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Code of Judicial Procedure

(4/1734; amendments up to 718/2011 included)

Chapter 8 – Non-contentious civil cases (768/2002)

Section 1

- (1) A non-contentious civil case is initiated with a written application submitted to the registry of the District Court. The application may be submitted orally if the case is clearly evident from the documents that have been presented. A non-contentious civil case may also be initiated during a session of the District Court.
- (2) The provisions of this chapter apply in a District Court also in the consideration of non-contentious civil cases which the District Court may take up for consideration on the basis of a notice or on its own initiative.
- (3) A case becomes pending when the application is presented in the registry or in a session.

Section 2

- (1) The application shall note the applicant's detailed claim or requested measure. In addition, as needed, the application shall note:
 - (1) the circumstances on which the claim or the requested measure is based;
 - (2) the evidence that the applicant intends to present in support of his or her claim or requested measure, and what he or she intends to prove with each piece of evidence;
 - (3) the claim for the compensation of legal costs; and
 - (4) on what basis the court has jurisdiction.
- (2) The written evidence to which the applicant refers shall be attached to the application.
- (3) The application shall also note the information referred to in chapter 5, section 2, subsection 2. The application shall be signed by the applicant or, if he or she has not drawn up the application, by the person who has drawn it up. The person

who has drawn up the application shall also indicate his or her occupation and domicile.

Section 3

(1) A non-contentious civil case shall be considered in writing in chambers or orally in a session for non-contentious civil cases.

(2) A non-contentious civil case shall be considered in a session for non-contentious civil cases if a participant in the case, a witness or another person is to be heard in person.

(3) A contested non-contentious civil case shall be considered in a session for non-contentious civil cases if a participant requests this or if the District Court considers consideration in a session for non-contentious civil cases necessary in order to clarify the case or a part thereof.

Section 4 (811/2008)

(1) Consideration of the case shall be continued in accordance with the procedure for civil cases if the case has been contested and it concerns:

(1) a case involving the ending of cohabitation, a divorce or maintenance for a spouse;

(2) guardianship of a child, visiting rights or the maintenance of a child;

(3) adoption; or

(4) a case referred to in the Guardianship Act (442/1999).

(2) In other contested non-contentious civil cases the District Court may decide that consideration of the case shall be continued in accordance with the procedure for civil cases.

(3) Regardless of the procedure applied in the case, however, section 7 on the consequences of an omission by a participant and section 10 on the decision in the case apply.

Section 5

If a participant is to be reserved an opportunity to be heard in the non-contentious civil case, the District Court shall exhort him or her to submit a written statement in response to the application. If it can be presumed that submission of the statement orally would expedite consideration of the case, a participant in the case may be exhorted to submit his or her statement orally in a session for non-contentious civil cases.

Section 6

(1) In his or her statement, a participant in the case shall be exhorted to state his or her position on the application or the requested measure. In addition, a participant shall be exhorted as necessary:

(1) to present grounds for contesting the application;

(2) to list the evidence that he or she intends to present and what he or she intends to prove with each piece of evidence;

(3) to make a claim for the compensation of legal costs;

(4) to annex to his or her statement the written evidence on which the contesting is based; and

(5) to enter a possible plea of inadmissibility.

(2) A participant in the case shall also be exhorted to provide the information referred to in chapter 5, section 10, subsection 3. The statement shall be signed by the person submitting it or, if he or she has not drawn up the statement, by the person who has drawn it up. The person who has drawn up the statement shall also indicate his or her occupation and domicile.

Section 7

(1) If the applicant does not comply with the exhortation of the court to submit a written statement or does not attend the session for non-contentious civil cases, the case shall be discontinued.

(2) If another participant does not comply with the exhortation of the court to submit a written statement or does not attend the session for non-contentious civil cases which he or she has not been required to attend in person, the case may be considered and decided despite his or her omission.

Section 8

In a session for non-contentious civil cases, the case may be considered solely in order to clarify a single or multiple questions. The participants concerned by the consideration shall be invited to the session. After the session, the consideration may be continued in chambers or in a new session.

Section 9

(1) A non-contentious civil case and a civil case may be considered in the same session if the cases are connected to one another and their consideration together can be done without impediment.

(2) A non-contentious civil case may be considered along with a criminal case if the cases are connected and their consideration together can be done without impediment.

Section 10

(1) A non-contentious civil case is decided with a court order or by carrying out the other measure intended in the application.

(2) The court order shall be drawn up as a separate document. The decision shall indicate the name of the court, the date and place the court order was issued, the names of the participants in the case as well as a brief statement of the case, the grounds, the legal provisions applied and the conclusion. If the application is accepted and the case has not been contested and there is no other particular reason to draw up a full court order, the court order need not contain a statement of the case or the grounds.

(3) If the case is decided by carrying out the measure intended in the application, a certificate thereof shall be drawn up. Such a certificate as well as a court order that does not contain a statement of the case or grounds may also be written or attached to the application or to the document that is the basis for the application.

Section 11

(1) The court order in a non-contentious civil case shall be given in chambers or announced in a session. A court order may be given in chambers also in an extensive or difficult case considered in a session if, due to the deliberations

among members of the court or the drawing up of the court order, the court order cannot be announced immediately at the conclusion of the consideration.

(2) A court order in chambers shall be issued at the latest fourteen days after the conclusion of the consideration in chambers or in a session. At the conclusion of the consideration, the participants in attendance shall be notified of the day on which the court order shall be issued. A participant who is not present at the conclusion of the consideration shall be notified sufficiently in advance, in writing, of the day on which the court order shall be issued, if the non-contentious civil case has been decided other than how the applicant or another participant in the case had requested.

(3) When, pursuant to subsection 2, a participant in the case shall be notified of the day that the court order shall be issued, the court order shall be available for inspection in the registry as of the day of issue.

Section 12

A copy of the court order or a certificate of the measure that has been carried out shall be provided to the applicant as the document containing the judgment.

Section 13

In other respects, the provisions on the procedure in civil cases apply to the procedure for the consideration of non-contentious civil cases.

Section 14

Should another Act contain provisions that differ from the procedural provisions in this chapter, the former shall apply. However, provisions that state that the case shall be considered at a session shall apply only if also in accordance with the provisions of this chapter the case is to be considered in a session.