

Supreme Court Practice Directions (Amendment No. 5 of 2014)¹

Part XVII: Adoption and Probate Matters

131. Applications for adoption orders

Notwithstanding the concurrent jurisdiction of the High Court to receive such processes, solicitors are requested to file all applications for adoption orders in the ~~State~~ Family Justice Courts Registry. This will serve to achieve the two-fold objective of enabling a more efficient allocation and use of time and resources in the High Court as well as reducing the costs incurred in the adoption process.

¹ Updated as of 9 October 2014

Part XIX: Matrimonial Proceedings and Matters Relating to the Guardianship of Infants

138. Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings ~~to the Family Court of the State Courts~~

(1) The Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act (Cap. 322):

(a) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 1996, which came into operation on 1 April 1996 (“the 1996 Transfer Order”);

(b) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2003, which came into operation on 15 December 2003 (“the 2003 Transfer Order”);

(c) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2005, which came into operation on 1 April 2006 (“the 2005 Transfer Order”); and

(d) The Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007, which came into operation on 1 January 2008 (“the 2007 Transfer Order”).

(2) To improve efficiency in the administration of justice and to provide for speedier disposal of proceedings commenced in the High Court, pursuant to the 1996 Transfer Order:

(a) all proceedings under section 59 and Part X of the Women’s Charter (Cap. 353) and the Guardianship of Infants Act (Cap. 122) (referred to in this Part as “family proceedings”), commenced in the High Court on or after 1 April 1996, shall be transferred to and be heard and determined by a District Court; and

(b) all family proceedings commenced before 1 April 1996 as well as any proceedings ancillary thereto shall continue to be heard and determined by the High Court.

(3) The transfer of family proceedings to the District Court can result in the District Court hearing family proceedings in which the value of the matrimonial assets concerned far exceeds the normal civil jurisdictional limit of the District Court. Further, to encourage the growth of family law jurisprudence, the 2003 Transfer Order and the 2005 Transfer Order provide that proceedings under Part X of the Women’s Charter, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This “transfer back” to the High Court based on the gross value of assets applied to proceedings under Part X of the Women’s Charter commenced on or after 15 December 2003.

(4) There can however be cases where the actual net value of the assets available for matrimonial distribution is in fact much lower than \$1.5 million, because of existing liabilities such as an outstanding mortgage loan on the matrimonial property. In order to ensure that the High Court's resources are utilised to deal only with those cases where the actual value of the matrimonial assets available for distribution is sufficiently high, the 2007 Transfer Order provides that the net value instead of the gross value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.

(5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to proceedings under Part X of the Women's Charter commenced on or after 15 December 2003. However, proceedings under Part X of the Women's Charter which have already been transferred to the High Court based on the gross value threshold, pursuant to the 2003 Transfer Order or the 2005 Transfer Order, will not be affected and will remain in the High Court.

(6) Practitioners should pay particular attention to the requirement of leave to appeal in the relevant provisions of the 2007 Transfer Order.

(7) Practitioners are responsible for identifying the correct Transfer Order applicable to their case.

~~(8) A sub-registry of the Registry of the Supreme Court (referred to in this direction as the "sub-registry of the Supreme Court") and sub-registry of the Registry of the State Courts (referred to in this direction as the "sub-registry of the State Courts") have been set up in the Family and Juvenile Court Building (at No. 3, Havelock Square) ("the Family & Juvenile Court"). Pursuant to the Family Justice Act 2014 (Act No. 27 of 2014), with effect from 1 October 2014, family proceedings shall be heard and determined by the Family Justice Courts. Notwithstanding this, any family proceedings commenced in or transferred to the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court.~~

139. Transfer of Section 17A(2) Supreme Court of Judicature Act Proceedings ~~to the Family Court of the State Courts~~

(1) In relation to proceedings which may be heard and determined by the High Court pursuant to section 17A(2) of the Supreme Court of Judicature Act (referred to in this Part as “section 17A(2) proceedings”), the Honourable the Chief Justice has made the following orders under section 28A of the Supreme Court of Judicature Act:

(a) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 1999, which came into operation on 1 August 1999 (“the 1999 Transfer Order”);

(b) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2004, which came into operation on 1 November 2004 (“the 2004 Transfer Order”); and

(c) The Supreme Court of Judicature (Transfer of Proceedings pursuant to section 17A(2)) Order 2007, which came into operation on 1 January 2008 (“the 2007 Transfer Order for section 17A(2) proceedings”).

(2) To improve efficiency in the administration of justice and to provide for more speedy disposal of proceedings commenced in the High Court, pursuant to the 1999 Transfer Order, all section 17A(2) proceedings shall be transferred to and be heard and determined by a District Court.

(3) The transfer of section 17A(2) proceedings to the District Court can result in the District Court hearing section 17A(2) proceedings in which the value of the matrimonial assets concerned far exceeds the normal civil jurisdictional limit of the District Court. Further, to encourage the growth of family law jurisprudence, the 2004 Transfer Order provides that section 17A(2) proceedings, in which there is a contested application for the division of matrimonial assets asserted by any party to the proceedings to be worth a gross value of \$1.5 million or more, shall be transferred from the District Court to the High Court to be heard and determined. This “transfer back” to the High Court based on the gross value of assets applied to section 17A(2) proceedings commenced on or after 1 November 2004.

(4) There can however be cases where the actual *net* value of the assets available for matrimonial distribution is in fact much lower than \$1.5 million, because of existing liabilities such as an outstanding mortgage loan on the matrimonial property. In order to ensure that the High Court’s resources are utilised to deal only with those cases where the actual value of the matrimonial assets available for distribution is sufficiently high, the 2007 Transfer Order for section 17A(2) proceedings provides that the net value instead of the *gross* value shall be used to determine whether the proceedings should be transferred from the District Court to the High Court.

(5) The new jurisdictional threshold based on net value takes effect from 1 January 2008 and applies to section 17A(2) proceedings commenced on or after 1 November 2004. However, section 17A(2) proceedings which have already been transferred to the High Court based on the gross value threshold, pursuant to the 2004 Transfer Order, will not be affected and will remain in the High Court.

(6) Practitioners should pay particular attention to the requirement of leave to appeal in the relevant provisions of the 2007 Transfer Order for section 17A(2) proceedings.

(7) Practitioners are responsible for identifying the correct Transfer Order applicable to their case.

(8) Pursuant to the Family Justice Act 2014, with effect from 1 October 2014, section 17A(2) proceedings shall be heard and determined by the Family Justice Courts. Notwithstanding this, any section 17A(2) proceedings commenced in or transferred to the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court.

141. Forms of orders, including *Mareva* injunctions and search orders

(1) The format of all orders made in applications taken out in proceedings by way of writ of summons under Part X of the Women's Charter (Cap. 353) on or after 1 April 2006 shall comply with Form 2531 of the Women's Charter (Matrimonial Proceedings) Rules ~~2005~~ (S 854/2005). Orders made in proceedings commenced by way of petition under Part X of the Women's Charter shall comply with Form 24 of the Women's Charter (Matrimonial Proceedings) Rules ~~2003~~ (~~Cap. 353, R-4S 167/2003~~).

(2) Paragraphs 41 and 42 shall be applicable to an application for a *Mareva* injunction and a search order. The orders of Court for such applications shall contain the text set out in Forms 6, 7 and 8 of Appendix A of these Practice Directions.

142. Appeals on ancillary matters in Divorce Proceedings, Custody Matters or Section 17A(2) Supreme Court of Judicature Act Proceedings from the Family Court to the High Court

(1) Appeals against final orders made by the District Judge in chambers on ancillary matters in divorce proceedings under the Women's Charter (Cap. 353), custody proceedings under the Guardianship of Infants Act (Cap. 122), or section 17A(2) proceedings, which are filed before 1 October 2014, shall be heard and determined by the High Court and are governed by Order 55C of the Rules of Court. In practice, the District Judges furnish grounds of decision within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Rules of Court.

[no changes to text]

147. Transfer of mental capacity proceedings to District Court

(1) The Supreme Court of Judicature (Transfer of Mental Capacity Proceedings to District Court) Order 2010, made under section 28A of the Supreme Court of Judicature Act (Cap. 322), came into operation on 1 March 2010 ("the Transfer Order").

(2) Pursuant to the Transfer Order –

(a) any proceedings under the Mental Capacity Act 2008 (Cap. 177A) (referred to in this Part as "the MCA") commenced in the High Court on or after 1 March 2010 shall be transferred to and be heard and determined by a District Court; and

(b) any application under the MCA made, on or after 1 March 2010, in relation to any proceedings commenced in the High Court before that date under Part I of the Mental Disorders and Treatment Act (Cap. 178) (referred to in this Part as "the MDTA") in force before that date, shall be heard and determined by the High Court.

~~(3) A sub-registry of the Registry of the Supreme Court and sub-registry of the Registry of the State Courts have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square.~~

(3) Pursuant to the Family Justice Act 2014, with effect from 1 October 2014, proceedings under the MCA shall be heard and determined by the Family Justice Courts. Notwithstanding this, any proceedings under the MCA commenced in the High Court before 1 October 2014 shall, on and after that date, be continued in and dealt with by the High Court.

PART XXIII: PROCEEDINGS IN THE FAMILY DIVISION OF THE HIGH COURT

158. Subsidiary legislation applicable in the Family Justice Courts

(1) In accordance with the Family Justice Act 2014, the Family Justice Courts is constituted on 1st October 2014.

(2) Pending the enactment of the Family Justice Rules pursuant to the Family Justice Act 2014, the following subsidiary legislation shall apply to the proceedings in the Family Justice Courts with effect from 1st October 2014.

<u>Subsidiary Legislation</u>	<u>Type of Proceedings in Family Justice Courts</u>	<u>Court it applies to</u>
<u>Rules of Court</u>	<u>Section 53 of Administration of Muslim Law Act</u> <u>Adoption of Children Act</u> <u>Guardianship of Infants Act</u> <u>Inheritance (Family Provision) Act</u> <u>International Child Abduction Act</u> <u>Intestate Succession Act</u> <u>Legitimacy Act</u> <u>Mental Capacity Act</u> <u>Mental Health (Care and Treatment) Act</u> <u>Status of Children (Assisted Reproduction Technology) Act 2013</u> <u>Section 17A(2) of Supreme Court of Judicature Act</u>	<u>Family Courts,</u> <u>Family Division of the High Court</u>

	<u>Voluntary Sterilization Act</u> <u>Section 59 of Women's Charter</u>	
<u>Criminal Procedure Code</u>	<u>Section 53 of Administration of Muslim Law Act</u> <u>Children and Young Persons Act</u> <u>Part VII and Part VIII of Women's Charter</u> <u>Section 10 of Maintenance of Parents Act</u> <u>Maintenance Orders (Facilities for Enforcement) Act</u> <u>Maintenance Orders (Reciprocal Enforcement) Act</u>	<u>Family Courts,</u> <u>Youth Courts,</u> <u>Family Division of the High Court</u>
<u>Women's Charter</u> <u>(Matrimonial Proceedings)</u> <u>Rules and</u> <u>Women's Charter (Garnishee Proceedings) Rules</u>	<u>Part VIII and Part X of Women's Charter</u>	<u>Family Courts,</u> <u>Family Division of the High Court</u>

159. Documents to be filed at the Registry of the Family Justice Courts

(1) All documents relating to the proceedings commenced on or after 1 October 2014 pursuant to the following legislation are to be filed in the Family Justice Courts Registry:

- (a) section 53 of Administration of Muslim Law Act (Cap. 3);
- (b) the Adoption of Children Act (Cap. 4);
- (c) the Children and Young Persons Act (Cap. 38);
- (d) the Guardianship of Infants Act (Cap. 122);

- (e) the Inheritance (Family Provision) Act (Cap. 138);
- (f) International Child Abduction Act (Cap. 143C);
- (g) Intestate Succession Act (Cap. 146)
- (h) the Legitimacy Act (Cap. 162);
- (i) section 10 of Maintenance of Parents Act (Cap. 167B);
- (j) the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168);
- (k) the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);
- (l) the Mental Capacity Act (Cap. 177A);
- (m) the Mental Health (Care and Treatment) Act (Cap. 178A);
- (n) the Status of Children (Assisted Reproduction Technology) Act 2013
- (o) section 17A(2) of the Supreme Court of Judicature Act (Cap. 322)
- (p) the Voluntary Sterilization Act (Cap. 347)
- (q) sections 13, 17, 20, 59, Parts VII, VIII, IX and X of Women's Charter (Cap. 353).

(2) All documents shall have the title "In the Family Justice Courts of the Republic of Singapore".

(3) Documents relating to the following proceedings which are to be heard and determined by the High Court shall continue to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:

- (a) all proceedings in paragraph (1) commenced in the High Court before 1 October 2014; and
- (b) all appeals filed in the High Court before 1st October 2014 relating to any proceedings referred to in paragraph (1) above.

160. Child Representative

(1) The Court may on its own motion, or either party may make an application for the court to appoint a Child Representative pursuant to O.107 r. 2 of the Rules of Court (Cap. 322, R 5).

(2) Upon the making of an order for the appointment of a Child Representative, the Registrar will select a member from the Child Representative panel and send a letter of request of acceptance of the appointment by email to the selected member. The member may choose to decline such an appointment. If no response is received within 3 working days of the email, the member is deemed to have declined the appointment.

(3) All members on the Child Representative panel shall inform the Court of any changes to their email addresses.

(4) Upon acceptance of the appointment, the Child Representative will receive a letter from the Registrar confirming the appointment, providing the contact details of the parties and a date of a pre-trial conference. The following documents will be enclosed with the letter:

(a) an Information Sheet on Child Representative, which the Child Representative is to give to the parties at the earliest possible opportunity together with any further explanation which the Child Representative deems fit, in compliance with Family Justice Rules and paragraph (7) below;

(b) a Child Representative Practice Note, which the Child Representative is to read carefully and adhere to;

(c) a Child Representative Checklist, which will be used at the pre-trial conference; and

(d) a Questionnaire to the parties, which the Child Representative might use to obtain information from the parties.

(5) Within 7 days from the receipt of the confirmation of appointment as described in paragraph (4) above, the Child Representative shall serve file and serve a Notice of Address for Service on Child Representative (Form 30 of Appendix A to these Practice Directions) on the parties to the proceedings.

(6) The unique role of the Child Representative is to ascertain the wishes of the child, keep the child informed and do the necessary to protect the child's best interest. The Child Representative is also duty bound to ensure that the Court is apprised of all matters relevant to the interest of the child.

(7) Upon accepting the appointment and receiving the documents referred to in paragraph (4) above, the Child Representative should act expeditiously in fulfilment of his/her duties as set out in O. 107 r. 3 of the Rules of Court, including the following:

(a) providing the parties and/or solicitors with information about the role of the Child Representative and informing them of the requirements in respect of their communications with the Child Representative and any contributions towards the costs of the Child Representative which the Court may have ordered; and

(b) developing and implementing a plan for engaging the child and involving the child in the decision making process in consultation with any other professional who may be working with the child.

(8) In the event that the Child Representative wishes the Court to make any orders which the Child Representative is of the view necessary for the fulfilment of his/her duties, it shall be done by way of an inter-partes Summons under the proceedings.

(9) In the event that the Child Representative suspects that the child is a victim of abuse, the Child Representative must immediately inform Child Protection Services of the Ministry of Social and Family Development. The Child Representative must also inform the Court by way of letter at the earliest opportunity. The Judge may in his/her discretion call for a pre-trial conference.

(10) Where there are any matters which the Child Representative is of the view should only be shared in confidence with the Court in the best interest of the child, the Child Representative should write to court requesting for a pre-trial conference with the Judge

presiding over the matter. The Judge may in his/her discretion call for a pre-trial conference only with the Child Representative. If there are any urgent issues relating to the safety of the child, the Child Representative must write to court immediately requesting for urgent audience.

(11) The Child Representative shall file in Court and serve on parties a Written Submission in Form 31 of Appendix A within the time frame directed by the Court.

(12) All correspondence to Court from the Child Representative or the parties shall be copied to the other party and the Child Representative (unless the Child Representative has been discharged) including that in paragraph (10) above.

161. The Family Court Friend Scheme

(1) The Court may, at any stage of proceedings, refer an unrepresented litigant to the Community Justice Centre or such other pro-bono agency for the assignment of a Family Court Friend to assist him by providing administrative and emotional support in the conduct of his case such as:

(a) providing information on court procedure and processes as well as avenues for assistance outside the court process;

(b) subject to sub paragraph (2), assisting in the preparation and filing of court documents;

(c) providing emotional and moral support throughout the court process;

(d) assisting in court hearings by helping unrepresented litigants undertake tasks e.g. taking notes of court proceedings and organizing documents for use in court.

(2) The Family Court Friend may attend court hearings, including hearings conducted in camera, but will not be allowed to provide legal advice and/or legal representation. He should also not address the court.

(3) The Family Court Friend shall not reveal any information to any third party, any information relating to the proceedings he/she is assigned to.

162. Guidance on Direct Judicial Communications in International Family Proceedings Affecting Children

Explanatory Note

Direct judicial communications refer to communications that take place between sitting judges of different jurisdictions when there are concurrent related proceedings involving the same parties.

It has now been recognised and firmly established in some foreign jurisdictions such as England & Wales, Australia, New Zealand, Canada and United States of America that direct judicial communications within the International Hague Network of Judges (“Network”) are key mechanisms to assist practitioners and judges in resolving cases with an international element in the best interests of children and of justice in general. These communications will often result in considerable time savings and better use of available resources, and are done

with the overriding objective of securing the best interests of the child. Direct judicial communication does not aim to inhibit parties' right to adduce expert evidence on the foreign law, but should be seen as another tool to be made available for parties involved in multiple proceedings in different jurisdictions.

While direct judicial communications mostly take place in Hague abduction cases under the 1980 Hague Child Abduction Convention ("1980 Convention"), the trend is to extend such communications to other proceedings affecting families with children. The Hague Permanent Bureau has recently issued an Emerging Guidance and General Principles for Judicial Communications ("the Hague Guidance"). It provides transparency, certainty and predictability to direct judicial communications for the judges involved, as well as the parties and their representatives. It is meant to ensure that such communications are carried out in a way which respects the legal requirements in the respective jurisdictions and the fundamental principle of judicial independence in carrying out Network functions.

