

The Reform of the Consensual Divorce Process and the Child Support Enforcement System in Korea*

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Abstract

In 2007 and 2009, the National Assembly, the Korean legislature, enacted laws to address some of the problems caused by the high divorce rate. The resulting changes in the divorce process in Korea are twofold: one is the overall reform of the consensual divorce process, and the other is the introduction of a special child support enforcement system. One of the two main features of consensual divorce process reformation is the adoption of the waiting period system. One aim of the waiting system is to protect minor children from their parent's hasty divorce. The second feature of the reformation is that spouses who apply for divorce, if they have minor children, should submit to the family court either an agreement concerning the rearing of their children or the original copy of the decision of the court on the same issue as a substitute for an agreement. Also, under the new special child support enforcement system, the protocol of the child support agreement is recognized as a title of execution and the direct payment order system is introduced to secure the child support payment. In addition, during the past 18th legislative period, several bills were proposed to adopt the advance child support payment system though they failed to pass the National Assembly.

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I. Introduction

The divorce rate in Korea has been rising rapidly.¹⁾ The increase in the number of divorces has brought about many social problems, one of which is the so-called “deadbeat” or noncompliant parent issue, which refers to the situation concerning nonpayment of child support by the non-custodial parent. In fact, it is estimated that only a small fraction of the total population of non-custodial parents is paying child support regularly. This problem has received wide attention in recent years.

In 2007 and 2009, the National Assembly, the Korean legislature, enacted laws to address some of the problems caused by the high divorce rate. The resulting changes in the divorce process in Korea are twofold: one is the overall reform of the consensual divorce process, and the other is the introduction of a special child support enforcement system. In this paper, I will introduce and briefly explain these new laws, and discuss the possibility of further development of the current system going forward.

II. The 2007 Reform of the Consensual Divorce Process

1. *The Background of the Reform*

In Korea, there are two separate tracks for people who want to divorce; namely, the judicial divorce process and the consensual divorce process²⁾. In the case of the judicial divorce process, the dissolution of the marital relation is effectuated by a judgment of the family court. To get the judgment, one spouse raises a divorce lawsuit against the other, and after a hearing, the court renders the judgment. This procedure is not much different from any other civil procedure in Korea in terms of its basic

1) In 1990, 45,694 couples were divorced, while 399,312 couples were married. And in 2010, 116,858 couples were divorced, while 326,104 couples were married. The crude divorce rates were 1.1 and 2.3, respectively. (See Korean Statistical Information Service (<http://kosis.kr>)).

2) Minbeob[Civil Act], Act No. 471, Feb. 22, 1958, art. 834 (S. Kor.) ff.

structure.

Spouses can also end their marriage by way of the consensual divorce process, which, unlike the judicial divorce, does not require court judgment. In the case of a consensual divorce, spouses simply appear in the family court in person and apply for a certification of their intent to divorce. The judge then interviews the spouses and issues the certificate if she or he concludes from the interview that they have a clear intent to end their marriage. With this certificate, the couple can report the divorce to the mayor of the city who administers their family relation records. When the report is thus filed, the marriage dissolves legally and the divorce is finalized. In Korea, consensual divorces as described comprise about eighty percent of all divorce cases.

The pre-reform consensual divorce process took a very short time from start to finish, so was « effective » in this sense. If a couple applied for a certification of divorce in the morning, they could literally have the certificate issued in the afternoon of the same day. But this speediness was criticized as being the cause of many evils. Critics asserted that this system naturally did little in preventing hasty divorces. According to them, there were people who would rush to the court to apply for the divorce certificate in a fit of rage after a small domestic dispute without deliberating on the ramifications of a divorce. It is not certain whether this was in fact true, but many did agree that parents would often decide to end their marriage without enough concern for the negative effects the divorce may have on their children.

For these reasons, it was strongly suggested that the process of the consensual divorce be slowed down to give more time to the participants. Moreover, there was a general consensus that a special arrangement for the protection of the children of divorcing spouses was called for.

Against this background, the reform of the consensual divorce process was initiated. The Ministry of Justice had inaugurated a special committee for the reform of the family law in 2004.³⁾ The committee dealt with a wide range of issues, and the most hotly discussed issue of all was the reform of the consensual divorce process. In 2006, the committee presented the final

3) The author was a member of the committee.

draft of the proposed revisions to the Ministry of Justice, and the government proposed a bill to the National Assembly in the same year. In the following year, this bill was passed in the National Assembly and became effective. Not all proposals in the committee's draft were accepted; among others, the proposed revision of the matrimonial property law was accomplished only partially, as the assemblypersons feared that it could bring about too dramatic a change.

