

**COUNCIL OF ASEAN CHIEF JUSTICES WORKING GROUP ON CROSS-BORDER DISPUTES INVOLVING CHILDREN –
RESOURCE PAGE ON LEGAL PROCEDURE (THAILAND)¹**

A. Resolution of Cross-Border Disputes involving Children – An Overview

(i) The Court System and the Legal System

The Court of Justice of Thailand is basically classified into three levels consisting of the Supreme Court, Courts of Appeal and Courts of First Instance. The legal system of Thailand is fundamentally a civil law system. The Thai Civil and Commercial Code came into force on the 1st date of January B.E. 2468 (1925). The main collection of family law provisions can be found in the Civil and Commercial Code (Book V) which were promulgated later in B.E. 2477 (1934). Book V contains Title I Marriage and Title II Parent and Child. The Parent and Child provisions include Parentage, Rights and Duties of Parent and Child, Guardianship, Adoption and Maintenance. A significant proportion of fundamental legal principles are derived from the codified systems of continental Europe and Thai customary laws. However, certain significant judgments of the Supreme Court become precedents for the lower courts to follow their legal interpretation and reasoning.

In addition, according to Section 3 of the Act on Application of Islamic Law in Areas of Pattani, Narathiwat, Yala and Satun Changwat, B.E. 2489 (1946), in deciding a civil case relating to family and succession matters of followers of Islamic religion in the Court of first instance in Pattani, Narathiwat, Yala and Satun Changwat, if both plaintiff and defendant thereof, or the person submitting a request in an undisputed case is a follower of Islamic religion, Islamic law on family and succession shall apply in place of the provisions of the Civil and Commercial Code on such matter, except for the provisions on succession prescription.

(ii) The Courts that Resolve Cross-border Family Disputes involving Children

¹ Information is updated as of Oct 2025. Your attention is drawn to the disclaimers herein.

Cross-border family disputes involving children are within the jurisdiction of the Juvenile and Family Court, a specialized court in the Court of Justice System.

The Juvenile and Family Courts consist of the Central Juvenile and Family Court, the Provincial Juvenile and Family Courts and the Provincial Courts with Juvenile and Family Divisions. Two career judges and two lay judges, one of those must be a woman, constitute a quorum of the Juvenile and Family Courts. An appeal against a judgment or order of the Juvenile and Family Courts lies with the Court of Appeal for Specialized Cases.

The purposes of establishment of the Juvenile and Family Courts is to improve on rights protection, welfare and practices for children, women and members of the family including setting up the procedure in the Juvenile and Family Courts to be in line with the Constitution, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination Against Women.

Whereas there are foreign elements involved in the family case, such as where one of the parties is a foreign national, the Conflict of Laws Act B.E. 2481 (1938) shall be applied.

(iii) The Role of Other Government Agencies

According to Sections 167 and 168 of the Juvenile and Family Court and Procedure Act B.E. 2553 (2010), in family cases where the minor's interest is at stake, the Director of the Juvenile Observation and Protection Center (Ministry of Justice) shall process and report on living condition of the minor's family, well-being, intention or the best interests of minors and other facts and submit his or her opinion to the court. The court is required to hear such opinion before making a judgment or order.

Public Prosecutors of the Office of the Attorney General also play a role in family cases. They are empowered by the law to file lawsuits on behalf of minors in certain matters. The Attorney General is the Central Authority under the Act on International Civil Cooperation regarding Breach of the Rights of Control and Custody of Children B.E. 2555 (2012), the domestic act that implements the Hague Convention on the Civil Aspects of International Child Abduction (Hague Convention). Please visit <https://www.ago.go.th/> for more information.

The Ministry of Social Development and Human Security is responsible for child protection and care during the return process in Hague Convention cases. In well-being protection cases, the court may order social workers to monitor and supervise the alleged offender to comply with a court order and report to the court. Please visit <https://www.m-society.go.th/home.php> for more information.

The Royal Thai Police and the Ministry of Interior are also involved in Hague Convention cases, in which they are responsible for locating the child's whereabouts upon request of the Central Authority. In well-being protection cases, the protection order shall be notified to an administrative officer or police officer having jurisdiction over a residence or domicile of the alleged offender.

(iv) Whether Lawyers are Required

In family cases, lawyers are not required, but parties may ask the court to appoint lawyers for them. The court-appointed lawyer shall be entitled to receive fee in accordance with the regulation of the Judicial Administration Commission with an approval of the Ministry of Finance.