Singapore is increasingly an international and multi-cultural society. Although the majority of proceedings concern Singaporean families, some of the more difficult cases contain an international element, such as abduction cases under the 1980 Convention, relocation cases, and cases involving access outside Singapore or jurisdictional disputes. In these cases, direct judicial communications may be beneficial. This Practice Direction, incorporating major provisions of the Hague Guidance, is issued to facilitate such communications.

Introduction

(1) This Practice Direction is issued to assist judges and practitioners dealing with proceedings affecting families with children in which direct judicial communications may be beneficial. It is not intended to change the current rules or procedure or to affect the substantive rights of the parties, but is simply intended to facilitate cooperation in international cases, where appropriate.

(2) The Network Judges of Singapore are appointed by the Chief Justice, and it is part of their role to receive and, when necessary, channel incoming judicial communications and initiate or facilitate outgoing communications. The names of the current appointees are set out in the annex.

(3) Matters which may be the subject of direct judicial communications include, for example:

(a) scheduling the case in the foreign jurisdiction;

(i) to make interim orders, eg, support, measure of protection;

(ii) to ensure the availability of expedited hearings;

(b) establishing whether protective measures are available for the child or other parent in the jurisdiction to which the child would be returned in the case of a child abduction case and, in an appropriate case, ensuring the available protective measures are in place in that jurisdiction before a return is ordered;

(c) ascertaining whether the foreign court can accept and enforce undertakings offered by the parties in the initiating jurisdiction;

(d) ascertaining whether the foreign court can issue a mirror order (ie, same order in both jurisdictions);

(e) confirming whether orders were made by the foreign court;

(f) verifying whether findings about domestic violence were made by the foreign court;

(g) verifying whether a transfer of jurisdiction is appropriate.

(4) “Central Authority” in this Practice Direction is the Authority appointed under section 5 of the International Child Abduction Act (Cap 143C).

(5) For the avoidance of doubt, all references to “parties” or their “representatives” shall, where a child is to be separately represented, include the Child Representative as appointed by the Court under the Family Justice Rules.

Overarching Principles

(6) Every judge engaging in direct judicial communications must respect the law of his or her jurisdiction.

(7) When communicating, each judge seised of the matter should maintain his or her independence in reaching his or her own decision on the matter at issue.

(8) Communications must not compromise the independence of the judge seised in reaching his or her own decision on the matter at issue. Any discussion about the merits of the case should be avoided.

(9) For the avoidance of doubt, parties remain entitled under the *Rules of Court* to call upon expert witnesses to prove or disprove the foreign law. The Court will take into account all the available evidence before arriving at a decision.

Procedure and Safeguards

(10) Either party to the proceeding may raise with the judge the desirability and need for direct judicial communications.

(11) A judge seised of the matter may, if he or she determines it desirable, initiate direct judicial communication through the Network Judges.

(12) Before deciding whether to engage in direct judicial communications, the judge should consider:

(a) whether there is a question of foreign law or procedure to clarify with a judge in the foreign jurisdiction,

(b) whether the question can be answered or dealt with by the Central Authority in Singapore or the Central Authority in the foreign jurisdiction, and if so, the judge may consider having the Central Authority address the issue or obtain the information, and

(c) whether the question can be answered or dealt with by any judge in the foreign jurisdiction (other than the judge hearing the proceeding).

(13) In Contracting States to the 1980 Convention in which direct judicial communications are practised, the following are commonly accepted procedural safeguards.

(a) Except in special circumstances, parties are to be notified of the nature of the proposed communication;

(b) A record is to be kept of communications and it is to be made available to the parties;

(c) Any conclusions reached between the judges should be in writing and made available to parties;

(d) Parties or their representatives should have the opportunity to be present in certain cases, for example via conference call facilities.

(14) The above commonly accepted procedural safeguards should be adopted subject to Singapore's legislation and rules.

(15) In special or urgent circumstances where parties were not notified in advance of the nature of the proposed communications, the judge should provide written reasons to the parties as to why there was no notification as soon as practicable.

(16) If any party objects to the proposed communications, the judge should direct submissions be lodged from all parties, and if necessary, should direct an oral hearing, before ruling on the matter, giving short reasons for such ruling.

Initiating the Communication

(17) In considering whether the use of direct judicial communications is appropriate, the judge should have regard to speed, efficiency and cost-effectiveness.

(18) Judges should consider the benefit of direct judicial communications and at what stage of the proceeding it should occur. The timing of the communication is for the judge who initiates it to consider.

(19) The initial communication should ordinarily take place between our Network Judge and the Network Judge of the other jurisdiction, if any, in order to ascertain the identity of the judge seised in that jurisdiction. If no Network Judge has been appointed in the other jurisdiction, the Central Authority of Singapore or the party within jurisdiction is to assist in providing the identity of the judge in the other jurisdiction.

(20) When making contact with a judge in another jurisdiction, the initial communication should normally be in writing, subject to provisions set out in this Practice Direction in relation to written communications, and should in particular identify:

(a) the name and contact details of the initiating judge;

(b) the nature of the case (with due regard to confidentiality concerns);

(c) the issue(s) on which communication is sought;

(d) whether the parties before the judge initiating the communication have consented to judicial communication;

(e) when the communication may occur (with due regard to time differences);

(f) any specific questions which the judge initiating the communication would like answered;

(g) any other pertinent matters.

(21) The time and place for communications between the courts should be to the satisfaction of both courts.

(22) Personnel other than judges in each court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation of counsel unless otherwise directed by either of the courts.

The Form of Communications and Language Difficulties

(23) Judges should use the most appropriate technological facilities in order to communicate as efficiently and as swiftly as possible.

(24) The initial method and language of communication should, as far as possible, respect the preferences, if any, indicated by the intended recipient in the list of members of the Network Judges. Further communications should be carried out using the initial method and language of communication unless otherwise agreed by the judges concerned.

(25) Where two judges do not understand a common language, and translation or interpretation services are required, such services could be provided by the court or the Central Authority in the country from which the communication is initiated.

Written Communications

(26) Written communications, particularly in initiating the contact, are valuable as they provide for a record of the communication and help alleviate language and time zone barriers.

(27) Where the written communication is provided through translation, it is good practice also to provide the message in its original language.

(28) Communications should always include the name, title and contact details of the sender.

(29) Communications should be written in simple terms, taking into account the language skills of the recipient.

(30) As far as possible, appropriate measures should be taken for the personal information of the parties to be kept confidential.

(31) Written communications should be transmitted using the most rapid and efficient means of communication and, in those cases where it is necessary for confidential data to be transmitted, secured means of communication should be employed.

(32) Written communications should always be acknowledged as soon as possible with an indication as to when a response will be provided.

(33) All communications should be typewritten.

(34) Ordinarily, communications should be in writing, save where the paragraph (35) applies.

Oral Communications

(35) Oral communications are encouraged where judges involved come from jurisdictions which share the same language.

(36) Where the judges do not speak the same language, one or both of them, subject to an agreement between the two judges concerned, should have at their disposal a competent and neutral interpreter who can interpret to and from their language.

(37) Where necessary, personal information concerning the parties should be anonymised for the purpose of oral communication.

(38) Oral communications can take place by either telephone or video conference and in those cases where it is necessary that they deal with confidential information, such communications should be carried out using secured means of communication.

(39) If both judges involved in the communication agree, the parties or their representative may be permitted to be present during the oral communication. If one party or representative is to be present, then the other party or representative should be permitted to be present.

(40) Subject to the agreement of both judges involved in the oral communications-

(a) such oral communications may be conducted in the presence of the parties or their representatives by way of video conference or by conference telephone call;

(b) the parties or their representatives may be permitted to speak during the communication, but if one party or representative wishes to speak, then the other party or representative should be permitted a chance to answer.

Post Communications

(41) A written record of the communications should be sent to the parties as soon as practicable.

(42) Any correspondence or email or written communications between the judges should be preserved for the record.

Keeping Central Authority informed of judicial communications

(43) Where appropriate, the judge engaged in direct judicial communications may consider informing his or her Central Authority that a judicial communication will take place.

Annex

Network Judge(s)

Valerie Thean
Presiding Judge
Family Justice Courts
3 Havelock Square
Singapore 059725

Foo Tuat Yien
Senior District Judge
Civil Division, State Courts
1 Havelock Square

Singapore 059724

Email contact: FJCourts_Family_Registry@fjcourts.gov.sg

163. Attendance at hearings in the Family Justice Courts

(1) For the avoidance of doubt, the general rule is that all hearings in a Family Justice Court shall be heard in camera pursuant to section 10(1) of the Family Justice Act. Members of the public are not entitled to attend such hearings.

(2) Notwithstanding paragraph (1) above, a Family Justice Court may hear any matter in an open and public court to which the public generally may have access, if the Court is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so. Such matters include but are not limited to:-

(a) trial or hearings for proceedings under section 105 and 106 of the Women's Charter;

(b) uncontested trials or hearings for proceedings under section 95 and 101 of the Women's Charter which were adjourned from chambers to Open Court;

(c) mentions for proceedings under Part VII and VIII of the Women's Charter; and

(3) Subject to any written law, the Court may, in its discretion, permit interested persons, such as instructing solicitors, and parties to the matter, to attend hearings in a Family Justice Court. In exercising its discretion, the Court may consider a broad range of factors including

(a) the interest that the person seeking permission has in the matter before the Court;

(b) the interests of the litigants;

(c) the reasons for which such permission is sought; and

(d) the Court's interest in preserving and upholding its authority and dignity.

(4) In granting interested persons the permission to attend hearings in a Family Justice Court, the Court may, in its discretion, impose the necessary conditions to be complied with.

164. Amendment of documents originally filed in Court by entering relevant information in an electronic template

(1) This Paragraph applies to documents that have originally been filed in Court via the Electronic Filing Service.

(2) Where such a document is to be amended, whether pursuant to rule 22 of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) or, with leave of court, the amended document is to be prepared and filed by entering the relevant amendments in the appropriate electronic template. The amended document need not be filed in PDF format.

165. Request for urgent hearing dates or urgent hearings prior to the filing of the application through the Electronic Filing Service

Counsel requesting an urgent hearing before the Duty Registrar or Duty District Judge, or an urgent hearing date, in respect of an application that has not yet been filed through the Electronic Filing Service, shall submit a hard copy of the proposed application and any supporting affidavit to the Duty Registrar or Duty District Judge for the Court's retention and shall give an undertaking to file the application and supporting affidavit using the Electronic Filing Service by the next working day.

166. Correspondence and request for re-fixing of hearing dates

(1) All correspondence relating to or in connection with any proceedings in the Family Justice Courts shall be addressed to the Registrar of Family Justice Courts and sent to the registry of the Family Justice Courts.

(2) In addition, all letters shall be captioned with the number of the cause to which they relate and the names of the parties. For example:

“DIVORCE WRIT NO 1234 of 2012

Between ABC and DEF”

(3) If the correspondence relates to a particular hearing, the hearing date, time and nature of the hearing should be stated below the parties' names. For example:

“CASE CONFERENCE ON 1 JANUARY 2013 AT 2:30PM.”

(4) For cases which have been commenced electronically, a letter shall be sent to the Court by a law firm only using the Electronic Filing Service. If a letter is sent to the Court by a law firm in any other way, it is liable to be rejected. This sub-paragraph does not apply to litigants in person.

(5) A request for a hearing date to be re-fixed shall be in Form 32 in Appendix A to these Practice Directions and sent to the registry of the Family Justice Courts as soon as possible and at least 7 working days prior to the hearing date.

(6) Where the reason for re-fixing of the hearing is a conflict of court dates, the following information relating to both court cases must be stated in the request:

(a) the case number;

(b) the date and time of the hearing;

(c) the nature of hearing;

(d) the date when the applicant was informed of the hearing date or agreed to accept the hearing date (e.g. date of Registrar's Notice or date of case conference or Court mentions when the date was taken);

(e) in the event the hearing date in the Family Justice Courts was fixed earlier, whether the court subsequently giving the same hearing date was informed of the hearing already fixed in the Family Justice Courts; and

(f) in the event the hearing date in the Family Justice Courts was fixed later, whether the Family Justice Courts was informed of the earlier hearing date and the reasons for the earlier date.

(7) If a letter is sent to the Court by a law firm without the information specified in subparagraph (2) and (3), it is also liable to be rejected.

(8) Registrar's Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service.

(9) Registered users are to ensure that the inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

167. Pre-trial conferences for matrimonial proceedings under Part X of the Women's Charter (Cap. 353), section 17A(2) proceedings under the Supreme Court of Judicature Act (Cap. 322), and proceedings under the Guardianship of Infants Act (Cap 122)

(1) Pre-trial conferences known as case conferences will be conducted (pursuant to Order 34A of the Rules of Court (Cap. 322, R 5))—

(a) for matrimonial proceedings under Part X of the Women's Charter after the case is set down, where the case or any of the ancillary relief claimed is contested; and

(b) for section 17A(2) proceedings and proceedings under the Guardianship of Infants Act before a hearing date is given.

(2) The court may issue a Registry Notice for parties to attend the case conference with their solicitors (if the parties are represented in the proceedings); or, if one party is unrepresented, for the party with legal representation to attend the case conference with his or her solicitors.

(3) At the case conference, the matters to be considered include the following, where applicable:

(a) the service of documents;

(b) the likelihood of settlement of the contested issues;

(c) the ages of the child / children of the marriage;

(d) directions for parties to attend with counsel;

(e) directions for parties to attend mandatory counselling and mediation at the Child Focused Resolution Centre;

(f) the dates of the mediation and counselling sessions;

(g) directions on the conduct of mediation and counselling at the Family Resolution Chambers;

(h) the witnesses who will be called and whether they need interpretation;

(i) the filing of affidavits, reports, summonses and any other necessary documents;

(j) the necessity (if any) for an order for the Central Provident Fund Board to furnish information relating to the utilisation of CPF monies or CPF account balances where there is a claim for the division of a matrimonial property or CPF-related assets;

(k) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination;

(l) the number of days required for the hearing and the fixing of hearing dates; and

(m) the administrative arrangements for the next hearing (e.g. whether it will be conducted via Skype or whether interpreters are required, etc.).

(4) The principal solicitors having conduct of the case must personally attend the case conference. They are expected to be thoroughly prepared to discuss all relevant matters as the Assistant Registrar conducting the case conference will take a holistic approach to the case and consider all relevant matters relating to the case.

(5) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the case conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and / or counselling.

(6) The following sub-paragraphs shall apply in matrimonial proceedings under Part X of the Women's Charter where any of the ancillary relief claimed is contested and section 17A(2) of the Supreme Court Judicature Act.

(a) The parties or their counsel attending the case conference shall ensure that all affidavits, reports, Ancillary Matters Fact and Position Sheet in Form 33 in Appendix A to these Practice Directions and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before seeking a date for the hearing of the ancillary matters.

(b) Where the contested ancillary matters include the division of matrimonial assets, the parties or their counsel shall, upon the direction of the court, file the Declaration of the Value of Matrimonial Assets in Form 34 in Appendix A to these Practice Directions stating the net value of the matrimonial assets as at the date of the Declaration, the status of the proceedings and whether the case is to be heard in the Family Division of the High Court.

(c) At any time before the commencement of the hearing of the contested ancillary matters, where it is necessary to do so, the parties or their counsel shall, upon the direction of the court, file another Declaration of the Value of Matrimonial Assets in Form 34 in Appendix A to these Practice Directions, stating the net value of the matrimonial assets as at the date of the fresh Declaration, the status of the proceedings and whether the case is to be heard in the Family Division of the High Court.

(7) In proceedings under the Guardianship of Infants Act, where the parties are or were married under the provisions of Muslim law or are Muslims, both parties shall notify the Family Justice Courts Registry, by way of a letter in the prescribed format in Form 35 in Appendix A to these Practice Directions, a day before each hearing as to whether proceedings involving the same parties have been commenced in the Syariah Court.

168. Judicial Case Management

Introduction

(1) The overarching purpose of case management with the Family Justice Courts is to facilitate the just resolution of disputes according to law as inexpensively and as efficiently as possible with the least acrimony.

(2) The purpose of this Practice Direction is to state the purposes and principles of the Case Management philosophy within the framework of the Judge-Led Approach in proceedings.

Purposes

(3) Parties to a proceeding and their lawyers are required to conduct all proceedings in a way that is consistent with the overarching purpose and ideology governing Family Justice Courts proceedings.

Principles

(4) In giving effect to the overarching purpose, the Court, the parties and the parties' lawyers will necessarily have regard to how the interests of justice will be served either generally or in any particular proceeding.

Key elements

(5) To achieve the principles set out in paragraph (4), the parties and the parties' lawyers may expect that each case commenced in the Family Justice Courts may be placed in different tracks bearing in mind the main issues of the case. Possible tracks assigned are:

(a) Child track in which the main issues relate to custody, care and control and access

(b) International track in which the main issues may involve abduction of a child, relocation issues and issues of appropriate jurisdiction

(c) High conflict track in which the main issues are financial and the ascertainment of value and extent of the matrimonial assets amenable for division

(d) Violence track in which the issue is one of physical and mental abuse.

(6) A case may be assigned to one or more tracks.

(7) Each case will be allocated to a Judge (assigned Judge) who is then responsible for managing the case until final disposition.

(8) The assigned Judge will make orders about the way in which the case should be managed or prepared for hearing including referrals to mediation or other modes of alternative dispute resolution.

(9) The parties and the parties' lawyers may expect the assigned Judge to have regard to:

(a) identifying and narrowing the issues in dispute as early as possible;

(b) ascertaining the degree of difficulty or complexity of the issues determined to be in dispute;

(c) setting a hearing date early;

(d) minimising unnecessary interlocutory steps by permitting only interlocutory steps that are directed to identifying, narrowing or resolving the issues really in dispute between the parties; and

(e) exploring options for alternative dispute resolution as early as practicable.