However, the reform of the consensual divorce process was fully accepted as proposed. Two main features of the reform were: i) the introduction of the waiting period and ii) the requirement that an agreement be made concerning the rearing of minor children prior to the grant of the certification of divorce.

2. The Introduction of the Waiting Period

The waiting period system was introduced to prevent hasty divorces⁴. This waiting period was first implemented as a pilot experiment in 2005 by the Seoul Family Court, the only existing family court in Korea (until 2010), without statutory ground.⁵ During the trial implementation of the waiting period, a couple wishing to divorce was required to wait one week before they were granted an interview with the judge. The waiting period was extended to three weeks in 2006.

The new law provides for two different modes of the waiting period. The waiting period is one month for a couple with no minor children, meaning that such a couple can have a certification of divorce issued a month after they apply for divorce. When a couple has minor children (fetuses included), however, they must wait three months. As an exception, if domestic violence or other such urgent circumstances are involved, the court can decide to waive the waiting period requirement.

The court is required to walk the applicants through the details of divorce, examples of such details including the procedural aspects and the consequences of a divorce and how a divorce would influence the children.

4) Civil Act, art. 837-2.

5) In April 2011, the second Family Court was founded in Busan. Also, Daegu Family Court, Gwangju Family Court and Daejeon Family Court were established on March 1, 2012.

The court can also recommend the consultation of an expert consultant. This consultation, however, is not mandatory.

There was some criticism about the waiting period. The critics, mainly the feminist groups, asserted that this waiting period unduly limits the freedom to divorce. According to them, the waiting period presupposes that divorce-seeking people are imprudent and have insufficient capability to decide their own matters.⁶⁾

There is a point worth noting in the critics' views. The waiting period system is indeed an embodiment of sorts of the paternalism of the judiciary. As a general matter, intervention based on such paternalistic views should be justified on persuasive grounds. But if imprudent divorces existed, say, one in a hundred cases, the necessity of the waiting period cannot be easily dismissed. On the other hand, the cases the critics were concerned about were mainly domestic violence cases. The new provision in the revised law regarding the waiver of the waiting period, however, mitigates this concern.

The waiting period system has two aims, one of them being the prevention of imprudent divorces. It is somewhat premature to evaluate for certain at this stage whether the introduction of the waiting period will be successful in this respect. It appears, however, that the waiting period system has demonstrated its efficacy in preventing hasty divorces at least up until now. The rate of withdrawal of divorce certification applications in the Seoul Family Court until 2004 was around eight to nine percent. The rate rose to 16.4 percent in 2005, when the one-week waiting period was first implemented. This tendency remained stable until 2008, when the new waiting period system was enacted. By 2009, the withdrawal rate had risen to 29.5 percent, and, by 2010, to 26.5 percent.⁷⁾ It is a reasonable guess that the rise of the withdrawal rate was due to the introduction of the waiting period.

The aim of the three-month waiting period, in particular, is the

6) The waiting period is sometimes called the "deliberation period" (*sookreogigan* in Korean), although this term does not appear in the text of the law. Some feminists are against the use of this term, because they believe that it implies that the divorcing spouses, especially women, make the decision to divorce without due deliberation.

7) Information provided by the Seoul Family Court.

protection of minor children. As mentioned earlier, many people believed that a large number of parents rushed into divorce without fully contemplating the negative effects (to use a term of economics, external cost) a divorce may have on their children. In answer to this problem, the three-month waiting period can give divorcing parents more time to think about their minor children.

3. An Agreement between the Spouses Concerning the Rearing of Minor Children as a Prerequisite for the Certification

The protection of the minor children, however, cannot be achieved simply by giving parents time. There should be an additional arrangement to protect the interest of the children of divorced parents.

To that purpose, the new law provided that spouses who apply for divorce, if they have minor children, should submit to the family court either an agreement concerning the rearing of their children or the original copy of the decision of the court on the same issue as a substitute for an agreement. The agreement must include the following information: i) who should be the custodial parent, ii) the bearer of and the amount of child support payments, and iii) whether the non-custodial parent would be exercising the right to contact her or his child, and, if so, how such contact right would be exercised.⁸⁾ If the judge finds it necessary for the interest of the child, she or he can order the parents to modify the terms of the agreement or take it upon herself to modify the terms.

