

TITLE II

PARENT AND CHILD

CHAPTER I

PARENTAGE

Section 1536. A child born of a woman during wedlock or within three hundred and ten days after the termination of the marriage is presumed to be the legitimate child of the husband or the man who used to be the husband, as the case may be.

The provisions of paragraph one shall apply to a child born of a woman before the marriage has been announced void by the final judgment of the Court, or within three hundred and ten days as from the date of such final judgment.

Section 1537. In case where the woman had made the new marriage and gave birth to a child within three hundred and ten days as from the day of termination of the marriage, the child shall be presumed to be the legitimate child of the new husband, and no presumption under Section 1536 saying that the child is the legitimate child of the former husband shall apply; provided that there is a judgment pronouncing that the child is not the legitimate child of the new husband.

Section 1538. In case where the man or woman had made the marriage against [Section 1452](#), a child born during such marriage shall be presumed to be the legitimate child of the husband who has last marriage entered into the Marriage Register.

In case where the woman had made the marriage against Section 1452, the presumption in Section 1536 shall apply; provided that there is a final judgment pronouncing that the child is not legitimate child of the husband who has the last marriage entered into the Marriage Register.

The provisions of paragraph one shall apply to the child born within three hundred and ten days from the date of the final judgment pronouncing the void of the marriage made against Section 1452.

Section 1539. In case where the child is presumed to be the legitimate child of the husband or the man who used to be the husband under Section 1536, Section 1537 or Section 1537 or Section 1537 or Section 1538, the husband or the man who used to be the husband may repudiate the child by entering an action in Court against the child and the mother jointly, and providing that he did not cohabit with the mother of the child during the period of conception, that is to say, the period extending from the one hundred and eightieth day to the three hundred and ten day inclusive, prior to the birth of the child, or that he could not have been the father of the child on other grounds of impossibility.

The action may be brought against only the child if at the time of entering the action the mother of the child is not alive. Where the child is not alive irrespective of whether the mother of the child is alive or not, the Court may be requested to declare that the child is not his legitimate

child. In case where the mother of the child or the heir of the child is still alive, the Court shall send a copy of the request to the said person and may, if it thinks proper, send also a copy of the request to the Public Prosecutor for consideration of proceeding the case on behalf of the child.

Section 1540. *(Repealed)*

Section 1541. An action for repudiation of a child cannot be entered by the husband or the man used to be the husband if it appears that the latter causes to have the birth of the child entered in the Birth Register as his legitimate child or arranges or agrees to have it entered in the Birth Register.

Section 1542. An action for repudiation of a child shall be entered by the man who is or used to be the husband within one year after the birth of the child. In any case no such action can be entered later than ten years after the birth of the child.

In case where there is a judgment pronouncing that the child is not the legitimate child of the new husband under Section 1537 or of the husband in the last marriage under Section 1538, if the husband of the man who used to be the husband and is presumed by Section 1536 to be the father of the child, he shall enter the action within one year since the final judgment became known to him.

Section 1543. In case where the man being or used to be the husband who has entered an action for repudiation of the child, died before the case becoming final, a person who has the right of inheritance together with the child or a person whose right of inheritance would be deprived on account of the birth of the child, may file a motion to substitute himself or may be summoned to substitute for the deceased.

Section 1544. An action for repudiation of a child can be entered by a person who has the right of inheritance together with the child or by a person whose right of inheritance would be deprived on account of the birth of the child in the following cases:

- (1) the man who is or used to be the husband died before the expiration of the period within which the action could have been entered by him;
the child was born after the death of the man who is or used to be the husband. The action for repudiation of the child under (1) must be entered within six months since the death of the
- (2) man being or having ever been the husband becoming known to that person. In any case no such action can be entered later than ten years after the birth of the child.

The provisions of Section 1539 shall apply to the entering of an action for repudiation of the child, *mutatis mutandis*.

Section 1545. A child may request the Public Prosecutor to enter an action under Section 1536 for repudiation to be legitimate child of the husband of his or her mother if it becomes known to the child that he or she is not an inherited child of the husband of the mother.

In entering the action under paragraph one, if it becomes known to the child before he or she becoming *sui juris* that he or she is not the legitimate child of the husband of his or her mother, no action can be entered by the Public Prosecutor after one year as from the date of his or her becoming *sui juris*. If it becomes known to the child after his or her becoming *sui juris*, no action can be entered by the Public Prosecutor later than one year since the day when the facts come to his or her knowledge.

Section 1546. A child born of a woman who is not married to a man is deemed to be the legitimate child of such woman.

Section 1547. A child born of the parents who are not married to each other is legitimate by the subsequent marriage of the parents, or by the registration made on application by the father, or by a judgment of the Court.

Section 1548. When legitimating is applied for by the father, the child and the mother must give consent to the applicant.

In case where the child and the mother do not appear before the Registrar for giving the consent, the Registrar shall notify the child and the mother of the father's application for registration. If the child or the mother raises no objection or does not give the consent within sixty days after the acceptance of the notification by the child or mother, it is presumed that the child or the mother does not give consent. The period of time shall be extended to one hundred and eighty days in case where the child or the mother has been outside Thailand.

In case where the child or the mother raises an objection that the applicant is not the father, or does not give the consent, or is unable to give the consent, the registration for legitimating must be effected by a judgment of the Court.

