

The Procedural Protection in Noncontentious Family Cases

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Abstract

Proceedings in family cases are regulated partly by the Civil Procedure Code and partly by the law on Noncontentious Jurisdiction. For the noncontentious family cases according to the principle of investigation by the court, the judge undertakes a positive responsibility to ascertain and clarify the facts related to a particular event or circumstance. However before making the court order, the court shall grant opportunities for parties to express their opinions in order to protect their rights of hearing. For the protection of a minor's interests, the court can name a guardian ad litem to appear for the child.

Court orders in noncontentious family cases may be given different effects according to the nature of cases and the variety of interests. Some court orders take effect promptly after the parties are served, even though appellate remedies are filed. In comparison, if the court order involves creating or altering legal status or maintaining the transaction security, higher stability of law is required. In this case, court orders may be given res adjudicate effect wenn they are not subject to alteration in further proceedings or on miscellaneous appeal.

Keywords: procedure in noncontentious family case, guardian ad litem, minor's interests, custody of minor children, guardianship, right of hearing, alteration of court order, miscellaneous appeal