An agreement so made is not permanently binding. Should circumstances be so changed as to make a new agreement necessary, the court can modify the existing agreement upon the request of the parties, upon the request of the public prosecutor, or *ex officio*.

In the pre-reform era, controversies would often arise between divorced couples in the post-divorce stage regarding the rearing of the children. In many of these cases, this would happen because the divorcing parents had neglected to make a binding decision concerning matters such as child support or contact right in advance of the divorce. Therefore, if any conflict

8) Civil Act, art. 836-2 para. 5; *see also id.* art. 837, 909 para. 4.

over such matters arose after the divorce, the court had to intercede to resolve such conflicts. This was not beneficial to any party involved. The new law, in answer to this problem, preempts the possibility of such post-divorce conflicts arising.

III. The Reform of the Child Support Enforcement System in 2009

1. The History of the Reform

That a parent has the obligation to support her or his minor children, even in the case when she or he is not a custodian, is evident. The legal enforcement of such parental obligation, however, is another matter. In the past, if a parent who should pay child support did not pay voluntarily, the remedies for the nonpayment were very inefficient and unsatisfactory. The right to child support was not treated differently from any other right. The creditor, that is, the child herself, the custodial parent, the guardian or anyone else who actually reared the child, had to first obtain a title of execution such as a judgment of the court. If the debtor, usually the non-custodial parent, did not voluntarily pay according to the court judgment, the creditor had to resort to the court again for the execution of the right. This process was time-consuming, and, moreover, it was often not worthwhile to resort to this process at all because the amount of money at stake was small.

Although the law was amended in 2007 to provide that divorcing parents must reach an agreement on which party would bear the burden of child support and on how much would be paid, this agreement had only evidentiary value at best. The situation regarding the enforcement of the child support had changed little.

The government had proposed to the Korean Assembly a bill regarding the reform of the child support enforcement system along with the consensual divorce reform bill. However, the legislation of the bill did not take place until the end of the 17th legislative period on May 19th, 2008. Consequently, the bill was discarded. But in the 18th legislative period, two bills that were similar to the 2006 government bill were proposed by

assemblypersons. These bills were integrated into a single bill and became the law (with minor modifications) on May 8, 2009.

2. *The Protocol of the Child Support Agreement as a Title of Execution*

The new law made it easier for a creditor of child support to obtain a title of execution. The law now recognizes the protocol of the child support agreement made during the process of the certification of the consensual divorce as a title of execution⁹⁾. With this protocol, the custodial parent can execute on the property of the non-custodial parent in the case of no payment. This measure relieved the custodial parent from the burden of bringing a lawsuit against the former spouse. This is a substantial progress in itself.

3. *Submit Order and Report Order*

In many cases, a parent encounters difficulties in locating the properties of the non-custodial parent for the purpose of execution. The revised law helps the parent facing such a difficulty by granting a submit order and a report order. When a child support suit is pending, the family court can order the defendant to submit a catalogued list of all properties in her or his possession.¹⁰⁾ If the defendant does not obey the order, the court can impose a fine.¹¹⁾

Should the court find the submitted catalogue insufficient, the court can order the public organizations, banks or other associations that have computer network access to the information regarding the properties of individuals to report the party's properties.

In civil cases, as a rule, submit orders and report orders are granted only when a creditor already has the title of execution.¹²⁾ But in the case of a child

9) *Id.* art. 836-2 para. 5.

10) Gasa sosong beob[Family Procedure Act], Act. No. 4300, Dec. 31, 1990, art. 48-2 (S. Kor.).

11) Family Procedure Act, art. 67-2.