After the Court had pronounced a judgment effecting the registration of the legitimating and the judgment has been produced to the registrar for registration, the Registrar shall effect the registration.

Section 1549. When the registrar has notified the child and the mother of the application of legitimating under Section 1548, notwithstanding whether the child and the mother will object to the application under Section 1548 or not, the child or the mother may, within a period of not more than ninety days since the notification reached the child or mother, notify the Registrar to make a record that the applicant is not a suitable person for exercising partly or wholly the parental power.

Although the registration of legitimating under Section 1548 had been made, if there has been a notification of the child and the mother under paragraph one, the child's father will not be able to exercise partly or wholly such parental power as had been notified by the child or the mother until the court will pronounce a judgment effecting the child's father to exercise partly or wholly the parental power, or a period of ninety days had elapsed since the registrar was notified by the Child or the mother of the unsuitability on the party of the applicant for registration of

legitimizing to be the person unsuitable for exercising a part of the whole of the parental power.

In case the court pronounces a judgment that the applicant for registration of legitimizing is not the suitable person for exercising a part or the whole of the parental power or be the guardian.

Section 1550. *(Repealed)*

Section 1551. In case where there is an objection to the applicant for registration of legitimizing on account of not being the child's father, if the applicant for registration of legitimizing has brought an action to the court for a judgment effecting him to be the child's father. The child or mother may apply to the court in the same case for an order to the effect that the applicant for registration of legitimizing is not a suitable person for exercising a part or the whole of the parental power even though he is the real father of the child. In such case, the provisions of paragraph three of Section 1599 shall be applied *mutatis mutandis*.

Section 1552. In case the child has no mother or has mother but the latter has been deprived partly or wholly of her parental power and the other person has been appointed by the Court to be guardian partly or wholly before the registration of legitimizing .

The father who causes the registration of legitimizing having been entered may, if he thinks that for the benefit of the child, he should be the person exercising the parental power partly or wholly, apply to the court for an order effecting the deprivation of a part of the whole of guardianship from the guardian opinion of the court, exercise the parental power for bring about more happiness and interest to the child. The court may give an order effecting the deprivation of a part or the whole of guardianship from the guardian and making the father to be the person exercising the parental power.

Section 1553. *(Repealed)*

Section 1554. Any interested person may, within three months from the time when the registration of legitimizing comes to his knowledge, apply to the court for cancellation of the registration on the ground that the person at whose instance the legitimizing has been registered is not the father of the child. In any case, no such action may be entered after the lapse of ten years since the date of registration.

Section 1555. An action for legitimizing may be entered only in the following cases:

1. Where there is a rape, abduction or illegal confinement of the mother during the period when conception could have taken place;
2. Where there has been elopement or seduction of the mother during the period where conception could have been taken place;
3. Where there is a document emanation from the father and acknowledging the child as his own;

4. Where it appears in the birth register that the child is a son or daughter of the man who notified of the birth, or such notification was made with the knowledge of the man;
5. Where there has been open cohabitation of the father and the mother during the period where conception could have been taken place;
6. Where the father had sexual intercourse with the mother during the period when conception could have been taken, and there are grounds to believe that he or she is not the child of another man;
7. Where there has been a continuous common repute of being a legitimate child. There status resulting from continuous common repute of being a legitimate child is established by means of facts showing the relationship of father and child, as evidenced by the child's connection with the family to which he claims to belong, such as the fact that the father has provided the child's education or maintenance, or that he has allowed the child to use his family name or other facts.

In any case, if the man is found unable to be a father, the case shall be dismissed.

Section 1556. The action for legitimating may be brought by the legal representative of the child if the child is a minor of not yet completed his fifteenth years of age. In case there is no legal representative or the legal representative cannot perform his duties, a closed relative or the public prosecutor may apply to the court for appointing a representative ad litem to bring the action on behalf of the child.

After attaining the age of fifteenth years old complete, the child has to bring the action himself and need not obtain consent of the legal representative.

After attaining the age of sui juris, the action has to be entered within one year from the day of becoming *sui juris*.

In case the child is dead during the time has right to bring an action for legitimating, his descendant may enter an action for legitimating. Should the descendant know the ground of the action for legitimating before the death of the child, the action would have to be entered by the former within one year from the death of the child should the ground of the action for legitimating become known to the descendant after the death of the child. However, the action would have to be entered within one year as from the day; the said ground came to his knowledge; provided that is cannot be entered after ten years have elapsed since the death of the child.

The provision of paragraph one and paragraph two shall apply to the action of legitimating entered by the minor descendant *mutatis mutandis*.

Section 1557. legitimating under Section 1547 shall take effect:

1. From the day of marriage in case of subsequent marriage of the parents;
2. From the day of registration in case where the registration of legitimating is made by the father;

3. From the day of final judgment in case of legitimating pronounced by the court, provided that it may be set up to the prejudice of the rights of third persons acting in good faith, unless it has been registered according to the judgment.

Section 1558. As regards the action for legitimating of the deceased having been entered within the period of prescription for claim for inheritance, if the court adjudges the child to be legitimate he is entitled to inheritance as a statutory heir. In case where the estate has been divided the provisions of this Code concerning [Undue Enrichment](#) shall be applied *mutatis mutandis*.

Section 1559. After registration of legitimating has been made, it cannot be revoked.

Section 1560. The child born during marriage is deemed to be legitimate, even though the marriage has been subsequently cancelled.