(10) The parties and their lawyers are obliged to cooperate with, and assist, the Court in achieving the overarching purpose and, in particular, in identifying the real issues in dispute as early as possible and in dealing with those issues efficiently.

Interlocutory applications

(11) Where parties have included a claim for an interim relief, that claim may be heard on the return date fixed by the assigned Judge or a date for its later hearing may be set on the return date and directions for preparations made.

(12) If a claim for interlocutory relief is to be contested, parties or their lawyers should advise the assigned Judge as soon as possible and to give an estimate of the likely hearing time.

(13) Parties wishing to make urgent applications should contact the Court and to inform of urgency to be placed before the assigned Judge

(14) If a claim is made for discovery/interrogatories, parties and lawyers should expect that, with a view to eliminating or reducing the burden of discovery, the assigned Judge:

(a) will not order discovery as a matter of course, even where the parties consent, unless discovery is necessary for the determination of issues in the proceeding;

(b) will fashion any order for discovery to suit the issues in a particular case; and

(c) will expect the following questions to be answered:

(i) Is discovery necessary to facilitate the just resolution of the proceeding as quickly, inexpensively and efficiently as possible?

(ii) If discovery is necessary, for what purpose?

(iii) Can those purposes be achieved —

(A) by a means less expensive than discovery?

(B) by discovery only in relation to particular issues?

(iv) Where there are many documents, should discovery be given in a non-standard form, e.g. initially on a limited basis, with liberty to apply later for particular discovery or discovery on a broader basis?

(v) Whether discovery should be given by the use of categories or by electronic format or in accordance with a discovery plan?

(vi) Should discovery be given in the list of documents by categories and by a general description rather than by identification of individual documents?

(15) In determining whether to make any order for discovery, the Court will have regard to the issues in the case and the order in which they are likely to be resolved, the resources and circumstances of the parties, the likely benefit of discovery and the likely cost of discovery and whether that cost is proportionate to the nature and complexity of the proceeding.

Case conferences

(16) Case conferences will as needed be set to monitor progress in preparation, resolve emerging procedural and other issues and to make any necessary directions or orders.

Communications with Court

(17) It is never appropriate to contact the assigned Judge directly. The assigned Judge will inform parties and their lawyers of preferred modes of communication but in all cases, the general approach is through emails to the generic email address of the Family Justice Courts

(18) All communications with Court should be confined to routine procedural, administrative or procedural matters. Communications should never, unless this is invited, contain information or allegations which are material to the substantive issues in the litigation or which are intended to influence any decision of substance to be made by the assigned Judge.

169. Mediation and/or Counselling Directed by Court

(1) In any proceedings before the Court, it may direct that parties attend mediation and/or counselling (pursuant to section 50(1) of the Women's Charter (Cap. 353) or section 26(9) of the Family Justice Act 2014) to encourage parties to resolve the matter amicably and assist parties in reaching an agreement or to narrow the issues in contention.

(2) For child-related proceedings, a Family Dispute Resolution Conference ("FDR Conference") will be called to crystallise the issues of contention. All parties together with their counsel (if any) will have to attend the FDR Conference. At the FDR Conference, directions may be given in relation to the filing and exchanging of relevant documents and/or proposals. Parties will also be directed to attend mediation and/or counselling, whichever is appropriate.

(3) For non-child related proceedings, the Assistant Registrar or the Judge may direct parties to attend mediation and/or counselling, whichever is appropriate.

(4) Counsel is not expected to attend any counselling sessions directed by the Court. However, counsel and parties must personally attend all mediation sessions.

(5) For all mediation sessions, (whether child-related or otherwise) Counsel and parties are to prepare a Summary for Mediation in the prescribed format in Form 36 in Appendix A to these Practice Directions prior to the mediation for submission and discussion during the mediation, together with all relevant documents as may be directed by the Court.

(6) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their counsel (if any).

(7) For nullity, divorce, judicial separation proceedings, where interim judgment or judgment of judicial separation has been granted, any agreement will be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.

(8) For all other proceedings not covered by paragraph (7) above, any agreement reached will be recorded as a consent order by the Judge-Mediator at a mediation session Mediator or any

other Judge sitting as a Judge in Chambers upon the confirmation of the terms by the parties and/or counsel.

(9) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court. If the dispute is not resolved at the mediation session, the District Judge or Assistant Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Assistant Registrar conducting the mediation.

(10) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in for a clarification before the Judge-Mediator.

170. Mandatory Counselling & Mediation

(1) Section 50(3A) of the Women's Charter (Cap. 353) provides for mandatory counselling / mediation sessions at the Child-Focused Resolution Centre ("CFRC"). The first phase, beginning in September 2011, was for divorcing parents with any child or children below 8 years of age. The second phase, involving divorcing parents with any child or children below 14 years of age, will be implemented for cases filed as from 1st July 2013. With effect from 1st October 2014, the final phase will be implemented and extended to all divorcing parents with any child or children below 21 years of age.

(2) The location where the mandatory counselling/mediation sessions will be held for the final phase of cases would be at Family Justice Courts at 3 Havelock Square Singapore 059725.

(3) Notice(s) of attendance with location details will be sent to the plaintiff and defendant of the divorce proceedings. Attendance by the parties is compulsory. Attendance by the parties' respective counsel, if any, is required only when specifically stated in the notification.

(4) Counsel and parties are required to attend a Family Dispute Resolution Conference ("FDR Conference") for a preliminary discussion of the issues relating to the child or children of the marriage. The purpose is to crystallise the issues on matters relating to the child or children and to agree on mutually convenient dates for the parties to attend counselling / mediation. Any unresolved issue relating to the divorce (including any ancillary issues such as the question of maintenance or the division of matrimonial assets) may also be discussed.

(5) Counsel and parties are expected to come prepared to discuss all issues relating to or impacting the child or children.

(6) Immediately after the FDR Conference, the parties alone will attend an Intake and Assessment Session with their assigned Family Counsellor.

(7) Subsequent counselling sessions involving only the parties, may be fixed by the assigned Family Counsellor and the parties.

(8) A Mediation date will be given to the parties and counsel at the FDR Conference if appropriate for the case. It is important that parties attend on the dates given and use the opportunity to discuss and resolve the issues with the help of a Judge-Mediator and / or Family Counsellor. Counsel and parties are to prepare a Summary for Mediation in Form 36

in Appendix A to these Practice Directions prior to the mediation for submission and discussion during the mediation together with all relevant documents as may be directed by the Court.

(9) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their counsel (if any). Where interim judgment has been granted, the agreement will be recorded as a consent order by the Judge-Mediator at a subsequent mediation session upon confirmation of the terms.

(10) Where interim judgment or judgment for judicial separation has been granted, any agreement reached by the parties at any time may be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.

(11) Under section 50(3B) of the Women's Charter, the court may dispense with the attendance of the parties at mediation / counselling if it deems that it is not in the interests of the parties concerned to do so (e.g. where family violence has been committed or where Child Protection Services is involved in the case).

(12) Counsel should advise his / her client of the consequences of non-attendance under section 50(3D) and (3E) of the Women's Charter.

(13) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court where an agreement has been reached. If the dispute is not resolved at the mediation session, the District Judge or Assistant Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Assistant Registrar conducted the mediation.

(14) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in to court for a clarification before the Judge-Mediator.

171. Counselling

(1) The Court may direct that parties attend counselling pursuant to section 26(9) of the Family Justice Act.

(2) Counselling is conducted for the purpose of exploring the possibility of reconciliation, assisting parties to deal with the emotional aspects of a divorce or any other familial relationship, facilitating an amicable settlement of the facts supporting the breakdown of a marriage, advising parties on the arrangements which can be made for the welfare of children and facilitating an amicable settlement of the arrangements to be made for the welfare of children. Counselling may also be directed after any orders are made to assist parties with the emotional aspects of dealing with the outcome of the orders particularly in cases involving the relocation of a child.

(3) Counsel may attend a counselling session if the assigned counsellor considers it appropriate.

(4) The counsellor may request that the child be included in the counselling sessions, either alone or together with the parents depending on the case, if the counsellor is of the view that it would be in the interest of the child to be involved.

(5) Any request for a change or vacation of the counselling appointment shall be made at least 3 working days before the appointed date.

(6) Counselling sessions will be conducted on a without prejudice basis. The outcome after counselling shall be recorded by the counsellor and signed by the parties. A copy of the outcome form shall be given to each party. The outcome form and all communications made in the course of counselling will be treated in strict confidence and shall not be admissible in any court.

172. Appeals

(1) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge made in any family court proceedings shall be made to the Family Division of the High Court, and any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar or Assistant Registrar of the Family Justice Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.

(2) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge of the State Courts made in any family court proceedings shall be made to the Family Division of the High Court, and any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar of the State Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.

(3) The appeals counter of the Family Justice Courts Registry is located in the Civil Registry of the State Courts Building at 1 Havelock Square Singapore 059724.

173. Appeals on ancillary matters in Divorce Proceedings, Custody Matters or Section 17A(2) Supreme Court of Judicature Act Proceedings from the Family Courts to the Family Division of the High Court

(1) Appeals against final orders made by the District Judge in chambers on ancillary matters in divorce proceedings under the Women's Charter (Cap. 353), custody proceedings under

the Guardianship of Infants Act (Cap. 122), or section 17A(2) proceedings are governed by Order 55C of the Rules of Court. In practice, the District Judges furnish grounds of decision within 8 weeks of the filing of the notice of appeal although the furnishing of grounds of decision is not a requirement under the Rules of Court.

(2) To facilitate the conduct of appeal hearings before the Judge of the High Court in Chambers, parties are required to file the following documents prior to the appeal hearing:

(a) the appellant shall, within one week from the date of the release of the grounds of decision, file his submission, the record of appeal, and where the record of appeal exceeds 1000 pages, a core bundle, and serve a copy thereof on every respondent to the appeal or his solicitor; and

(b) the respondent shall, within one week from the date of the service of the documents referred to in sub-paragraph (2)(a), file his submission and a supplemental core bundle, where necessary, and serve a copy thereof on the appellant or his solicitor.

(3) The submissions to be filed by parties shall set out as concisely as possible:

(a) the circumstances out of which the appeal arises;

(b) the issues arising in the appeal;

(c) the contentions to be urged by the party filing it and the authorities in support thereof; and

(d) the reasons for or against the appeal, as the case may be.

(4) The parties shall file together with their submissions a bundle of authorities relied on by the Court below as well as other authorities to be relied on at the hearing of the appeal and serve such bundle of authorities on the other party.

(5) The record of appeal shall consist of:

(a) the notice of appeal;

(b) the certified copy of the grounds of decision;

(c) the certified copy of the notes of evidence;

(d) the originating process and all subsequent pleadings;

(e) the affidavits filed or referred to by parties for the hearing and any other documents, so far as relevant to the matter decided and the nature of the appeal; and

(f) the judgment or order appealed from.

(6) The core bundle shall contain a copy of:

(a) the grounds of decision;

(b) the judgment or order appealed from;

(c) the documents, including notes of evidence, pleadings and affidavits or portions thereof that are of particular relevance to any question in the appeal or that will be referred to at the appeal; and

(d) an index of the documents included therein, which shall cross-refer each document to its location in the record of appeal.

(7) If the respondent intends to refer to documents at the appeal that are not included in the core bundle filed by the appellant, the respondent shall file a supplemental core bundle that contains a copy of the documents, together with an index of the documents which shall cross-refer each document to its location in the record of appeal.

(8) The core bundle filed by the appellant shall not exceed 100 pages and the supplemental core bundle filed by the respondent shall not exceed 50 pages. In computing the number of pages, the copy of the order appealed from, the grounds of decision and the index of documents shall be excluded. The Judge of the High Court may take into consideration any failure to comply with this direction in deciding the costs to be awarded at the hearing of the appeal.

(9) The submissions, the record of appeal, the core bundle and the respondent's core bundle shall be filed at the appeals counter of the Family Justice Courts Registry.

(10) In order to assist the Judge hearing the appeal, the appellant and the respondent are to tender one hard copy of the record of appeal, submissions and the core bundle, where applicable, as well as any bundle of authorities to be relied upon to the appeals counter of the Family Justice Courts Registry not less than 5 working days before the hearing of the appeal.

174. Particulars of Statement of Claim

Bankruptcy status of both parties

(1) The Plaintiff must conduct a bankruptcy search on the Defendant.

(2) If the Plaintiff is a bankrupt, the Plaintiff must obtain the Official Assignee's sanction to commence the action.

(3) The Plaintiff must state the bankruptcy status of both parties in the Statement of Particulars with the relevant details as specified in sub-paragraph (5) below.

(4) If the Defendant is a bankrupt and is filing a Counterclaim, the Defendant must obtain and attach the Official Assignee's sanction to file a counterclaim in the Counterclaim with the relevant details as specified in sub-paragraph (7) below.

Statement of Particulars

(5) The Statement of Particulars to be filed pursuant to rule 7(1)(b) of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) must state the following information:

Bankruptcy Status

(a) whether the Plaintiff is a bankrupt and if so, to state whether the Official Assignee's sanction to commence the action has been obtained;

(b) whether there are pending bankruptcy proceedings filed against the Plaintiff and if so, to state the details of such proceedings, such as the originating summons number, the type of bankruptcy proceedings (e.g. creditor's or debtor's bankruptcy application), the creditor(s), the amount of the Plaintiff's debt, the stage of proceedings, etc.;

(c) whether the bankruptcy search conducted in relation to the Defendant shows that he is a bankrupt or that there are pending bankruptcy proceedings filed against the Defendant;

Domicile

(d) where the Plaintiff claims the court has jurisdiction based on domicile and neither the Plaintiff nor the Defendant is a Singapore citizen, to state the basis for claiming domicile in Singapore;

Habitual Residence

(e) where the Plaintiff claims the court has jurisdiction based on either party's or both parties' habitual residence in Singapore, to state the relevant details of the habitual residence, including the address(es) and duration of residence;

Separation

(f) where a statement of claim pleads facts that are based on section 95(3)(d) or (e) of the Women's Charter (Cap. 353) (i.e. 3 years' separation with consent and 4 years' separation respectively), the Statement of Particulars must specifically contain the following particulars:

(i) the date which the Plaintiff and the Defendant commenced their separation;

(ii) the reasons for both parties' intention to commence separation;

(iii) the duration of the separation;

(iv) the residential address of each party during the period of separation (if known); and

(v) if the parties have been living in separate households under the same roof for the period of the separation, to give details on how the parties have been living in separate households.

(6) The Statement of Particulars must include the following documents as annexures:

(a) a copy of the marriage certificate, including a translation thereof if it is not in the English language;

(b) a copy of the Defendant's Consent to Grant Judgment on Three Years' Separation in Form 37 of Appendix A to these Practice Directions (where relevant);

(c) the sanction of the Official Assignee to the Plaintiff's commencement of the action (where relevant);

(d) a copy of the bankruptcy search against the Plaintiff showing the results of the search (e.g. whether the search is negative or if it shows that the Plaintiff is a bankrupt or that there are pending bankruptcy proceedings against the Plaintiff); and

(e) a copy of the bankruptcy search against the Defendant showing the results of the search (e.g. whether the search is negative or if it shows that the Defendant is a bankrupt or that there are pending bankruptcy proceedings against the Defendant).

Counterclaim

(7) The Counterclaim to be filed pursuant to rule 18(3) of the Women's Charter (Matrimonial Proceedings) Rules must state the following information:

(a) whether the Defendant is a bankrupt and if so, to state whether the Official Assignee's sanction to file the counterclaim has been obtained; and

(b) whether there are pending bankruptcy proceedings filed against the Defendant and if so, to state the details of such proceedings, such as the originating summons number, the type of bankruptcy proceedings (e.g. creditor's or debtor's bankruptcy application), the creditor(s), the amount of the Defendant's debt, the stage of proceedings, etc.

(8) Where relevant, the sanction of the Official Assignee for the Defendant's filing of the Counterclaim must be included as an annexure to the Counterclaim.

175. Agreed Matrimonial Property Plan and Proposed Matrimonial Property Plan

(1) Rule 9(3)(b) of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) provides that the plaintiff shall serve a copy of the agreed matrimonial property plan on the Housing and Development Board ("HDB") prior to the filing of the agreed matrimonial property plan.

(2) Where parties have agreed that the HDB matrimonial asset is to be retained by one party (that is, Option 4 or 5 in Form 13 of the Women's Charter (Matrimonial Proceedings) Rules), the party seeking to file the agreed matrimonial property plan shall serve the "Request for Checking of Eligibility" in accordance with Form 38 in Appendix A to these Practice Directions on the HDB in addition to the agreed matrimonial property plan. The agreed matrimonial property plan and Form 38 shall be served on the HDB at —

(a) the Branch Office which is in charge of the estate where the HDB flat is located, where the HDB matrimonial asset is an HDB flat; and

(b) the Sales Section at HDB Centre, where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat.

(3) Where the HDB matrimonial asset is an HDB flat, the HDB standard query as required under rule 9(4) of the Women's Charter (Matrimonial Proceedings) Rules shall be in accordance with Form 39 in Appendix A to these Practice Directions and shall be served on the HDB at the Branch Office which is in charge of the estate in which the HDB flat is located. Where the HDB matrimonial asset is an Agreement for the Lease of an HDB flat, the HDB standard query shall be in accordance with Form 40 in Appendix A to these Practice Directions and shall be served on the HDB at the Sales Section at HDB Centre. The Housing and Development Board shall give the written answers to the standard query within one month of the service of the query.

(4) The relevant CPF statements referred to in rules 9 and 18 of the Women's Charter (Matrimonial Proceedings) Rules are statements which show—

(a) the amount of CPF monies and the amount of accrued interest thereon utilised by the party towards the purchase of any property (i.e. the Public Housing Scheme - Withdrawal Statement);

(b) the amount of CPF monies standing in the party's ordinary, medisave, special and retirement (if any) accounts respectively (i.e. the Statement of Account); and

(c) whether the CPF member had pledged the flat in lieu of setting aside the Minimum Sum or any part thereof in his / her CPF Retirement Account and if yes, the amount of pledged Minimum Sum and the accrued interest (this is applicable to CPF members aged 55 years and above only).