12) Minsa jiphaeng beob[Civil Execution Act], Act. No. 6627, Jan. 26, 2002, art. 61 (S. Kor.) ff..

support suit, these orders can be granted while the suit is pending, meaning that a title of execution would not have been obtained yet.¹³⁾

4. The Direct Payment Order System

The 2009 law has introduced the direct payment order system. If the debtor of the child support does not pay, the court may issue a direct payment order to the debtor's employer.¹⁴⁾ To be able to issue the order, the applicant of the order must have a title of execution; also, the debtor should have failed to pay child support in more than two occasions without just grounds. The recipient of the order is the debtor's employer that regularly pays a salary to the debtor, withholding income tax. The employer that has received the order should deduct the amount of child support from the debtor's salary and pay the deducted amount directly to the creditor. If the employer disobeys the order, the court can impose a fine on the employer.¹⁵⁾

This order has the same effect as a credit transfer order by the court. The right of the debtor against the employer is transferred to the creditor, and at the same time, the right of the creditor is extinguished. But there is a risk connected with this process. That is, if the employer becomes insolvent, the creditor loses her or his right against the debtor without having obtained the money from the employer. The creditor can avoid this risk by applying to the court to have the direct payment order revoked. If the order is revoked, it has only *ex nunc* effect. In other words, the effect of the direct payment order is sustained until the order is revoked. This system has greatly reduced the burden of the creditor regarding the execution of her or his right.¹⁶⁾

13) The newly inserted Art. 48-2 of Family Procedure Act has introduced this kind of submit order and report order in the matrimonial property division suit and alimony suit as well as in the child support suit. It is not clear from the text of law whether it is possible to issue these orders when the suit is not pending. But according to the Practice Court Handbook of Family Cases published by the National Court Administration, these orders can be issued only in pending suits. Cf. NATIONAL COURT ADMINISTRATION, BEOPWONSILMUJEYO GASAJ[Practice Court Handbook of Family Cases] Vol. 2 466 (2010) (S. Kor.).

14) Family Procedure Act, art. 63-2.

15) *Id.* art. 67.

16) In the period between Mar 31, 2010 and Mar 31, 2011, 363 direct payment orders were issued. Information provided by the National Court Administration.

5. Guarantee Deposit Order and Lump Sum Payment Order

A direct payment order is useful when the child support debtor is an employee. When the debtor is not an employee, this order is useless. In such a case, other arrangements are provided for the creditor; namely, the guarantee deposit order and the lump sum payment order.¹⁷⁾

There are two types of the guarantee deposit order. The first of these two types is the order issued at the time of sentencing the child support judgment. When the court orders the periodical payment of child support, it can order the deposit of guarantee at the same time. In the case of a periodical payment judgment, there is little guarantee that the debtor will pay faithfully when the judgment stands alone. Therefore, an additional safeguard in the form of a guarantee deposit order is useful for securing the periodical payment. The order is issued *ex officio*, if the court finds it necessary. The application of the party is not necessary. The second type is the guarantee deposit order that can be issued when the debtor fails to pay child support without just grounds. In this case, the application of the creditor with a title of execution is necessary. The object of the deposit can be cash, negotiable instrument or bank bond or insurance company bond. The creditor has a pledge right upon the deposited guarantee.¹⁸⁾ If the debtor does not obey the order, the court can impose a fine.¹⁹⁾

The creditor that has a title of execution can apply for a lump sum payment order, if the debtor owing the periodical payment obligation does not obey the guarantee deposit order. In such a case, the court can sentence the debtor to detention in jail in the maximum of 30 days in case of no payment.²⁰⁾ But the lump sum order itself is not a title of execution.

17) Family Procedure Act, art. 63-3. These orders are not excluded on the ground that direct payment order is available.

18) Family Procedure Act, art. 63-3 para. 6; *see also* Civil Procedure Act, art. 123.

19) Family Procedure Act, art. 67.

20) *Id.* art. 68.

6. *The Assessment of the Reform*

One commentator criticized the reform of the divorce law as unnecessary or inappropriate. According to this commentator, the reform has created too many remedies. The critic notes that creditors are capable of obtaining the title of execution through traditional means such as mediation or settlement, and argues that allowing submit orders and report orders without the title of execution is an excessive measure. He also argues that imposing a fine upon the debtor's employer in the case where the debtor disobeys the direct payment order is too severe to the employer.²¹⁾ However, there were positive evaluations of the reform by commentators as well. According to the supporters of the reform, the reform has substantially improved the situation of the child support creditors.²²⁾

In my opinion, the reform was a great progress. It has opened a way for the child support creditors to obtain the title of execution without bringing burdensome lawsuits. Also, the execution of the child support right has been made much easier. The direct payment order system, another feature of the post-reform law, is an especially effective tool provided that employers obey the order; and, normally, the employers would have little reason to disobey this order.

