds need to go to the Civil Enforcement Center and undertake further court procedures if the other spouse does not pay. It may still be difficult to collect funds if the spouse holding funds is recalcitrant, and non payment is a civil matter not a criminal matter.

Some foreign spouses go thru the legal system and garner some value from this. Most find the time, effort, and emotional burden was overwhelming compared to the frustrating outcome. Many continue to pay various forms of support hoping the system will be fair, however, favorable outcomes in the end really depend on both spouses' ability to be reasonable, not the family court's decisions. Legal counsel is naturally limited in many ways because lawyers must follow the rules allowed by the court system regardless of the likelihood of the court to be fair from all perspectives. Sometimes out-of-court creative strategies regarding financial or social negotiations may have more value, or at least no negative value, than going thru the court system which is often reported to have

negative value by many non-Japanese spouses.

Be sure to note that this article does not purport to be an exhaustive discussion on divorce in Japan, and it is certain that various opinions and experiences exist so that we do not claim that the information in this article is or has been correct for everyone. While a Japan barred lawyer is necessary for all legal advice, a counselor or life coach familiar with divorce and the social system in Japan may be of help to brainstorm on creative strategies that they know have worked for others.

*The discussions herein are meant as general information and advice only. Each person needs to make their own personal life decisions and to contact a mental health professional for consultation, if deemed appropriate.*

*Dr. Berger and his staff at the Meguro Counseling Center in the Shibuya-Ebisu area provide mental health care for individuals, couples, and families, in both English and Japanese. [www.megurocounseling.com](http://www.megurocounseling.com)*



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