(5) The additional CPF information referred to in rules 9 and 18 of the Women's Charter (Matrimonial Proceedings) Rules are statements which show whether the CPF member have any Minimum Sum deficiency and if yes, the amount (this is applicable to CPF members aged 55 years and above and who are undischarged bankrupts only).

(6) The relevant CPF statements may be obtained in the following manner —

(a) by using the Statement Request, an online service provided in the CPF website at <http://www.cpf.gov.sg>, ("the CPF website"); or

(b) by attending, either personally or through an authorised representative, at any of the CPF Board offices and making a personal request for the relevant CPF statements, for which purpose a party or his authorised representative is to produce, for the CPF Board's verification —

(i) the National Registration Identity Card or passport of the party; and

(ii) where applicable, the original letter of authorisation signed by the party (i.e. the CPF member) and the National Registration Identity Card or passport of the authorised representative.

(7) The additional CPF information may be obtained by serving the original copy of Form 41 in Appendix A to these Practice Directions on the CPF Board at the Public Housing Section, Main Office of the CPF Board. Solicitors who wish to complete Form 41 on behalf of their clients shall annex a covering letter to Form 41 stating that they are the solicitors representing the CPF member for whom the enquiries are made. The CPF Board shall give the respective parties the written answers to the request for additional CPF information within one month of the service of Form 41.

(8) The date of the relevant CPF statements obtained must be no earlier than 3 months from the date of the filing of the writ.

(9) The replies of the HDB and the relevant CPF statements shall be retained by the parties and shown to the Court at the mediation or hearing of the ancillary matters, if necessary.

176. Status conferences and case conferences for matrimonial proceedings under Part X of the Women’s Charter (Cap. 353) and case conferences for proceedings under the Guardianship of Infants Act (Cap. 122)

(1) Status conferences and case conferences are conducted as provided in Paragraphs 167 and 177 of these Practice Directions.

(2) To facilitate a more effective and expedient processing of cases and to reduce the number of status conferences and pre-trial conferences, counsel and/or parties must submit a checklist in Form 45 in Appendix A to these Practice Directions.

(3) Form 45 must be sent to the Court at least 5 clear days before the first status conference for divorce proceedings and the first pre-trial conference for ancillary matters or for proceedings under the Guardianship of Infants Act (Cap. 122) (as the case may be).

(4) Both the Plaintiff and the Defendant must file their respective Form 45, whether through their respective counsel or (if unrepresented) in person.

177. Status conferences for matrimonial proceedings under Part X of the Women’s Charter (Cap. 353)

(1) Status conferences will be conducted (pursuant to Order 34A of the Rules of Court (Cap. 322, R 5) for matrimonial proceedings under Part X of the Women’s Charter before the case is set down for hearing.

(2) Status conferences are conducted for the purposes of ensuring that cases are dealt with and disposed of without delay and to assign time frames for the disposition of cases.

(3) At the status conference, the matters to be considered include the following:

(a) service of the writ and the affidavit of service;

(b) filing of all necessary documents;

(c) the likelihood of settlement;

(d) ages of the child / children of the marriage;

(e) directions for parties to exchange a list of relevant information on the ancillary issues;

(f) directions for parties to attend mandatory counselling and mediation at the Child Focused Resolution Centre;

(g) the dates of the mediation and counselling sessions;

(h) the date of setting down; and

(i) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination.

(4) To facilitate a more effective and expedient processing of cases and to reduce the number of court attendances, a Registrar’s Notice (“the First Status Conference Notice”) in the format as set out in Form 42 in Appendix A to these Practice Directions will be sent to the plaintiff within 6 weeks directing the plaintiff either —

(a) to set down the case for hearing by a stipulated date if the pleadings are closed; or

(b) to inform the Court of the status of the matter if the pleadings are not closed, for which purpose —

(i) the requisite information shall be given in Form 43 in Appendix A to these Practice Directions and shall be sent to the Court within 7 days of the First Family Conference Notice; and

(ii) upon receipt of Form 43, the Court will consider the reasons stated in the form and may make the appropriate directions for the matter.

(5) If the plaintiff fails to set down and to reply to the First Status Conference Notice in accordance with sub-paragraph (4) above, a Second Status Conference Notice in Form 44 in Appendix A to these Practice Directions shall be sent directing the plaintiff to set down the matter by a stipulated date, failing which the plaintiff is to attend a Status Conference.

(6) Where a case is set down for hearing before a status conference, the status conference will be vacated.

178. Affidavit of Assets and Means

(1) The Affidavit of Assets and Means (“AOM”) to be filed pursuant to rule 51 of the Women’s Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) shall be in Form 46 in Appendix A to these Practice Directions.

(2) The list of documents to be produced by each of the parties and exhibited to the AOM shall, where relevant, be as follows:

(a) the party’s payslips for the last 6 months before the filing of the AOM;

(b) the party’s evidence of employment, as well as evidence confirming his or her salary (eg. a letter from the party’s employer or a copy of an employment contract);

(c) the party’s Notice of Assessment of Income for the past 3 years before the filing of the AOM;

(d) if the party is an undischarged bankrupt, a letter confirming that the Official Assignee has no objections to the matrimonial proceedings, the Statement of Affairs and the latest Income and Expenditure Statement filed with the Official Assignee;

(e) the party’s updated Central Provident Fund (“CPF”) statements (which must be dated not more than 2 weeks before the filing of the AOM), showing contributions made by the party towards the purchase of any immoveable property and the balances in the party’s CPF accounts (if any);

(f) the party’s updated CPF Investment Account statements (which must be dated not more than 2 weeks before the filing of the AOM);

(g) the party’s Central Depository (Pte) Ltd (“CDP”) statements (if any);

(h) a copy of an updated search result made with the Accounting and Corporate Regulatory Authority (“ACRA”) in respect of any businesses owned by the party (which must be dated not more than 2 weeks before the filing of the AOM);

(i) a copy of any valuation report or transaction search in respect of any immoveable properties owned by the party;

(j) a copy of any tenancy agreement, hire purchase agreement, insurance policy or any letter from any insurance company showing the surrender value of any insurance policy of the party;

(k) the party's list of monthly expenses for himself or herself and / or the parties' child(ren) such as utilities bills, telephone bills, school fees, etc.;

(l) documents and receipts to prove the monthly expenses of the party and / or the parties' child(ren);

(m) the party's updated bank passbooks and / or bank statements (including sole and joint accounts) showing the party's banking transactions and account balances for the last 3 months before the filing of the AOM; and

(n) any other documents referred to or supporting the information in the AOM.

(3) In complex cases, parties may apply for further discovery under rule 25 of the Women's Charter (Matrimonial Proceedings) Rules of documents which are necessary and proportionate to the complexity and value of the case.

179. Forms of documents to be filed for proceedings under Chapter 4A of Part X of the Women's Charter (Cap. 353)

(1) An originating summons for leave under section 121D of the Women's Charter and rule 4A of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) to file an application for financial relief under section 121B of the Women's Charter shall be in Form 47 in Appendix A to these Practice Directions.

(2) The plaintiff's affidavit in support of the originating summons for leave under section 121D of the Women's Charter and rule 4A of the Women's Charter (Matrimonial Proceedings) Rules to file an application for financial relief under section 121B of the Women's Charter shall be in Form 48 in Appendix A to these Practice Directions.

(3) The plaintiff's affidavit in support of the originating summons for financial relief under section 121B of the Women's Charter shall be in Form 49 in Appendix A to these Practice Directions.

180. Discovery, inspection and interrogatories in respect of ancillary relief or financial relief

(1) Inspection of documents

(a) The notice to be served on a party requiring him to produce any document or documents for inspection under rule 27(1) of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) shall be in Form 50 in Appendix A to these Practice Directions.

(b) The notice to be served by a party (on whom a notice under rule 27(1) of the Women's Charter (Matrimonial Proceedings) Rules has been served) under rule 27(2) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 51 in Appendix A to these Practice Directions.

(2) Request or application for discovery and interrogatories

(a) In any application for discovery, inspection and interrogatories in respect of ancillary relief, the particular rule, paragraph and sub-paragraph (where applicable) of the Women's Charter (Matrimonial Proceedings) Rules under which the application is being taken out shall be stated in the application.

(b) A request for discovery under rule 25(4) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 52 in Appendix A to these Practice Directions, and a notice under rule 25(6) of the Women's Charter (Matrimonial Proceedings) Rules in response to the request for discovery shall be in Form 53 in Appendix A to these Practice Directions.

(c) An application for discovery under rule 25(1) to (3) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 56 in Appendix A to these Practice Directions.

(d) A request for interrogatories under rule 31(1) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 54 in Appendix A to these Practice Directions, and a notice under rule 31(3) of the Women's Charter (Matrimonial Proceedings) Rules in response to the request for interrogatories shall be in Form 55 in Appendix A to these Practice Directions.

(e) An application for interrogatories under rule 31(5) to (6) of the Matrimonial Proceedings Rules shall be in Form 57 in Appendix A.

(f) If more than 5 items are listed in the request (under rule 25(4) or 31(1) of the Matrimonial Proceedings Rules) or application (under rule 25(1) to (3) or rule 31(5) to (6) of the Matrimonial Proceedings Rules) for discovery or interrogatories, the request or application, as the case may be, shall comply with the following requirements:

(i) The various items under the request or application shall be organised by theme or type (for example, all items relating to bank accounts to be grouped together, all requests relating to companies to be grouped together, all items relating to a particular property to be grouped together). Each group of items under a particular theme or type shall be preceded by a heading.

(ii) If there are more than 5 sub-items within each item (for example, if bank statements in relation to more than 5 accounts with the same bank are requested), the sub-items shall be organised in either chronological, numerical, or alphabetical order, or alternatively, by themes (for example, all the sub-items relating to housing loan accounts to be listed together, all the sub-items relating to fixed deposits to be listed together).

(iii) The time-frame requested for each discovery item shall be stated (where relevant) (for example, if bank statements for a certain bank account are requested, to state which year(s) and / or month(s) the statements are requested for).

(iv) The relevant paragraphs and pages in the affidavit(s) relating to the item shall be stated for each item and sub-item, where applicable.

(v) If discovery of bank, trading or investment account statements are being requested, then the relevant account numbers (if known) shall be set out.

(g) A request (under rule 25(4) of the Matrimonial Proceedings Rules) or application (under rule 25(1) to (3) of the Matrimonial Proceedings Rules) for discovery and a request (under rule 31(1) of the Matrimonial Proceedings Rules) or application (under rule 31(5) to (6) of the Matrimonial Proceedings Rules) for interrogatories have to be filed through the separate prescribed templates in the Electronic Filing Service.

181. Examination of children

(1) Applicants for the leave of the Court for a child to be examined or assessed under rule 41 of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) must draft their applications in the prescribed format in Form 58 in Appendix A to these Practice Directions, with the appropriate modifications to suit the individual case.

(2) A draft Letter of Instruction to Expert Witness in the prescribed format in Form 59 in Appendix A to these Practice Directions, together with the relevant Schedules, must be annexed to the application.

(3) If parties are unable to agree on the expert to be appointed, the Court may consider appointing an expert from the panel of child psychiatrists nominated by the Institute of Mental Health.

182. Arrangements for the welfare of children

(1) Section 123 of the Women's Charter (Cap. 353) sets out the restrictions on the making of the interim judgment final for divorce or nullity of marriage or the granting of a judgment of judicial separation before proper arrangements for the welfare of the children have been made.

(2) To enable the Court to discharge its duty under section 123, counsel should, at the hearing of the proceedings, inform the Court —

(a) whether there are relevant children to whom the section applies;

(b) whether arrangements have or have not been made for the welfare of the children and that if arrangements have been made, whether they are satisfactory or are the best that can be devised in the circumstances;

(c) whether or not it is impracticable for the party or parties appearing before the Court to make such agreements; and

(d) whether or not the circumstances make it desirable that the interim judgment should be made final or as the case may be, that the judgment of judicial separation should be granted without delay.

183. Discovery and inspection in respect of maintenance proceedings under Part VIII of Women's Charter (Cap. 353)

(1) The list of documents to be provided by each of the parties under rule 2A(1) of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 4) is as follows:

(a) for applications for a maintenance order under section 69 or for the rescission or variation of a maintenance order under section 72 of the Women's Charter:

- (i) the party's list of monthly expenses for himself or herself;
- (ii) the party's list of monthly expenses for the parties' children;
- (iii) documents and receipts to prove the monthly expenses;
- (iv) documents to prove the parties' respective debts;
- (v) the party's payslips and CPF statements for the last 6 months;
- (vi) the party's evidence of employment (eg. employer's letter or employment contract);
- (vii) the party's Notice of Assessment of Income for the past 3 years;
- (viii) the party's updated bank passbooks and / or updated bank statements (including sole and joint accounts); and
- (ix) the party's bank deposit slips to show payment / non-payment of maintenance.

(b) for applications to enforce a maintenance order under section 71 of the Women's Charter:

- (i) the computation of arrears of maintenance;
- (ii) the party's updated bank passbooks and / or updated bank statements (especially for the period when the maintenance was not paid);
- (iii) the respondent's list of monthly expenses for himself or herself;
- (iv) the respondent's list of monthly expenses for the parties' children;
- (v) the parties' documents and receipts to prove the monthly expenses;
- (vi) the parties' documents to prove their respective debts;
- (vii) the respondent's payslips and CPF statements for the last 6 months;
- (viii) the respondent's evidence of employment (e.g. employer's letter or employment contract); and
- (ix) the respondent's Notice of Assessment of Income for the past 3 years.

(2) An application for discovery under rule 2A(4) of the Women's Charter (Matrimonial Proceedings) Rules shall be in Form 60 in Appendix A to these Practice Directions.

184. Adoption

Filing of commencement documents

(1) Solicitors are requested to file all applications for adoption orders in the Family Justice Courts.

(2) All applications for adoption orders filed on or after 1 January 2006 shall be made by originating summons in the prescribed format in Form 151 of Appendix A to the Rules of Court (Cap. 322. R 5).

(3) The applicants shall file the following documents, together with the originating summons:

(a) the Statement in Form 151A of Appendix A to the Rules of Court, through the Electronic Filing Service by entering the relevant information in the appropriate electronic template (for which purpose the applicants must ensure that the particulars contained in the infant's birth certificate correspond with those in the Statement, in particular, paragraph 8(c) of the Statement);

(b) an affidavit in support of the originating summons; and

(c) the consent in the prescribed form of every person or body who is a parent or guardian of the infant, or who has actual custody of the infant, or is liable to contribute to the support of the infant (which consent is to be filed separately from the affidavit in support of the originating summons).

Contents of the affidavit in support of the originating summons

(4) The affidavit in support of the originating summons must —

(a) contain the following information (where applicable):

(i) an averment by the applicant(s) as to the truth of the contents of the Statement;

(ii) the grounds in support of the prayer to dispense with the consent and / or service of documents on the natural parent(s) and / or grandparent(s) (if any) of the infant; and

(b) exhibit the following documents:

(i) a clear copy each of —

(A) the birth certificate or other means of identification of the infant;

(B) the identity card or other means of identification of the applicant(s);

(C) the marriage certificate of the applicants;

(D) the consents of all relevant persons, where applicable; and

(E) all other documents for proving the averments in the originating summons and Statement;

(ii) where the applicants are not Singapore citizens — valid documentary proof of their residency status in Singapore (e.g. Employment Pass; Work Permit; Dependant’s Pass; or any other evidence of permanent residency status);

(iii) where the infant to be adopted is not a Singapore citizen — valid documentary proof of the infant’s residency status in Singapore (e.g. Dependant’s Pass or any other evidence of permanent residency status); and

(iv) where the infant to be adopted was procured through an adoption agency —

(A) a declaration by the applicants as to the fees and expenses paid to the adoption agency;

(B) a detailed breakdown of the fees and expenses paid; and

(C) documentary evidence of the said fees and expenses.

Amendment of Originating Summons and Statement

(5) Where the Court makes an order granting the applicants leave to amend the originating summons, and where the amendments relate to the particulars of the applicants and / or infant or any information which also appear in the Statement, the applicants shall within 7 working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an affidavit averring to the truth of the contents of the amended statement. The amended originating summons, Statement and the affidavit in support shall be served on the guardian in adoption.

(6) Where the Court makes an order granting the applicants leave to amend the Statement, the applicants shall within 7 working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an affidavit averring to the truth of the contents of the amended Statement. The amended Statement and the affidavit in support shall be served on the guardian in adoption.

Dispensation of Consent and / or Service

(7) To ensure that adoption hearings are conducted more expeditiously, the applicants shall generally not be required to file separate summonses for orders such as dispensation of service of documents, dispensation of consent of the natural parents or guardian, etc. Such prayers are to be set out in the originating summons and shall be listed for hearing together with Prayer 1 (the prayer to appoint a guardian in adoption) of the said originating summons.

(8) Paragraph 33 of these Practice Directions shall apply to prayers for substituted service or dispensation of service of documents on a person whose consent is required, save for the case where the person whose consent is required consents to the summons for substituted service or dispensation of service.

(9) Before the Court dispenses with the consent of a person whose consent is required under section 4 of the Adoption of Children Act (Cap. 4) (hereafter referred to as “the person whose consent is required”), on the basis that the person cannot be found, the applicants shall make recent attempts to locate the person whose consent is required by contacting the person’s relatives, friends and employer(s) (if any), in order to discover the person’s whereabouts. The affidavit in support of the originating summons must also include the matters set out in Paragraph 33 of these Practice Directions.

(10) Where the natural parent(s) of the infant is / are below 21 years of age, the written consent of his / her parents or guardians (“the natural grandparents”) as adapted from the prescribed format in Form 152 of Appendix A to the Rules of Court is required. Where the applicants are unable to obtain the said consent(s), they shall apply to dispense with the consent of the natural grandparent(s) of the infant, and aver in an affidavit why the natural parents’ / grandparents’ consent(s) ought to be dispensed with and the recent efforts made to obtain the said consent(s).