Admittedly, there exist problems, too. For example, the efficacy of the lump sum order is dubious, as the order itself is not a title of execution. A title of execution would be necessary to enforce the lump sum order.

The reform by itself is not sufficient to provide fundamental solutions to the problems that remain. For instance, when the debtor of child support is

21) YEON KIM, RESEARCH ABOUT THE ENFORCEMENT OF THE CHILD SUPPORT OBLIGATION FROM THE PERSPECTIVE OF PROCEDURAL LAW, CIVIL PROCEDURE Vol. 15 No. 1 82 (2011) (S. Kor.).

22) BONGLIM LEE, RESEARCH ABOUT THE SYSTEM OF SECURING THE CHILD CUSTODY AT THE TIME OF DIVORCE, Sungkyunkwan Law, Vol. 21, No. 2, 119 (Sungkyunkwan Law, 2009) (S. Kor.); HYUNSOO JEONG, SOME THOUGHTS ABOUT THE SYSTEM OF SECURING THE CHILD SUPPORT UNDER THE REVISED FAMILY PROCEDURE ACT, HUMAN RIGHT AND JUSTICE 63 (Journal of Korean Bar Association, 2009) (S. Kor.); SANGSOO KIM, ON THE ORDER OF DIRECT PERFORMANCE TO SECURE EXPENSES OF MAINTENANCE 24 (Bupjo, 2009) (S. Kor.); HYEJUNG JEON, MODIFIED CHILD SUPPORT ENFORCEMENT PROGRAM: SPECIALIZED IN INCOME WITHHOLDING, LAW AND POLICY Vol. 17 No. 1 238 (S. Kor.) (Evaluated the reform positively, but asserted that some improvement of the current system is necessary).

unable to pay due to insolvency, the current enforcement system cannot provide relief to the creditor. Therefore, I believe that a follow-up reform is necessary.

IV. Bills and Other Proposals for a Future Reform

1. Bills for the Advance Child Support Payment

In the past 18th legislative period, four different bills on the advance child support payment system were pending in the National Assembly: bill proposed by assemblyperson Myungsoon Kang and others in 2009 (hereinafter the “Kang Bill”)²³; bill proposed by Nakyeon Lee and others (hereinafter the “Lee Bill”) in 2010²⁴; bill proposed by assemblyperson Sunyoung Park and others in 2011 (hereinafter the “Park Bill”)²⁵; and bill proposed by assemblyperson Wyunkeun Woo and others in 2011 (hereinafter the “Woo bill”).²⁶

These bills share the same basic idea – in some cases, the government should pay in advance to a child support creditor in need, and be reimbursed by the debtor after the payment. However, they differ as to the scope of coverage under the advance child support payment system. The coverage of Kang Bill and Park Bill is broader than Lee Bill and Woo Bill.

According to the Kang Bill, the government should pay child support in advance in lieu of a parent who fails to pay it in cases of extramarital birth, divorce, separation, neglect or other situations. The child herself, the custodial parent, or any other person who actually rears the child can apply for the advance payment, but the applicant must have a title of execution.

23) Bill Information System, National Assembly of Republic of Korea, http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_X0N9P0D6K2M6L1P6D2I5F0A0S9M9L1 (last visited Jun. 10, 2012).

24) *Id.* http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_11A0L0O8Y1Y3B1A7Z3G3F5D6F8Y4X7 (last visited Jun. 10, 2012).

25) *Id.* http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_E1R1O0H8F3A1C1L8U1V2M4U6U4U1C1 (last visited Jun. 10, 2012).

26) *Id.* http://likms.assembly.go.kr/bill/jsp/BillDetail.jsp?bill_id=PRC_X1V1C1I2J1I3H1N6V5I8Y3Z4E7Q7N2 (last visited Jun. 10, 2012).

This bill does not provide the specific amount to be paid, and delegates this issue to presidential decree. The maximum duration of advance payment is twelve months. After the advance payment is made, the Minister of Health and Welfare, who administers the advance payment system, can demand from the debtor the reimbursement of the paid out child support. The Park Bill is in the same vein as the Kang Bill, only with some slight differences. Under the Park Bill, Minister of Justice, not the Minister of Health and Welfare, has executive charge of the advance payment system and there is no the maximum duration of advance payment.

