


 Expat Counsel

By James Finch and Nilobon Tangprasit

FAMILY LAW IN THAILAND

The marriage ceremony: Part I

Marriage — the human institution for which the darkest moments call for a lawyer, not a doctor or undertaker. This time we're going to start peeling back the cultural and statutory skins surrounding your legal rights and those of your spouse in Thailand.

There are a couple of threshold issues to start with. The only ways to be considered legally married in Thailand are:

- To be married at a civil ceremony in Thailand, which we will explain below, or
- To be legally married elsewhere and get this recognised by the Thai authorities, which we'll also explain at a later date.

Most people who get married in Thailand are married in separate religious and civil ceremonies. Many, however, are married only in religious ceremonies. In the eyes of Thai law, this latter group are not married. Thus if they split up, they don't need to be divorced for the purposes of the legal system. Property acquired during the relationship may be considered as owned in common. We will cover this and any possible child support obligations in a later column.

Also, the Thai law provides for a betrothal procedure and creates rights and duties in connection with it. This is traditional in Thailand. It is also optional and can be ignored.

How do you get married at one of these civil ceremonies?

These rules, by the way, apply whether you as a foreigner are marrying a Thai citizen or another foreigner.

To begin with, you and your intended must go to the government office that presides over marriage ceremonies. In Bangkok that would be the district office, of which there are 50 throughout the city. Outside of Bangkok this would be the office of the amphur. Sometimes the amphur is called the "sheriff".

Each of you must bring two witnesses and anyone who does not speak Thai must have someone to translate. One of the witnesses can be the translator, as there is no official licensing requirement for this. Also, officers at the district office or amphur often act as witnesses. You don't need an appointment, but your may have to wait unless you do.

Here are the documents you'll have to have with you:

- Original and signed copy of the Thai identification of a Thai party and original and signed copy of the passport for foreigners. The original will be returned immediately. The office keeps the copies;

- The blue book (house registration) of the Thai party;
- Certificate from foreigner's embassy. (see below);
- Divorce papers, if applicable, certified by the foreigner's embassy;
- Letter of consent from parent or guardian if one of these is not present and if one of the parties is unemancipated and under the age of 20;
- If one of the parties has previously changed his or her name, a certificate to this effect;
- Original and copies of the birth certificate and blue book of any minor children of the couple born previous to the marriage.

The embassy certificate is a statement signed by the foreigner and notarised by his or her embassy's consular authorities that gives the following information:

- Identification;
- Occupation and monthly income;
- Marital status;
- Whether the foreigner is supporting dependents;
- An assertion that the foreigner is qualified and eligible to marry a Thai citizen and register the marriage under Thai law, and;
- A reference in the home country.

The certificate must have been notarised by the embassy, translated and the translation certified by the Department of Consular Affairs of the Ministry of Foreign Affairs at Chang Wattana Road in Bangkok. Again, there is no licensing requirement for the translator, so any competent translator can do this.

If all of the above documents are in order, the registrar at the district office or amphur will accept the marriage and enter it into the office's official record. And there is no official fee for this ceremony. ■

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