(11) Where the particulars of the natural father of the infant are not stated on the infant’s birth certificate, the natural mother of the infant shall file an affidavit stating whether she is aware of the identity of the natural father and if so, to give brief reasons as to why his identity was not disclosed in the infant’s birth certificate. If the natural mother is unaware of the natural father’s identity, she shall aver in her affidavit why this is so.

(12) It shall not be necessary to apply for the dispensation of consent of the natural parent(s) of the infant and for the dispensation of service of documents on the natural parent(s) if the identity of the natural parent(s) is unknown.

Submission of supporting documents

(13) The original birth certificate and the original translation of the birth certificate (if any) of the infant shall be submitted to the Adoption Counter of the Family Justice Courts Registry at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption accompanied with a cover letter in the prescribed format in Form 61 in Appendix A to these Practice Directions.

(14) The written consent of the guardian in adoption to be appointed as the guardian in adoption shall be filed at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption.

185. Weekend / Public Holiday Duty Registrar and Judge at the Family Justice Courts

(1) The Duty Judge at the Family Justice Courts may hear an urgent application on Saturdays (from 1pm to 6pm) and on Sundays and public holidays (from 9am to 6pm) under the following circumstances:

(a) where the applicant, being a lawful guardian or parent of a child, is seeking to restrain or enjoin another party from taking the child out of jurisdiction without the consent of the applicant;

(b) the child’s departure from Singapore is so imminent that it would be too late for the application to be heard on the next working day; and

(c) there is a strong likelihood that the child, once taken out of Singapore, will not return to Singapore.

(2) To request the urgent hearing of such an application, the applicant should contact the Weekend / Public Holiday Duty Registrar at 97241402 during the following operating hours:

(a) 1 p.m. to 6 p.m. on Saturdays; and

(b) 9 a.m. to 6 p.m. on Sundays and public holidays.

(3) The Duty Registrar will only arrange for the hearing of the application before the Duty Judge if the applicant satisfies the Duty Registrar that the case meets all the criteria stipulated in sub-paragraph (1).

(4) If the applicant is unable to file the application and supporting affidavits via the electronic filing service (EFS) before the hearing, he / she must give a signed written undertaking to the Court to do so in accordance with Form 62 in Appendix A to these Practice Directions before the application will be heard. The applicant must bring three copies each of the application, the supporting affidavit and the appropriate draft orders of court (Form 63 in Appendix A to these Practice Directions) for the ex parte hearing.

(5) On an ex parte application for an injunction against the permanent removal of a child from Singapore, the Court would require the applicant, to give an undertaking to compensate any party for any loss caused as a result of the application. The Court may require the undertaking as to damages to be supported by —

(a) making payment into Court;

(b) furnishing a banker's guarantee; or

(c) making payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.

(6) An applicant for an order under section 14 of the Guardianship of Infants Act (Cap. 122) must prepare the following documents in accordance with the appropriate forms in Appendix A to these Practice Directions and bring them along to the hearing:

(a) the Order of Court being sought (Form 64 in Appendix A to these Practice Directions);

(b) the Writ for Seizure (Form 65 in Appendix A to these Practice Directions);

(c) the Request for Writ for Seizure (Form 66 in Appendix A to these Practice Directions);

(d) the applicant's letter of undertaking to indemnify the Family Justice Courts and the Bailiff against any liabilities or claims that may arise from or in connection with the execution of the order granted by the Court to the applicant (Form 67 in Appendix A to these Practice Directions);

(e) the applicant's letter of undertaking to pay compensation / damages and to serve the documents (Form 68 in Appendix A to these Practice Directions); and

(f) the applicant's counsel's letter of undertaking to ensure a calm and orderly execution and to pay the costs, expenses and charges of execution should the same not be fully paid by the applicant (Form 69 in Appendix A to these Practice Directions)

(7) The forms in Appendix A to these Practice Directions are intended to make it easier for persons served with the relevant orders to understand what the orders mean. These standard form orders should be used save to the extent that an applicant is of the view that the form should be varied and the Duty Judge hearing a particular application considers that there is a good reason for adopting a different form. Any departure from the terms of the standard forms must be justified by the applicant in his / her supporting affidavit(s).

(8) If an order is granted under section 14 of the Guardianship of Infants Act (Cap. 122), the applicant must do the following:

- (a) accompany the Bailiff to the place of execution and identify the child to be seized;
- (b) instruct his / her solicitor (if any) to accompany the Bailiff;
- (c) provide specific address of execution and if the execution is at an airport (whether Singapore Changi or Seletar), solicitor/applicant shall provide the details of flight and terminal number (boundary of seizure at the airport is restricted to public area); and
- (d) engage and pay for the costs of an auxiliary police officer to accompany the Bailiff to the place of execution, subject to the condition that where the person against whom the execution is to be carried out or the child / any of the children concerned is a female, the auxiliary police officer shall be a female officer.

(9) For the avoidance of doubt, every applicant must comply with Paragraph 41 of these Practice Directions.

186. Proceedings under the Mental Capacity Act (Cap 177A)

Any application under the Mental Capacity Act made in relation to any proceedings commenced in the High Court under Part I of the Mental Disorders and Treatment Act (Cap. 178) shall be heard and determined by the Family Division of the High Court.

187. Documents to be filed

An originating summons to commence mental capacity proceedings shall be in Form 70 in Appendix A to these Practice Directions

188. Where permission is not required to make an application

(1) The definition of “P” in Order 99, rule 1 of the Rules of Court (Cap. 322, R 5) shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the Mental Capacity Act) and to whom any proceedings under the Mental Capacity Act (Cap. 177A) relate.

(2) If the plaintiff or applicant falls or believes himself to fall within the categories of persons who do not require permission to file an application, this shall be stated in the supporting affidavit. Relevant documents, such as copies of birth certificates or marriage certificates, of the lasting powers of attorney or of the court orders appointing the deputies shall be exhibited to support the averment that no permission is required for an application under the Mental Capacity Act.

189. Where permission is required to make an application

(1) Apart from the categories listed in section 38 of the Mental Capacity Act (Cap. 177A), permission is required for an application to the Court under the Mental Capacity Act.

(2) Where permission is required, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds relied upon by the plaintiff or applicant.

190. Service of application on named defendants and relevant persons

(1) Order 99, rule 5 of the Rules of Court (Cap. 322, R 5) requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings and on each relevant person.

(2) In a situation where there are no named defendants, the application shall still be served on relevant persons.

(3) Service on a named defendant shall be by way of personal service. Service on relevant persons may be by way of ordinary service pursuant to Order 62, rule 6 of the Rules of Court, unless directed otherwise by the Court.

(4) Where a relevant person resides overseas and the plaintiff or applicant is able to show that an electronic mail account to which the document will be sent belongs to the relevant person to be served and that it is currently active, the Court may permit service on such a relevant person to be carried out by way of electronic mail. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit.

(5) Subject to the timelines specified under Order 99, rule 5(2) of the Rules of Court, one affidavit of service may be filed in respect of service on all the named defendants and relevant persons in any application. The dates, times and manner of service for each of the named defendant and relevant person have to be stated clearly in the affidavit of service.

191. Relevant persons

(1) ‘Relevant persons’ are persons who have an involvement in P’s life and/or who are likely to have an interest in the application. Often, P’s immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P.

(2) ‘Relevant persons’ for the purposes of Order 99, rule 5 of the Rules of Court (Cap. 322, R 5) will therefore often include the following immediate family members:

(a) P’s spouse;

(b) P’s children (aged 21 and above);

(c) P’s parents or guardians; and

(d) P’s brothers or sisters (aged 21 and above).

(3) However, the presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P’s immediate family should not be served. For example, where the family member in question has had little or no involvement in P’s life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.

(4) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 75 in Appendix A to these Practice Directions on relevant persons.

(5) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (2) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P's life and has shown no inclination to do so.

(6) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 75 in Appendix A to these Practice Directions include:

- (a) any other relatives or friends who have a close relationship with P;
- (b) any person who has a legal duty to support P;
- (c) any person who will benefit from P's estate; and
- (d) any person who is responsible for P's care,

except that if there is no such person to the best of the plaintiff's or applicant's knowledge, he is to state this in his supporting affidavit.

(7) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.

(8) In cases where P has had severe intellectual disability since early childhood and where P's parents are P's sole caregivers and where P is now no longer a minor and P's parents need to be authorised to continue to look after P's affairs, P's parents would normally be the only relevant persons for the purposes of the application but the applicants must provide sufficient information to enable the Court to reach the conclusion that there are no other relevant persons.

(9) Organisations providing residential accommodation to P

(a) If P resides at an organisation providing residential accommodation (regardless of whether it also provides care or treatment to P), the plaintiff or applicant shall serve the application, the supporting affidavits and the Notice to Relevant Person in Form 75 in Appendix A to these Practice Directions on such an organisation as soon as possible and in any event, not more than 2 working days after the application has been filed. For the purposes of the application, the organisation providing residential accommodation to P shall be considered a relevant person. However, the plaintiff or applicant need not obtain the consent of such an organisation to the application.

(b) If the organisation providing residential accommodation to P wishes to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, it shall notify the Court within 8 days after the date on which the organisation is served with the application. If such a notification is submitted, the Court may require and direct for the submission of a report and/or attendance of the maker of the report at the hearing of the application.

192. Consent of relevant persons

(1) If any relevant person to be served has consented to the application and to dispensation of service, the plaintiff or applicant shall file the consent of the relevant person in Form 74 in Appendix A to these Practice Directions together with the application. The consent given by the relevant person to the application and to dispensation of service must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths.

(2) The Court may dispense with the service of the application on the relevant person on the application of the plaintiff or applicant. It should be stated clearly in the supporting affidavit that such relevant persons have given their consent to the application and to the dispensation of service.

193. Notification of P

(1) In all cases of notification, the person effecting notification must provide P with the information required under Order 99, rule 6 of the Rules of Court and this Part of these Practice Directions in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).

(2) The certificate of notification filed under Order 99, rule 6(5) of the Rules of Court shall be in Form 76 in Appendix A to these Practice Directions.

(3) Under the Mental Capacity Act, notification of P shall be the norm rather than the exception. However, in certain appropriate circumstances, the person required to notify P may apply to Court for an order to dispense with the requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P. The reasons for seeking dispensation of notification shall be stated in the supporting affidavit of the plaintiff or applicant.

194. Responding to an application

(1) If a relevant person served with an application wishes to object to the application or any part of it, he must apply to the Court to be joined as a party to the proceedings within 21 days after the date on which he was served with the application. The application to be joined as a party to the proceedings shall be in Form 78 in Appendix A to these Practice Directions and be supported by an affidavit stating his interest in the application and the grounds of his objection.

(2) If a relevant person served with an application consents to the application, his written consent must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths and must be in Form 74 in Appendix A to these Practice Directions. The written consent should be filed within 21 days after the date on which he was served with the application by him or by the plaintiff or applicant.

(3) Where a person who was not served with any application (whether listed as a relevant person or otherwise in the supporting affidavit of the plaintiff or applicant) wishes to be heard in the proceedings, he must apply to be joined as a party to the proceedings in Form 78 in Appendix A to these Practice Directions.

195. Applications involving the appointment of deputies

The prayers

- (1) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 70 in Appendix A to these Practice Directions.
- (2) It must be stated clearly in the originating summons whether the declaration sought in respect of P's lack of capacity concerns either P's personal welfare or P's property and affairs or both.
- (3) The plaintiff or applicant should ensure that the originating summons, the supporting affidavit and the doctor's affidavit exhibiting the medical report are consistent as to whether P lacks capacity in relation to his personal welfare or his property and affairs or both.
- (4) If there is more than one deputy sought to be appointed, the originating summons must state whether the deputies are to act jointly or jointly and severally.
- (5) The powers sought for the deputies are to be drafted appropriately to suit the purpose of each application.
- (6) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

The supporting affidavits by the plaintiff or applicant and the deputies

- (7) The affidavit to be filed by the plaintiff or applicant and all proposed deputies in support of the application for the appointment of a deputy or deputies shall be in Form 71 in Appendix A to these Practice Directions.
- (8) In the case of applications for direct payment of P's hospital and/or nursing home charges from P's funds or P's insurance and where no deputy is to be appointed, the affidavit to be filed by the plaintiff or applicant in support of the application shall be in Form 72 in Appendix A to these Practice Directions.

The doctor's affidavit exhibiting the medical report

- (9) In order to assist the Court, the medical report shall —
 - (a) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of P;
 - (b) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
 - (c) be current and shall not be made more than 6 months before the date of the application; and
 - (d) contain a clear opinion on P's prognosis
- (e) The affidavit and medical report to be filed by P's doctor in support of the application for the appointment of a deputy or deputies shall be in Form 77 in Appendix A to these Practice Directions.

The affidavit by the successor deputy or deputies

(10) If the plaintiff or applicant seeks to apply for the appointment of successor deputy or deputies, the application must also be accompanied by an affidavit of the proposed successor deputy or deputies in Form 73 in Appendix A to these Practice Directions.

196. Application subsequent to the appointment of deputy

(1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit and served on every defendant and every relevant person who had initially been served with the originating summons in accordance with Paragraph 190 of these Practice Directions.

(2) If an application under sub-paragraph (1) is filed more than 6 months from the date of the order, the application must be served personally on every defendant. If such an application is filed 6 months or less from the date of the order, the service on every party to the proceedings may be by way of ordinary service. Service of an application under sub-paragraph (1) on every relevant person shall be by way of ordinary service, unless directed by the Court. Proof of service on the defendant(s) and the relevant person(s) may be given in a manner provided for by Paragraph 190(4) of these Practice Directions.

(3) All applications together with the supporting affidavit shall be served on the Public Guardian within 7 days after the date on which the application is filed.

197. Application relating to lasting power of attorney

(1) Any application relating to a lasting power of attorney shall be filed by way of an originating summons supported by an affidavit.

(2) If the plaintiff or applicant knows or has reason to believe that the donor lacks capacity, he shall notify the donor in accordance with Order 99, rule 6 of the Rules of Court (Cap. 322, R 5) and Paragraph 193 of these Practice Directions.

198. Application for statutory wills

(1) The application for a statutory will under section 23(1)(i) of the Mental Capacity Act (Cap. 177A) shall be by way of an originating summons.

(2) The application shall be accompanied by a supporting affidavit which includes the following information and exhibits:

(a) a copy of the draft will;

(b) a copy of the existing will or codicil (if any);

(c) any consents to act by proposed executors;

(d) details of P's family, preferably in the form of a family tree, including details of the full name and date of birth of each person included in the family tree;

(e) a schedule showing details of all of P's assets and properties, with up to date valuations;

(f) an up to date report of P's medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future, and testamentary capacity; and

(g) an explanation as to why it is necessary or desirable for the Court to execute the will on behalf of P.

(3) The Court may direct that any other material or information is to be filed by the plaintiff and if it does, the material or information is to be set out in a supplementary affidavit.

(4) The application shall also be accompanied by a doctor's affidavit and medical report; both of which must comply with Paragraph 195(3) of these Practice Directions.

(5) The plaintiff must name as a defendant —

(a) any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application;

(b) any beneficiary under the proposed will or codicil who is likely to be materially or adversely affected by the application;

(c) any prospective beneficiary under P's intestacy where P has no existing will; and

(d) any donee under a lasting power of attorney executed by P or any Court-appointed deputy of P.

(6) Once an order is made for a statutory will, the applicant must file a copy of the will for sealing by the Court. The statutory will is considered valid only with the seal of Court.

199. Litigation Representative in mental capacity proceedings

(1) Where P is a party to any mental capacity proceedings with a litigation representative, P should be referred to in the proceedings as "P (by A.B., his litigation representative)".

(2) The application to be the litigation representative of P shall be in Form 78 in Appendix A to these Practice Directions. The supporting affidavit must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court (Cap. 322, R 5).

(3) Under Order 99, rule 8(2) of the Rules of Court, the Court may, on its own motion or on the application of any person (including P), permit P to conduct any mental capacity proceedings without a litigation representative. An application made to permit P to conduct mental capacity proceedings without a litigation representative must be supported by a medical report stating that P does not lack capacity to conduct proceedings himself.

(4) The Court may either on its own motion, or on the application of any person –

(a) direct that a person may not act as litigation representative;

(b) terminate a litigation representative's appointment, or

(c) appoint a new litigation representative in place of an existing one.

(5) An application for any of the orders referred to in sub-paragraph (4) must be supported by affidavit. If the order sought is the substitution of a new litigation representative for an existing one, the evidence must satisfy the Court of the matters set out in in Order 99, rule 8(5)(a) of the Rules of Court.

200. Where P ceases to lack capacity or dies

(1) Where P ceases to lack capacity or dies, steps may need to be taken to finalise the court's involvement in P's affairs.

Application to end proceedings

(2) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:

(a) P;

(b) his litigation representative; or

(c) any other person who is a party to the proceedings.

(3) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Applications where proceedings have concluded

(4) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to security).

(5) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Procedure to be followed when P dies

(6) An application for final directions (including discharging an order appointing a deputy or discharging the security) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.

Final report by deputy

(7) The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

201. Applications subsequent to the filing of the originating summons in mental capacity proceedings

All applications subsequent to the filing of the originating summons in any mental capacity proceedings shall be made by way of Form 78 in Appendix A to these Practice Directions.

202. Order of Court

(1) An order of Court shall be in Form 79 in Appendix A to these Practice Directions and shall be signed by the Registrar.

(2) An order of Court shall be drawn up and filed in accordance with Order 42, Rule 10 of the Rules of Court (Cap. 322, R 5) within 7 days after the date on which the order was made.

203. Proceedings under the International Child Abduction Act (Cap. 143C)

(1) All documents relating to proceedings under the ICAA which are to be heard and determined by the Family Justice Courts shall be filed at the Family Justice Courts registry.

(2) All processes to commence proceedings under the ICAA on or after 1 October 2014 shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(3) An originating summons to commence proceedings under section 8 of the ICAA in the Family Justice Courts shall be in Form 80 in Appendix A to these Practice Directions.