In contrast, the Lee Bill provides advance payment only for children out of wedlock. The custodial parent or any other person who actually rears a child out of wedlock can apply for the advance payment. The applicant must have a title of execution. The details of the advance payment, including the amount of payment, are to be regulated under presidential decree. After the advance payment, the Minister of Justice, who administers the advance payment, can demand from the debtor the reimbursement of the paid-out child support. The content of Woo Bill is very similar to Lee Bill except that Minister of Health and Welfare is responsible for the process.

In principle, no one would disagree with the basic idea of these bills.²⁷⁾ However, implementing the advance payment system would entail enormous cost. According to the Kang Bill, the estimated annual budget required for this system is about 30 billion Korean Won (approximately 25 million U.S. dollars). I believe that the benefits of this system outweigh the costs and the budget issues should not be the reason to abandon it.²⁸⁾ However, all these bills were discarded at the end of the 18th legislative period on May 29, 2012, and it is not likely that these bills would be proposed again and made into law in the near future.

27) See WOOL YOON, A STUDY ON THE INTRODUCTION OF PREPAYMENT SYSTEM FOR CHILD SUPPORT Vol. 35 No. 4 267 (HUFS Law Review, 2011).

28) The annual budget of the Korean government in 2011 was about 300 trillion Korean won. The money necessary for the advance payment system is about 0.01 % of the entire budget.

2. *Other Proposals*

There are other proposals for the improvement of the existing mechanics of child support enforcement. Among these proposals, the following two are most actively discussed.²⁹⁾

1) *Fixing the Method of Determining the Amount of the Child Support by Law*

Today, there are no fixed criteria for determining the amount of child support payment. Currently, each individual court determines the amount at its own discretion. Accordingly, it is inevitable that there should be discrepancies amongst the courts in terms of the amount decided upon. Moreover, this makes it difficult for individuals to predict how a certain court will come out on the question of what amount of child support should be paid.

Another important problem is that the average amount of child support courts grant is too low. It is reported that the average monthly amount of child support payment ordered by courts is 500,000 Korean Won (approximately 500 U.S. dollars) per child. Many legal professionals believe that this is too low.

The reform advocates cite the foregoing reasons in support of their belief that the method of determining the child support should be fixed in the text of the law, as is the practice in many other countries. The factors to be taken into consideration in deciding the adequate amount should include the income of the each parent and the age and number of the children to be supported. If, for some reason, it would not be practical to fix the method in law, there should in the very least be a uniform calculation table of sorts that all courts can refer to in determining the amount of child support payment.³⁰⁾

29) See, MINISTRY OF GENDER EQUALITY AND FAMILY, STUDY ABOUT THE LAW AND SYSTEM FOR SECURING THE ENFORCEMENT OF CHILD SUPPORT 130 (2011) (S. Kor.). These proposals are discussed in the literatures quoted in fn. 22, too.

30) In Korea, the so-called Duesseldorfer Table used by German courts to determine the amount of the child support is oftentimes mentioned.

2) *The Establishment of a Special Agency for Supporting the Child Support Creditors*

Another proposal that is strongly advocated is the establishment of a special agency to support the creditors of child support payment. It is not always easy for an individual creditor to pursue her or his right. In this respect, the establishment of the special agency for supporting the child support creditors can be useful.

The methods of support can vary. For example, the agency can consult the creditor or mediate the creditor and debtor. Also, the agency may bring a lawsuit against the child support debtor and enforce the right in its own name. If the advance payment system is introduced, it will take charge of the advance payment and reimbursement.

At this time, however, these two proposals are not serious considerations at the governmental or legislative level.

V. Concluding Remarks

Changes in the Korean society that accompanied the nation's economic development have brought about many new problems. The rise in the divorce rate is one such problem. And the problem of child support in the dissolved family grew only more serious with time.

Until recently, there was little noticeable effort to solve these problems through law. In this sense, the reforms in 2007 and 2009 were crucial steps toward change. However, this is only the beginning, and there is a long way yet to go. The critical question is how prepared the nation would be to tap into its resources in order to resolve the problems that exist. The answer to this question remains open at this time.

* P. S. On May 31 2012, Seoul Family Court has introduced a child support calculation table.

KEY WORDS: Waiting Period for Consensual Divorce, Agreement Concerning the Rearing of Children, Protocol of the Child Support Agreement as a Title of Execution, Direct Payment Order System Advance Child Support Payment System

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