(v) Existence of ADR Mechanisms

In family cases, there are two types of mediation: Pre-litigation mediation and mediation during the trial.

According to Section 148 of the Juvenile and Family Court and Procedure Act B.E. 2553 (2010), in a contentious family case before trial, the Court shall appoint a family mediator to mediate parties. Mediation is mandatory in family cases. In addition, Section 20 *ter* of the Civil Procedure Code states that a party may file an application to the court of competent jurisdiction to appoint a mediator to conduct Pre-Litigation Mediation. This type of mediation is conducted even before the complaint is filed.

B. Legal procedures for applications concerning cross-border disputes involving children

Type of application	Brief description of application (e.g., typical scenario)	Legal procedure
<p>1. Return or relocation of a child</p>	<p>There are two types of applications.</p> <ol style="list-style-type: none"> 1. Application to return a child to the jurisdiction where the child was habitually resident under the Hague Convention. A common situation is where parents break up and one of the parents brings the child back to his/her home country without consent of the other parent. Both countries involved must be contracting states of the Hague Convention. 2. Complaint filed against the defendant to return a child to the plaintiff. A common situation is where one of the parents is not a legal parent or does not have custody rights but keeping the child with him/her. 	<p>1. For the return of a child under Hague Convention, a parent with custody rights and whose child has been wrongly removed to or retained in Thailand may apply to the Attorney General (Central Authority) for assistance according to Section 6 of the Act on International Civil Cooperation regarding Breach of the Rights of Control and Custody of Children B.E. 2555 (2012) or apply to the Central Juvenile and Family Court (situated in Chatuchak, Bangkok) for a return order under such Act. For more information, please visit the Central Juvenile and Family Court’s website at https://jvnc.coj.go.th/th/page/item/index/id/1 and the website of the International Affairs Department, Office of the Attorney General at https://www3.ago.go.th/center/inter/inter-en/.</p> <p>2. Apart from Hague Convention cases, a parent with custody rights may file a complaint to the Central or Provincial Juvenile and Family Court, depending on jurisdiction, against the defendant who breaches the plaintiff’s custody rights by retaining the child, to return the child to the plaintiff.</p>
<p>2. Care arrangements for a child</p>	<p>Applications to determine the parents’ rights to custody and visitation of a child.</p>	<p>Parent A may file a complaint against Parent B to determine custody rights/ parental power and/or to</p>

		arrange visitation schedules. This application can also be made in divorce cases.
3. Financial relief for a child	Applications seeking maintenance payments from a parent to support a child.	Parent A may file a complaint against Parent B for maintenance payments for the child. This type of complaint is exempted from court fees and costs. This application can also be made in divorce cases.
4. Protection order	Petitions seeking protection order when a child (or any person) is a victim of domestic violence or child abuse.	Whenever a child suffers domestic violence or child abuse, the child, a parent, a relative, a neighbour or any person can report the situation to the police or the social worker/ welfare worker, or to file a petition to the Juvenile and Family Court for a protection order. If the situation is an emergency, the petitioner may request for an emergency hearing. This type of petition is exempted from court fees and costs.
Etc.		

C. Information on legal aid and assistance

According to Section 158 of the Juvenile and Family Court and Procedure Act B.E. 2553 (2010), in family cases where the parties do not have lawyers, the parties may ask the Court to appoint lawyers for them. The court-appointed lawyer shall be entitled to receive fee in accordance with the regulation of the Judicial Administration Commission with an approval of the Ministry of Finance.

Apart from the provisions above, please refer to the Lawyers Council of Thailand for more information.

D. Other Resources

For more information on legal aid and advice, please refer to the following websites:

- Lawyers Council of Thailand: <https://lawyerscouncil.or.th/>

- Rights and Liberties Protection Department, Ministry of Justice: <https://www.rlpd.go.th/>

- Office of the Protection of People's Rights and Legal Aid, Office of the Attorney General: <https://www3.ago.go.th/center/lawaid/>
Etc.

E. Disclaimers

- a. The information in the above write-up is provided only for general guidance and is not intended to be taken as legal advice. Readers and/or users should refrain from acting on the above information without first seeking independent legal advice.
- b. The availability of legal aid and assistance is subject to the law and policy of each jurisdiction.
- c. No warranty is made as to the accuracy and timeliness of the information provided.