(4) An originating summons to commence proceedings under section 14 of the ICAA in the Family Justice Courts shall be in Form 81 in Appendix A to these Practice Directions.

(5) The plaintiff’s or applicant’s affidavit in support of the originating summons under both section 8 (Form 82 in Appendix A to these Practice Directions) and section 14 (Form 83 in Appendix A to these Practice Directions) shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(6) All subsequent applications and documents in or ancillary to proceedings under the ICAA shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

(7) All applications and supporting documents to vary any order of the Family Justice Courts in proceedings under the ICAA shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

Service of application on named defendants

(8) Order 102, rule 7 of the Rules of Court (Cap. 322, R 5) requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings.

(9) Service on a named defendant shall be by way of personal service, unless directed otherwise by the Court.

The plaintiff’s supporting affidavit

(10) The affidavit to be filed by the plaintiff or applicant in support of an application under section 8 of the ICAA shall be in Form 82 in Appendix A to these Practice Directions.

(11) The affidavit to be filed by the plaintiff or applicant in support of an application under section 14 of the ICAA shall be in Form 83 in Appendix A to these Practice Directions.

Applications subsequent to the filing of the originating summons in proceedings under the ICAA

(12) All applications subsequent to the filing of the originating summons in any ICAA proceedings shall be made by way of Summons in Form 84 in Appendix A to these practice Directions.

Form of Order of Court

(13) An order of Court in any ICAA proceedings shall be in Form 85 in Appendix A to these Practice Directions and shall be signed by the Registrar.

APPENDIX A:

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IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)

No. of 20)

Between

(NRIC No.)

...Plaintiff

And

(NRIC No.)

...Defendant

NOTICE OF ADDRESS FOR SERVICE ON CHILD REPRESENTATIVE

1. I have been appointed the Child Representative for your child(ren), namely (insert name of child) pursuant to the Order of Court dated .
2. Please serve on me all documents filed in Court relating to the custody care and control and access of the child(ren) by delivering a copy/copies of the same at the following address:

[insert address]

Name of Child Representative:

Law Firm/Employer Organisation:

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IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)

No. of 20)

Between

(NRIC No.)

...Plaintiff

And

(NRIC No.)

...Defendant

SUBMISSION BY CHILD REPRESENTATIVE

A. Date of Appointment of Child Representative:

B. Child(ren) who are subject of these proceedings:

C. Brief Facts of the Case/Chronology:

D. Documents served on the Child Representative by parties:

<u>Description of Documents</u>	<u>Filed in Court on</u>

E. Other relevant documents :

<u>Description of Documents</u>	<u>Date of Document</u>

F. Meetings/Phone Calls with the child:

	<u>Date</u> of <u>meeting/Phone Call</u>	<u>Venue</u> of <u>meeting</u>	<u>Brief</u> <u>description</u> <u>as to what</u> <u>transpired at</u> <u>meeting</u>	<u>Any other</u> <u>person(s)</u> <u>present</u>	<u>Person</u> <u>who</u> <u>brought</u> <u>child to</u> <u>meeting</u>	<u>Length</u> of <u>meeting/phone call</u>
<u>1.</u>						
<u>2.</u>						

G. Meetings/Interviews/Phone Calls with any other person(s):

	<u>Date</u> of <u>meeting/Phone call</u>	<u>Name</u> of <u>Person</u>	<u>Relationship</u> <u>with the</u> <u>child</u>	<u>Venue</u> of <u>meeting</u>	<u>Brief</u> <u>description</u> <u>as to what</u> <u>transpired at</u> <u>interview/</u> <u>meeting</u>	<u>Length</u> of <u>meeting/phone call</u>
<u>1.</u>						
<u>2.</u>						

H. Summary of Key Observations made by the Child Representative/Issues:

I. Applicable Case Law:

J. Analysis of the Issues/Basis of Proposals below

K. Proposed Orders/Recommendations:

[If CR is unable to make any proposal, to state reason(s) why]

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REQUEST FOR RE-FIXING OF HEARING DATE

Case No: D/OS* No. _____			
Type of Hearing (please tick)		<input type="checkbox"/> Contested divorce <input type="checkbox"/> Uncontested divorce <input type="checkbox"/> Ancillary matters <input type="checkbox"/> Recording of consent orders <input type="checkbox"/> OS Hearing <input type="checkbox"/> SUM Hearing <input type="checkbox"/> Status Conference <input type="checkbox"/> Case conference <input type="checkbox"/> Registrar's Appeal / Taxation / Further Arguments* <input type="checkbox"/> Others (please specify) _____	
Date / Time of Hearing		(To indicate if it is a special date)	
<u>A. Particulars of party making the request</u>			
Name of solicitor		_____	
Name of law firm		_____	
Tel No.		Fax No.	_____
<u>B. Particulars of the other parties</u>			
Name of solicitor		_____	
Name of law firm		_____	
Tel No.		Fax No.	_____
<u>C. Reason for Request</u>			
(Please state (with documentary evidence if relevant) why an adjournment is warranted. If the reason is a conflict of court dates, please explain how this situation arose and when and how dates for the relevant hearings were given The case number, nature of hearing, date and time of hearing and the relevant Court are also to be stated. All supporting documents are to be submitted.)			
<u>D. Has the other party been informed?</u>		<u>E. Has the other party consented to this Request?</u>	
() Yes () No		() Yes () No	
Name and Signature of lawyer making request			
<u>FOR OFFICIAL USE ONLY</u>			
Request is approved: Yes / No / Further information required *			
Date _____		District Judge / Assistant Registrar _____	

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ANCILLARY MATTERS FACT AND POSITION SHEET

(Title as in action)

Party Filing this Ancillary Matters Fact and Position Sheet: Plaintiff/Defendant*

A. DIVISION OF MATRIMONIAL ASSETS

I. Matrimonial Home (See Annex A for Other Real Property)

Address of matrimonial home:

[to specify]

<u>S/No.</u>	<u>Item</u>	<u>Information</u>	<u>Affidavit reference or supporting document</u>
<u>1</u>	<u>Valuation/Surrender value</u>		<u>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</u>
<u>2</u>	<u>Current outstanding loan (state amount and date on which that amount is outstanding)</u>		
<u>3</u>	<u>Plaintiff's total CPF contributions</u>	<u>Principal:</u> <u>Interest:</u> <u>Total:</u>	
<u>4</u>	<u>Defendant's total CPF contributions</u>	<u>Principal:</u> <u>Interest:</u> <u>Total:</u>	
<u>5</u>	<u>Plaintiff's total cash contributions towards purchase</u>		
<u>6</u>	<u>Defendant's total cash contributions towards purchase</u>		
<u>7</u>	<u>Any other contributions towards this property by Plaintiff, e.g. renovations,</u>		

<u>S/No.</u>	<u>Item</u>	<u>Information</u>	<u>Affidavit reference or supporting document</u>
	<u>furniture, etc.</u>		
<u>8</u>	<u>Any other contributions towards this property by Defendant, e.g. renovations, furniture, etc.</u>		

State what party wants in respect of the matrimonial home, and how sale proceeds, if any, are to be split between parties:
[to specify]

II. Other Property Owned By This Party (Excluding Real Property)

<u>S/No.</u>	<u>Item</u>	<u>Value of property</u>	<u>Affidavit reference or supporting document</u>
	<u>[In this column, state the nature of the property: i.e. CPF monies in the party's Ordinary Account, insurance policies, etc. For example, ABC Bank account no. 1111111.]</u>	<u>[In this column, also state the date for which the value of the property is given. For example, S\$400 as at 1 January 2006.]</u>	<u>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</u>

State what this party wants as regards above assets:
[to specify]

III. Other Property Owned By the Other Party (Plaintiff/Defendant*)

<u>S/No.</u>	<u>Item</u>	<u>Value of property</u>	<u>Affidavit reference or supporting document</u>
	<u>[In this column, state the nature of the property: i.e. CPF monies in party's Ordinary Account, insurance policies, etc. For example, ABC Bank account no. 1111111.]</u>	<u>[In this column, also state the date for which the value of the property is given. For example, S\$400 as at 1 January 2006.]</u>	<u>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</u>

State what this party wants as regards the other party's above assets:
[to specify]

B. MAINTENANCE

<u>S/No.</u>	<u>Item</u>	<u>Information</u>	<u>Affidavit reference or supporting document</u>
<u>1</u>	<u>Party's income</u>		<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>
<u>2</u>	<u>Party's occupation</u>		
<u>3</u>	<u>Party's total monthly expenses</u>		<i>[State where the breakdown of the party's expenses can be found.]</i>
<u>4</u>	<u>Children's total monthly expenses</u>	<i>[State sub-total for each child, followed by the total amount for all children.]</i>	<i>[State where the breakdown of the children's expenses can be found.]</i>
<u>5</u>	<u>Existing maintenance order/existing voluntary payment for wife*</u>		
<u>6</u>	<u>Existing maintenance order/existing voluntary payment for children*</u>		
<u>7</u>	<u>Existing maintenance order/existing voluntary payment for household*</u>		

I. Maintenance of children

State how the children's total expenses should be divided (i.e. whether parties are to bear them equally, whether one party is to bear all the expenses, whether the expenses are to be divided 70:30, etc.):
[to specify]

II. Maintenance of wife

State the amount the wife is asking for maintenance: [to specify]

State the amount being offered (if any) for the wife's maintenance: [to specify]

C. ISSUES RELATING TO THE CHILDREN

Number of children: [to specify]

Names and ages of each child:

<u>Name of child</u>	<u>Age</u>

I. Custody

State what this party wants regarding custody: [to specify]

II. Care and Control

State what this party wants regarding care and control: [to specify]

III. Access

1. State what this party wants regarding access if:

a. he/she* is the parent with care and control

School term access:

School holiday access:

Public holiday access:

Others:

b. he/she* is not the parent with care and control

School term access:

School holiday access:

Public holiday access:

Others:

2. Proposed handover venue and person to hand over the children: [to specify]

3. State the terms of any interim custody and access order/who presently has care and control of children and any existing access arrangements*: [to specify]

* Delete where inapplicable.

Annex A - Other Real Property

State, in respect of each property:

Address:

Valuation/Surrender value:

<u>S/No.</u>	<u>Item</u>	<u>Information</u>	<u>Affidavit reference or supporting document</u>
<u>1</u>	<u>Valuation/Surrender value</u>		<i>[In this column, state exactly where the document may be found, giving the page number of the relevant affidavit or bundle of documents, as appropriate.]</i>
<u>2</u>	<u>Current outstanding loan (state amount and exact date on which that amount is outstanding)</u>		
<u>3</u>	<u>Plaintiff's total CPF contributions</u>	<u>Principal:</u> <u>Interest:</u> <u>Total:</u>	
<u>4</u>	<u>Defendant's total CPF contributions</u>	<u>Principal:</u> <u>Interest:</u> <u>Total:</u>	
<u>5</u>	<u>Plaintiff's total cash contributions towards purchase</u>		
<u>6</u>	<u>Defendant's total cash contributions towards purchase</u>		
<u>7</u>	<u>Any other contributions towards this property by Plaintiff, e.g. renovations, furniture, etc.</u>		
<u>8</u>	<u>Any other contributions towards this property by Defendant, e.g. renovations, furniture, etc.</u>		

State what this party wants in respect of the property, and how sale proceeds, if any, are to be divided between parties:

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DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

(Title as in action)

1 The net value of the matrimonial assets is asserted to be more/less* than \$5 million.

2 The detailed breakdown of the matrimonial assets is as follows:

<u>Assets asserted to be matrimonial assets</u>	<u>Please specify each asset</u>	<u>Current gross value of each asset</u>
	<u>1.</u>	
	<u>2.</u>	
	<u>3.</u>	
	<u>4.</u>	
	<u>5.</u>	
		<u>Total:</u>
<u>Outstanding liabilities due to third parties which should be deducted from value of matrimonial assets</u>	<u>Please specify each liability</u>	<u>Amount for each liability</u>
	<u>1.</u>	
	<u>2.</u>	
	<u>3.</u>	
	<u>4.</u>	
	<u>5.</u>	
		<u>Total:</u>
<u>Net Value of the Matrimonial Assets:</u>		

3 The order is not likely/likely* to be enforced in another jurisdiction by a party.

4 There is a novel or complex point of law to be determined as follows:-

[to set out the novel or complex point of law. To indicate Nil or N.A. otherwise]

5 The Plaintiff/Defendant/Other Party (to specify)* has/has not* completed filing the affidavits, reports, interlocutory applications and all other documents necessary for the hearing of the contested ancillary matters.

6 There is/is no* pending interlocutory application* in the ancillary matters proceedings. There is/is no* pending appeal from an interlocutory application in the ancillary matters proceedings.

Signature of Plaintiff/Solicitors for the Plaintiff/
Defendant/Solicitors for the Defendant/
Other Party/Solicitors for the Other Party (to specify)*

Name of party making declaration/Solicitors' firm:

NRIC Number *(for parties who are acting in-person only):

Date:

* Delete where inapplicable

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LETTER FOR NOTIFICATION OF SYARIAH COURT PROCEEDINGS

Date

To: Officer-in-charge
Originating Summons Section
Family Justice Courts

ORIGINATING SUMMONS NO _____ **OF**

(Plaintiff) v (Defendant)

HEARING ON _____ **AT**

Pursuant to Paragraph 167(7) of the Practice Direction, I hereby inform the Registry that:-

- () No proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court.
- () Proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court on . The summons number is .
- () A decree or order for divorce between the Plaintiff and the Defendant in the above application has been made by the Syariah Court on .
- () A divorce between the Plaintiff and the Defendant in the above application has been registered under section 102 of the Administration of Muslim Law Act on .

Signature

Name of Solicitor for Plaintiff/Defendant

Name of Law Firm

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SUMMARY FOR MEDIATION

_____ (Plaintiff) vs _____ (Defendant)

(Title as in action)

Party Filing this Summary: Plaintiff / Defendant*

A. CHILDREN ISSUES:

No of Children: _____

Age of Children: _____

(1) Custody

State what this party wants regarding custody: _____ Sole / Joint*

(2) Care and Control

State which party to be awarded care and control: _____ Plaintiff / Defendant*

(3) Access

(a) State what this party wants regarding access if:

(i) he / she* is the parent with care and control

(ii) he/she* is not the parent with care and control

(b) Proposed handover venue and person to hand over the children: _____

B. DIVISION OF MATRIMONIAL ASSETS:

(1) Matrimonial Home

Address of matrimonial home: _____

Current value: _____

(Estimated Value/Valuation Report Value)

Outstanding loan amount: _____

CPF - Plaintiff (Principal) (Interest) = (Total)

CPF - Defendant (Principal) (Interest) = (Total)

(2) **Direct financial contributions towards purchase, mortgage, renovations, property tax, conservancy, maintenance, repairs:**

(3) **Indirect contributions:**

State other payments made (e.g. towards household bills, groceries, children's expenses): _____

(4) **Length of marriage:** _____ years _____ months

(5) **Proposal for Division:** _____

(6) **Other Assets**

State other assets and nature of claim: _____

State what percentage or monetary amount or claim this party wants as regards above assets: _____

C. MAINTENANCE

State occupation: _____

State income (nett): _____

(1) **Maintenance of children**

State expenses and amount claimed/proposed: _____

(2) **Maintenance of wife**

State expenses and amount claimed/proposed: _____

D. OTHER ISSUES (IF ANY)

Family Resolutions Chambers

Family Justice Courts

Para.174

CONSENT TO GRANT JUDGMENT ON THREE YEARS' SEPARATION

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)
No. of 20)

Between

(NRIC NO.)

...Plaintiff

And

(NRIC No.)

...Defendant

CONSENT TO GRANT JUDGMENT ON THREE YEARS' SEPARATION

I, (NRIC No.) of (address) am
the Defendant and confirm that I have lived separate and apart from the Plaintiff for a
continuous period of at least 3 years immediately preceding the filing of this Writ, i.e. since
(date) and I consent to an Interim Judgment being granted.

Signed by the abovenamed)
(name))
On this (date))

Before me,

Commissioner for Oaths

Para.175

**REQUEST FOR CHECKING ELIGIBILITY OF PROPOSED
PURCHASER(S)/TRANSFEREE(S) UNDER OPTIONS 4 & 5 OF THE AGREED
MATRIMONIAL PROPERTY PLAN**

Important: To be completed by the proposed purchaser/transferee.

No space is to be left blank. The word "Nil" or "NA" should be filled where appropriate.

I ADDRESS OF FLAT:

☐

Option 4 of the Agreed Matrimonial Property Plan is selected: the Plaintiff's share in the flat will be sold/transferred* to the Defendant and/or others.

☐

Option 5 of the Agreed Matrimonial Property Plan is selected: the Defendant's/ share in the flat will be sold/transferred* to the Plaintiff and/or others.

II PARTICULARS OF PROPOSED PURCHASER(S)/TRANSFEREE(S)

	Name	NRIC/ FIN	Relationship	Marital Status	Date of Birth	Age (Years)	Citizen- ship	Occupa- tion	Gross Monthly Income	Contact No
<u>1</u>			<u>Self</u>							
<u>2</u>										
<u>3</u>										
<u>4</u>										

III PARTICULARS OF PROPOSED OCCUPIER(S) IN THE FLAT

	Name	NRIC/ FIN	Relationship	Marital Status	Date of Birth	Age (Years)	Citizen- ship	Occupa- tion	Gross Monthly Income	Contact No
<u>5</u>										
<u>6</u>										
<u>7</u>										
<u>8</u>										

IV OTHER INFORMATION

Yes

No

a Do you have the sole custody of the child, or if joint custody is agreed upon, the care and control of the child?

☐
☐

b Do you or any person listed above own or have any share or interest in any HDB flat and/or private property# (whether in Singapore or overseas)? (If so state address, property type, share and value):

☐
☐

c Have you or any person listed above disposed of any private property# (whether in Singapore or overseas) within the last 30 months? (If so state address, property type, share and value)

☐
☐

d Have you or any person listed above previously sold two or more HDB flats in the open market?

☐
☐

Includes HUDC and Executive Condominiums

* Delete where inapplicable.

Signature of Plaintiff/Defendant *

Para.175

**STANDARD QUERY TO HOUSING & DEVELOPMENT BOARD ON HDB
MATRIMONIAL ASSET (HDB FLAT)**

AT -

(state address of HDB matrimonial asset)

(hereinafter called "the flat")

<u>PART 1 – PARTICULARS OF PARTIES</u> <i>(To be completed by party making the enquiry)</i>	
<u>Name of Plaintiff</u>	
<u>NRIC No.</u>	
<u>Name of Defendant</u>	
<u>NRIC No.</u>	
<u>Nature of Writ</u>	<u>Writ for Divorce / Annulment *</u>
<u>Name of Solicitor for Plaintiff/ Defendant</u> <i>(specify the name of the solicitor representing the party who is making the enquiry)</i>	
<u>Solicitor's address</u> <i>(if there is no solicitor, state the address of the party who is making the enquiry)</i>	
<u>Fax No.</u> <i>(HDB's replies will be sent by fax or ordinary post to this address and number.)</i>	
<u>Contact No.</u>	

** Delete where not applicable*

PART 2 - PARTICULARS OF FLAT / HOUSEHOLD (to be completed by HDB)

2.1 Name of Flat Owner(s)/Occupier(s)

<u>Role</u>	<u>Name</u>	<u>Relationship with Flat Owner</u>
<u>Flat Owner(s)</u>	<u>1.</u>	<u>Self</u>
	<u>2.</u>	
	<u>3.</u>	
	<u>4.</u>	
<u>Occupier(s)</u>	<u>5.</u>	
	<u>6.</u>	
	<u>7.</u>	
	<u>8.</u>	

2.2 Occupation Period of the Flat

The flat owners are required to meet a X minimum occupation period from ddmccyy (Effective Date of Sale/Purchase Date), excluding any subletting and/or non-occupation period, before they are eligible to sell the flat in the open market.

2.3 Information on the Flat Ownership

- *Direct Purchased Flats : Please refer to the enclosed (a) Sales Order and (b) Mortgage Loan Statement of Account
- *Resale Flats (including those purchased with CPF Housing Grant) : Please refer to the enclosed Mortgage Loan Statement of Account and the below table:

<u>Flat Type</u>	
<u>Mode of Purchase</u>	
<u>Manner of Holding</u>	
<u>Date of Purchase</u>	
<u>Purchase Price</u>	
<u>Amount of CPF Housing Grant Obtained</u>	
<u>Initial Capital Payment</u>	
<u>Conveyancing/Stamp/Registration/Administrative Fees</u>	
<u>Loan Granted</u>	

2.4 Information on Loan Repayment

<u>[A] Payment via CPF from Flat Owner(s)</u>	
<u>Name of Flat Owner(s)</u>	<u>Amount deducted from CPF Ordinary Account</u>
<u>1.</u>	<u>\$</u>
<u>2.</u>	<u>\$</u>
<u>3.</u>	<u>\$</u>
<u>4.</u>	<u>\$</u>
<u>[B] Payment via Cash</u>	<u>\$</u>
<u>Monthly Mortgage Loan Instalment (total)</u> <u>([A] + [B])</u>	<u>\$</u>

* Delete where not applicable

PART 3 - ADDITIONAL INFORMATION

3.1 Retention of Flat

If any of the parties wishes to retain the ownership of the existing flat, he/she must meet the prevailing eligibility conditions to take over the ownership of the flat and has the financial means to service the monthly mortgage loan instalments. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under :

Eligibility to Retain Flat :

- “Living in HDB Flats > Change Owners or Occupiers > Retain Flat Ownership > Divorce”

Eligibility to Obtain an HDB Loan :

- “Living in HDB Flats > Change Owners or Occupiers > Transfer Flat Ownership >

Eligibility Criteria > Proposed Owners’ Eligibility to obtain an HDB loan”

3.2 Sale of Flat

If none of the party is eligible to retain the ownership of the flat and that the minimum occupation period of the flat has been met, they may consider selling the flat in the open market. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Selling your flat > Am I Eligible > Eligibility > Minimum Occupation Period”.

If the existing flat is bought from the HDB or with a CPF Housing Grant, the resale levy is payable when the party buys or takes over the ownership of another subsidised flat or an Executive Condominium bought directly from the developer/within the minimum occupation period. The details can be found in the HDB InfoWEB at www.hdb.gov.sg under “Selling your flat > Am I Eligible > Considerations > Resale Levy”.

3.3 Surrender of Flat

The parties may have to surrender the flat to HDB if the minimum occupation period of the flat has not been met at the point of divorce and neither party meets the eligibility conditions to retain the flat under an eligibility scheme.

3.4 Creation of Trust for the Children

HDB may allow creation of a trust to enable private individuals to hold the flat in trust for minor children until they reach 21 years old, subject to the following conditions :

- The private individual to be appointed as trustee must be a Singapore citizen or Singapore permanent resident.
- If the trustee is also the remaining co-owner who is able and willing to service the loan, HDB may consider granting a fresh loan for the flat. Otherwise, the existing mortgage loan must be fully discharged.
- The request for creation of trust will be subject to HDB’s approval.

3.5 Purchase of Next Flat Directly from HDB/in the Open Market

If any of the parties wishes to buy another flat, he/she may purchase it either directly from HDB or from the open market, subject to meeting the eligibility conditions as set out in the HDB InfoWEB at www.hdb.gov.sg under :

- “Buying a flat > New Flat”
- “Buying a flat > Resale Flat”

3.6 Rental of Flat Directly from HDB

If the party could not afford to buy a flat and does not have family support, he/she may apply to rent a flat directly from HDB. The details can be found in our HDB InfoWEB at www.hdb.gov.sg under “Renting a flat > Direct from HDB > Public Rental Scheme > Eligibility for renting a flat”.

Signature, name and designation of HDB Officer

Date

Enc.

Para.175

**STANDARD QUERY TO THE HOUSING & DEVELOPMENT BOARD ON HDB
MATRIMONIAL ASSET (AGREEMENT FOR LEASE OF HDB FLAT)**

AT –

(state address of the HDB matrimonial asset)

Sales Registration No.:

(hereinafter called “the flat”)

<u>PART 1 – PARTICULARS OF PARTIES</u> <i>(To be completed by party making the enquiry)</i>	
<u>Name of Plaintiff</u>	
<u>NRIC No.</u>	
<u>Name of Defendant</u>	
<u>NRIC No.</u>	
<u>Nature of writ</u>	<u>Writ for Divorce / Annulment *</u>
<u>Name of Solicitor for Plaintiff /Defendant *</u> <u>(specify the name of the solicitor representing the party who is making the enquiry)</u>	
<u>Solicitor’s address</u> <u>(if there is no solicitor, state the address of the party who is making the enquiry)</u>	
<u>Fax No.</u> <u>(HDB’s replies will be sent by fax or ordinary post to this address and number.)</u>	
<u>Contact No.</u>	

** Delete where inapplicable.*

Instruction to party making the enquiry: Please complete the address and sale registration number of the flat in subsequent pages

Address & sale registration number of the flat: _____

PART 2 - PARTICULARS OF THE FLAT (to be completed by HDB)

<u>Names of purchaser(s)</u>	<u>Name</u>	<u>Relationship with Purchaser 1</u>
	<u>1</u>	<u>Self</u>
	<u>2</u>	
	<u>3</u>	
	<u>4</u>	
<u>Names of permitted occupiers and their relationship with Purchaser 1.</u>	<u>Name</u>	<u>Relationship with Purchaser 1</u>
	<u>1</u>	
	<u>2</u>	
	<u>3</u>	
	<u>4</u>	
<u>Holding Type</u>	<input type="checkbox"/> <u>Sole owner/tenant</u> <input type="checkbox"/> <u>Joint Tenancy</u> <input type="checkbox"/> <u>Tenancy in common in the following shares:</u> <div style="text-align: right;"><u>Share</u></div> <div><u>Lessee 1</u> _____ <u>Lessee 2</u> _____ <u>Lessee 3</u> _____ <u>Lessee 4</u> _____</div> <input type="checkbox"/> <u>Others (please specify):</u> _____	
<u>Type of Flat</u>	<input type="checkbox"/> <u>1-room</u> <input type="checkbox"/> <u>2-room</u> <input type="checkbox"/> <u>3-room</u> <input type="checkbox"/> <u>4-room</u> <input type="checkbox"/> <u>5-room</u> <input type="checkbox"/> <u>Executive</u> <input type="checkbox"/> <u>Others (please specify):</u> _____	

Address & sale registration number of the flat: _____

<u>PART 3 - PARTICULARS OF THE AGREEMENT FOR LEASE</u> <u>(to be completed by HDB)</u>			
<u>Address of flat</u>			
<u>Selling price</u>			
<u>Date Agreement signed</u>			
<u>Estimated date of physical completion</u>			
<u>Keys available</u>	<input type="checkbox"/> <u>Yes</u> <input type="checkbox"/> <u>No</u>		
<u>Deposit</u>	<u>Purchaser 1</u>	<u>Purchaser 2</u>	<u>Cash paid :</u> \$
	<u>CPF \$</u>	<u>CPF \$</u>	
	<u>Purchaser 3</u>	<u>Purchaser 4</u>	
	<u>CPF \$</u>	<u>CPF \$</u>	
<u>Stamp Fee</u>	<u>Purchaser 1</u>	<u>Purchaser 2</u>	<u>Cash paid:</u> \$
	<u>CPF \$</u>	<u>CPF \$</u>	
	<u>Purchaser 3</u>	<u>Purchaser 4</u>	
	<u>CPF \$</u>	<u>CPF \$</u>	
<u>Conveyancing fee</u> <u>(inclusive of GST)</u>	<u>Purchaser 1</u>	<u>Purchaser 2</u>	<u>Cash paid:</u> \$
	<u>CPF \$</u>	<u>CPF \$</u>	
	<u>Purchaser 3</u>	<u>Purchaser 4</u>	
	<u>CPF \$</u>	<u>CPF \$</u>	

Note:

No loan has been granted by the HDB as the purchasers have not taken possession of the flat.

Address & sale registration number of the flat: _____

PART 4 - TRANSFER OF AGREEMENT FOR LEASE

Part 4.1 – Transfer of agreement for lease (to be completed by the party making the enquiry)

(i) Where the parties have agreed on custody of the children, state which parent has the sole custody of the children.

- ☐ Plaintiff.
☐ Defendant.
☐ No agreement has been reached.

(ii) Where the parties have agreed on joint custody of the children, state which parent has care and control of the children

- ☐ Plaintiff.
☐ Defendant.
☐ No agreement has been reached.

(iii) If the proposed purchaser(s) of the flat is/are known, furnish the following information:

Proposed Purchasers:

<u>Name</u>	<u>NRIC/ FIN</u>	<u>Relation- ship</u>	<u>Marital status</u>	<u>Date of birth</u>	<u>Age</u>	<u>Citizen- ship</u>	<u>Occupation</u>	<u>In- come@</u>	<u>Contact No.</u>
<u>1</u>		<u>Self</u>							
<u>2</u>									
<u>3</u>									
<u>4</u>									

Proposed occupiers who will be residing in the flat:

<u>Name</u>	<u>NRIC/ FIN</u>	<u>Relation- ship</u>	<u>Marital status</u>	<u>Date of birth</u>	<u>Age</u>	<u>Citizen- ship</u>	<u>Occupation</u>	<u>In- come@</u>	<u>Contact No.</u>
<u>5</u>									
<u>6</u>									
<u>7</u>									
<u>8</u>									

(iv) Has any of the proposed purchasers or occupiers disposed of any private property#, whether in Singapore or overseas, within the last 30 months? If so, state the address, property type, share and value.

- ☐ Yes (give details):

☐ No.

(v) Has any of the proposed purchasers or occupiers previously sold two or more HDB flats in the open market?

- ☐ Yes (specify who):

☐ No.

(vi) Has any of the proposed purchasers or occupiers inherited any share/interest in any HDB flat or private property#, whether in Singapore or overseas? If so, state the address, property type, share and value.

- ☐ Yes (give details):

☐ No.

@ Gross monthly income

Includes HUDC and Executive Condominiums

Part 4.2 – Transfer of the Agreement For Lease
(to be completed by HDB)

(1) Can the agreement for lease be transferred to the Plaintiff? If not, what are the eligibility conditions for the Plaintiff to retain the agreement for lease?

- ☐ Yes, based on the information supplied in Part 4.1.
☐ No, based on the information supplied in Part 4.1 / insufficient information given*.
The general eligibility conditions for the Plaintiff to retain the agreement for lease are set out in:

(2) Is the Plaintiff eligible for a loan from HDB when he takes possession of the flat? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 4.1.
☐ No, based on the information supplied in Part 4.1 / insufficient information given*.
The general eligibility conditions for the Plaintiff to obtain a loan are set out in:

(3) Can the agreement for lease be transferred to the Defendant? If not, what are the eligibility conditions for the Defendant to retain the agreement for lease?

- ☐ Yes, based on the information supplied in Part 4.1.
☐ No, based on the information supplied in Part 4.1 / insufficient information given*.
The general eligibility conditions for the Defendant to retain the agreement for lease are set out in:

(4) Is the Defendant eligible for a loan from HDB when he takes possession of the flat? If not, what are the criteria for obtaining a loan?

- ☐ Yes, based on the information supplied in Part 4.1.
☐ No, based on the information supplied in Part 4.1 / insufficient information given*.
The general eligibility conditions for the Defendant to obtain a loan are set out in:

** Delete where inapplicable.*

Signature, name & designation of HDB officer

Date

Address & sale registration number of the flat: _____

PART 5 – TERMINATION OF AGREEMENT FOR LEASE

(to be completed by HDB)

- | | |
|--|---|
| <p>(1) <u>Will the deposit be forfeited? If so, how much will be forfeited?</u></p> <p>(2) <u>How much will be refunded to each party upon the termination of the agreement for lease?</u></p> <p>(3) <u>Are there any other payments made by each party which will not be refunded?</u></p> | <p><input type="checkbox"/> <u>Yes, the amount forfeited will be \$ _____.</u></p> <p><input type="checkbox"/> <u>No.</u></p> |
|--|---|

Signature, name & designation of HDB officer

Date

Address & sale registration number of the flat: _____

PART 6 – OTHER INFORMATION
(to be completed by HDB)

Part 6(1): Purchase of another HDB flat directly from HDB

- (1) Are parties eligible to buy another HDB flat directly from HDB in the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to buy another HDB flat directly from HDB?

(Please state the eligibility conditions, if any.)

Signature, name & designation of HDB officer

Date

Address & sale registration number of the flat: _____

PART 6 – OTHER INFORMATION
(to be completed by HDB)

Part 6(2): Purchase of another HDB flat in the open market

- (1) Are parties eligible to buy another HDB flat in the open market the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to buy another HDB flat in the open market?

(Please state the eligibility conditions, if any.)

Signature, name & designation of HDB officer

Date

Address & sale registration number of the flat:

PART 6 – OTHER INFORMATION
(to be completed by HDB)

Part 6(3): Rental of HDB flat from HDB

- (1) Are parties eligible to rent an HDB flat from HDB in the event that the agreement for lease is terminated?
- (2) Where the agreement for lease is transferred to one party, is the outgoing party eligible to rent an HDB flat from HDB?

(Please state the eligibility conditions, if any.)

Signature, name & designation of HDB officer

Date

Address & sale registration number of the flat: _____

PART 7 – OTHER COMMENTS (to be completed by HDB)

Signature, name & designation of HDB Officer

Date

IMPORTANT NOTICE

The information provided above is:

- (1) accurate as at the date stated above and is subject changes from time to time in accordance with prevailing HDB's policies at the relevant point in time; and*
- (2) based on the information provided by the parties.*

Para.175

STANDARD QUERY TO THE CENTRAL PROVIDENT FUND BOARD

(Applicable for CPF Members aged 55 years and above only)

Name: _____

Address :

(Please specify the name and address of the CPF member or his/her solicitors. The reply from the CPF Board will be sent to this address.)

PART A (To be completed by CPF Member or his/her solicitors.)

<u>Name of CPF member:</u>	
<u>CPF Account No:</u>	
<u>Name of CPF member's spouse:</u>	
<u>CPF Account No. of CPF member's spouse:</u>	
<u>Date of Birth of CPF member:</u>	
<u>Age of CPF member:</u>	
The HDB matrimonial asset (“the flat”)	<input type="checkbox"/> _____ _____ <input type="checkbox"/> The CPF member has an agreement for lease <u>with the HDB and has not taken possession of</u> <u>the flat.</u>
<u>Name and address of CPF member's solicitors</u>	
_____	_____
Date	Name and Signature of CPF member/solicitors

PART B (To be completed by the CPF Board)

CPF Account Number: _____

<u>Query 1</u>	<u>Were CPF funds used for the purchase of the flat or for financing the purchase of the flat or for the payment of approved upgrading works carried out by HDB? If yes, what is the principal sum utilised and accrued interest on the principal sum utilised?</u>	
<u>Answer:</u>	<u>No.</u>	<input type="checkbox"/>
	<u>Yes, as at (specify date):</u> _____	<input type="checkbox"/>

	<u>Principal sum utilised</u>	<u>Amount</u>
		<u>\$</u> _____
	<u>Accrued interest on the principal sum utilised</u>	<u>\$</u> _____
<u>Query 2</u>	<u>Did the CPF member pledge the flat in lieu of setting aside the Minimum Sum or any part thereof in his/her CPF Retirement Account? If yes, what is the pledged Minimum Sum and accrued interest on the pledged Minimum Sum?</u>	
<u>Answer:</u>	<u>No.</u>	<input type="checkbox"/>
	<u>Yes, as at (specify date):</u> _____	<input type="checkbox"/>

	<u>Pledged Minimum Sum to be refunded</u>	<u>Amount</u>
		<u>\$</u> _____
	<u>Accrued interest to be refunded</u>	<u>\$</u> _____
<u>Query 3</u>	<u>Does the CPF member have any Minimum Sum deficiency (for bankrupts) and if yes, how much is it?</u>	
<u>Answer:</u>	<u>No.</u>	<input type="checkbox"/>
	<u>Yes, as at (specify date):</u> _____	<input type="checkbox"/>

	<u>Minimum Sum deficiency</u>	<u>Amount</u>
		<u>\$</u> _____

ⓈNotes:

1. On the refund requirements, please refer to section 21B of the Central Provident Fund Act (Cap. 36), the provisions of the Central Provident Fund (Revised Minimum Sum Scheme) Regulations/Central Provident Fund (Minimum Sum Scheme) Regulations and the relevant regulations of the Central Provident Fund (Approved Housing Schemes) Regulations.
2. Please obtain fresh statements from the CPF Board on the amount to be refunded into the CPF member's CPF account when the date of sale/transfer/assignment/otherwise disposal of the flat has been finally determined.

- | |
|--|
| |
|--|

Other comments

Name and designation of CPF Board officer

<u>Date</u>	<u>Signature of CPF Board officer</u>
-------------	---------------------------------------

Date _____ Signature of CPF Board officer _____

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FIRST STATUS CONFERENCE NOTICE TO PLAINTIFF

Date:

To: Plaintiff's Solicitors

STATUS OF [case number]

1. You are directed to set down the above case for hearing by [date] if pleadings are closed² by then.
2. If pleadings are not likely to be closed by [date], you must inform the Court of the status of the case within 7 days of this Registrar's Notice. Please use the standard status form as prescribed in Form 24B of the State Courts Practice Directions.

Registrar

cc Defendant /Defendant's counsel

² i.e. when all the written statements regarding the parties' claims/defences have been filed.

Para.177

INFORMATION FROM PLAINTIFF TO FAMILY JUSTICE COURTS
ON STATUS OF WRIT

To: Registrar
Family Justice Courts

<u>INFORMATION ON STATUS OF WRIT</u>	
<u>Case Number:</u>	<u>D No.</u>
<u>Date:</u>	
<p><u>The status of the case is as follows:</u></p> <p><input type="checkbox"/> <u>We are attempting personal service of the papers on _____ (name). We will complete our service attempts by _____ (date).</u></p> <p><input type="checkbox"/> <u>We will file our application for substituted service/dispensation of service by _____ (date).</u></p> <p><input type="checkbox"/> <u>Our application for substituted service/dispensation of service has been fixed for hearing on _____ (date).</u></p> <p><input type="checkbox"/> <u>We are negotiating a settlement.</u></p> <p><input type="checkbox"/> <u>We seek a mediation / counselling / joint conference* date. We have exchanged settlement proposals and the parties agree to attend mediation / counselling / joint conference *.</u></p> <p><input type="checkbox"/> <u>The parties are attempting reconciliation.</u></p> <p><input type="checkbox"/> <u>Others (please specify details):</u></p> <p>_____</p>	

Signature of solicitor
Name of Solicitor for Plaintiff:
Name of Law Firm:

cc Defendant / Defendant's solicitors

* Delete where inapplicable

FOR OFFICIAL USE ONLY

We note the contents above. The Status Conference is fixed for _____ (date, time, chamber) . You are required to be present in Court on the above date for directions on the further conduct of the matter.

Assistant Registrar

Family Justice Courts

cc Defendant / Defendant's counsel

Para.177

SECOND STATUS CONFERENCE NOTICE TO PLAINTIFF
(WHERE THERE IS NO REPLY FROM PLAINTIFF)

Date:

To: Plaintiff's Solicitors

STATUS OF [CASE NUMBER]

1. We refer to the Registrar's Notice dated _____ where you were directed to set down the above case for hearing by [date].
2. We note that the case has not been set down for hearing and you have also not replied to us in the form as directed by the Registrar's Notice.
3. You are directed to set down the said case for hearing by [date], failing which you is required to attend a Status Conference on [date, time, chamber].

Registrar

cc Defendant / Defendant's counsel

Para.176

CHECKLIST FOR CASE CONFERENCE

Divorce Suit/OS No: _____ Date: _____

Party Filing this Summary: Plaintiff/Defendant***A. MARRIAGE:**

<u>State date of marriage</u>	
<u>Length of marriage to writ</u>	

B. CHILDREN ISSUES:

<u>State number of children</u>	<u>Son:</u>	<u>Daughter:</u>
<u>State age of child(ren)</u>	<u>Below 21:</u>	<u>Above 21:</u>
<u>Custody issues</u>	<u>Joint/Sole/No custody order sought/Not discussed*</u>	<u>Agreed/Not Agreed Negotiating/Not discussed*</u>
<u>Care and Control Issues</u>	<u>Joint/Sole/Split care and control*</u>	<u>Agreed/Not Agreed/Negotiating/Not discussed</u>
<u>Any access issues</u>	<u>Yes/No*</u>	<u>Agreed/Not Agreed/Negotiating</u>
<u>Handover venue</u>		<u>Agreed/Not agreed*</u>
<u>Child with special needs/disability</u>	<u>Yes/No*</u>	<u>Brief details:</u>

C. MAINTENANCE ISSUES

<u>Existing maintenance order/Voluntary payments/application pending</u>	<u>Yes/No/Not applicable*</u>	<u>If yes, amount or value:</u>
<u>Is wife seeking maintenance?</u>	<u>Yes/No/Not applicable*</u>	<u>Agreed/Not Agreed/Negotiating</u>
<u>Child(ren) maintenance</u>	<u>Yes/No/Not applicable</u>	<u>Agreed/Not Agreed/Negotiating</u>
<u>State income as reported in Notice of Assessment last year</u>		

D. DIVISION OF MATRIMONIAL HOME

<u>Matrimonial home</u>	<u>HDB flat/Landed property/Private apartment*</u>
<u>Manner of holding</u>	<u>Joint tenant/Tenants in common/Third party interests*</u>
<u>Date of purchase</u>	
<u>Outstanding loan</u>	<u>Yes/No*</u> <u>If yes, loan amount outstanding:</u>
<u>Current value</u>	<u>S\$</u>
<u>Any other relevant information</u>	<u>Agreed/Not Agreed/Negotiating</u>

E. DIVISION OF MATRIMONIAL ASSETS

<u>Other matrimonial assets, specifically known sole/joint immovable property</u>	<u>Yes/No*</u> <u>If yes, approximate value:</u>
<u>Other known sole/joint matrimonial assets this party is seeking division of</u>	<u>Stocks and shares/Jewellery/Savings/CPF funds/Pension/Car/Insurance policies/Others *</u>

<u>Approx value of known matrimonial assets</u>	<u>S\$</u>
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Para.178

AFFIDAVIT OF ASSETS AND MEANS

(Title as in action)

A. Party Swearing or Affirming this Affidavit:Name:Age:Address:Contact Number:

I am the Plaintiff/Defendant* in the above matter. I [make oath and say/affirm that*] the contents of this Affidavit of Assets and Means are true and correct to the best of my knowledge, information and belief. All the information stated in this Affidavit of Assets and Means is accurate as at [to state date]. I have made full and frank disclosure of my assets and means in this Affidavit of Assets and Means, to the best of my knowledge, information and belief, and have no other assets and means aside from what has been disclosed in this Affidavit.

Summary of Relevant Information on Ancillary Matters**1. Minor Child(ren) – Please list down the names and ages of all your minor child(ren)**

<u>Name of Child(ren)</u>	<u>Age of Child(ren)</u>

2. Income and Occupation –Please state your occupation and average monthly income

<u>Occupation</u>	
<u>Average monthly income</u>	

3. List of Assets – Please list all your assets and their value (in Singapore dollars). If you do not know the value, please provide an estimate of the value.

<u>Assets</u>	<u>Value (in Singapore dollars)</u>
	<u>Total:</u>

4. List of Liabilities – Please list all your liabilities and the amount (in Singapore dollars). If you do not know the amount, please provide an estimate of the amount.

<u>Liabilities</u>	<u>Amount (in Singapore dollars)</u>
	<u>Total:</u>

B. Financial Issues

I. Assets and Means

1. I am/am not* an undischarged bankrupt.

[If you are an undischarged bankrupt, state the date of the bankruptcy order, and the bankruptcy number.]

Work Particulars

2. My occupation is:

3. I am an employee*.

[State the following information in respect of each employer.]

(a) The name and address of my employer is:

(b) My designation is:

(c) My gross monthly income (including salary, allowances, commissions and bonuses) is:

(d) My take-home monthly income (including salary, allowances, commissions and bonuses) is:

4. I am self-employed*.

[State the following information in respect of each of your businesses.]

(a) The name and address of my business is:

(b) It is a sole proprietorship/partnership*.

(c) Nature of business:

(d) My monthly income is:

(e) The estimated value of my business is:

5. I am unemployed*.

(a) Before becoming unemployed, I was an employee.

(i) My last drawn gross monthly income (including salary, allowances, commissions, benefits and bonuses) on [to state date] was:

(ii) The name and address of my previous employer is:

(b) Before becoming unemployed, I was self-employed*.

(i) The name and address of my business was:

(ii) It was a sole proprietorship/partnership*.

(iii) Nature of business:

(iv) Status of business [e.g. whether business terminated at Accounting and Corporate Regulatory Authority (ACRA), and if so, to state date of termination]:

(v) My monthly income on [to state date] was:

6. Aside from my income from my employment/business*, I have the following/I do not have any additional* sources of income³:

<u>S/No.</u>	<u>Source of Income</u>	<u>Amount (S\$)</u>

Particulars of my immovable properties situated in Singapore or overseas.

7. I own the following/do not own any* immovable properties:

[State in relation to each property]

(a) Address of property owned:

³ This would include rental income from any immovable property owned by you.

- (b) Whether title to the land is registered or unregistered, and if registered, the Certificate of Title (CT/SSCT/SCT*) number
- (c) Names of joint-owners (if any) and the manner in which the property is held, i.e. whether as joint tenants or tenants in common:
- (d) Names of mortgagee/chargee (if any), and amounts outstanding to each mortgagee/chargee
- (e) Value/Estimated value* of property as at [to state date]:
- (f) Amount of monthly mortgage payment and how payment is made (i.e. CPF or cash):

Particulars of motor vehicles in Singapore or overseas*

8. I own a/do not own any* motor vehicle/more than one motor vehicle. The particulars of the motor vehicle(s) are as follows:

[State in relation to each motor vehicle.]

- (a) The registration number and make of the motor vehicle is:
 - (b) The motor vehicle(s) is/are* on hire purchase.
 - (c) The name of the hire purchase company is:
 - (d) The estimated value of the motor vehicle as at [to state date] is:
 - (e) The amount outstanding on the hire purchase agreement is:
9. The motor vehicle is no longer in my possession*. The reason is that:

Particulars of my insurance policies in Singapore or overseas*

10. I have the following/do not have any* insurance policies:

[State in relation to each insurance policy.]

- (a) Name of insurer:
- (b) Type of policy:
- (c) Policy Number:
- (d) Amount insured:
- (e) The beneficiary or beneficiaries under the insurance policy is/are*:
- (f) Surrender value (if any) as at [to state date]:

Particulars of my shares, unit trusts, etc. in Singapore or overseas*:

11. I own/do not own* shares, warrants, bonds, stock options, and/or* unit trusts.

(a) Shares (including shares purchased with Central Provident Fund monies), warrants, bonds, stock options, etc.

The name(s) of the company/companies* in which I hold shares, warrants, bonds or stock options, and the amount of shares, warrants, bonds or stock options which I hold are as follows:

<u>S/No.</u>	<u>Company Name</u>	<u>No. of Shares, warrants, bonds, stock options, etc.</u>	<u>Estimated value as at: [to state date]</u>

(b) Unit Trusts

The name of the unit trusts, the financial institution managing them, and the number of units I hold are as follows:

<u>S/No.</u>	<u>Unit Trust</u>	<u>Financial Institution</u>	<u>No. of Units</u>	<u>Estimated value as at: [to state date]</u>

Particulars of my bank accounts in Singapore or overseas*

12. I have the following/do not have any* bank accounts (held solely and/or jointly) and/or* safe deposit boxes:

<u>S/No.</u>	<u>Bank Name and Account Number</u>	<u>Account Type²</u>	<u>Balance as at [to state date]</u>	<u>Joint Account Holder's Name (if any)</u>

Particulars of my Central Provident Fund (“CPF”) monies

13. I have the following/do not have any* amounts in my CPF account as at [to state date]:

- (a) Ordinary account:
- (b) Medisave account:
- (c) Special account:

14. The details of the amount utilised from my CPF account towards the purchase of immovable property are as follows:

- (a) Address of immovable property:
- (b) Amount withdrawn as at [to state date]:
 - (i) Principal:
 - (ii) Interest:

Other Assets

15. I own the following/do not own any* other assets:

- [(a) If you own any other assets, savings or investments not listed thus far (e.g. antiques, collectibles, jewellery, paintings), please state the same and the estimated value.

² i.e. Savings, Current, Fixed Deposit, Overdraft, Safe Deposit Box, etc.

(b) If you are a member (whether in Singapore or overseas) of any golf, social or recreational clubs of value, please state the same and the estimated value.]

My Monthly Expenses

16. I have the following personal expenses each month (for example):

- (a) Food:
- (b) Transport:
- (c) Utilities (water, gas and electricity):
- (d) Telephone/Internet/mobile phone/pager charges:
- (e) Rent:
- (f) Others (please specify):

17. My monthly expenses for the children who are dependent on me are as follows:

[State in relation to each child.]

- (a) Name of Child:
- (b) Age of Child:
- (c) Food:
- (d) School Fees:
- (e) Transport:
- (f) Others (please specify):

18. I have the following persons who are financially dependent on me (excluding my children):

[State in relation to each dependent.]

- (a) Name of dependent:
- (b) Age:
- (c) Relationship:
- (d) Amount set aside each month for dependent:
- (e) Reason for dependency:
- (f) Names of other persons supporting my dependents:

Particulars of my Creditors (i.e. people whom I owe money to)

19. My creditors³ are as follows/I do not have any creditors*:

³ Your creditors include government bodies such as the Inland Revenue Authority of Singapore (IRAS), the Central Provident Fund Board (CPF), the Housing Development Board (HDB), etc.

[State in relation to each creditor.]

(a) Name of creditor:

(b) Amount owed as at [to state date]:

20. Legal proceedings have been commenced against me by the following creditors:

[State in relation to each creditor.]

(a) Name of creditor:

(b) Suit No.:

(c) Status of action:

II. Contributions to the Matrimonial Assets

Direct financial contributions

21. I have made the following/I have not made any* direct financial contributions towards the acquisition or improvement of the matrimonial asset(s) :

[State in relation to each matrimonial asset.]

Indirect contributions

22. I have made the following/I have not made any* indirect financial and non-financial contributions towards the family during the course of the marriage:

[State the nature of the indirect financial and non-financial contributions made.]

III. Proposal Regarding the Division of Matrimonial Assets and Maintenance

Division of Housing Development Board Flat (if applicable) (only to be filled in if you have not filed a Proposed Property Plan, or if you would like to change your proposal from what you have originally set out in your Proposed Property Plan.)

23. My proposal for the division of the matrimonial HDB flat is as follows:

- ☐ Option 1: The flat will be surrendered to the HDB.
- ☐ Option 2: The Agreement for Lease with the HDB will be terminated.
- ☐ Option 3: The flat will be sold in the open market.

- ☐ Option 4: The other party's share in the flat will be sold/transferred* to:
 - Myself
 - Myself and [state name and relationship with yourself]:
 - A third party [state name and relationship with yourself/the other party]:
- ☐ Option 5: My share in the flat will be sold/transferred* to:
 - The other party
 - The other party and [state name and relationship with the other party]:
 - A third party [state name and relationship with the other party/yourself]:
- ☐ Option 6: Others (please state brief details)

Particulars of my proposal are attached to this Affidavit of Means.

[To fill in Option 1, 2, 3, 4, 5 and/or 6 as set out in Form 13 of the Women's Charter (Matrimonial Proceedings) Rules (Cap. 353 R4)*, and to remove the relevant pages and attach the same to this Affidavit of Means.]

Division of the matrimonial assets

24. My proposal on the division of the matrimonial assets is as follows/There are no matrimonial assets:

[State proposal on the division of the matrimonial assets, giving reasons, if any.]

Proposal on Maintenance

25. My proposal on maintenance is as follows:

[State proposal on maintenance for wife and/or children, giving reasons, if any.]

IV. Any Other Issues/Information

26. [State any further issues and information.]

* as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

C. Children's Issues

27. [State issues and information on custody, care and control of and access to the child/children.]

D. Supporting Documents

28. I am exhibiting the following documents in support of my affidavit⁴:

[Circle the relevant items and state the relevant exhibit number for each item.]

- ☐ Pay-slips for [state time frame]
- ☐ Contract of employment/Letter from employer confirming salary
- ☐ Notices of Assessment from the Inland Revenue Authority of Singapore (IRAS) dated [to state date]
- ☐ ACRA search dated [to state date] (in respect of the business(es) I own)
- ☐ Valuation report(s) for immovable property/properties (in respect of properties listed in paragraph 7 above)
- ☐ Tenancy agreement(s)
- ☐ Hire purchase agreement(s) (in respect of the vehicles listed in paragraph 8 above)
- ☐ Insurance policies/letters from insurance companies showing the surrender values of the insurance policies (in respect of insurance policies listed in paragraph 10 above)
- ☐ Central Depository (Pte) Ltd (CDP) statement(s) dated [to state date]

⁴ Please note that the list of documents in this section is intended as a guide only. It is not intended to set a minimum standard, nor to be an exhaustive list, in relation to each party's duty to disclose all relevant information and documents in this matter. The extent of disclosure which must be made in each case will depend on the facts of that case. Parties must exercise their own minds regarding the extent of disclosure to be made in the light of these facts, and in accordance with their duty of disclosure under Rules 25 and 31 of the Women's Charter (Matrimonial Proceedings) Rules*.

* as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

- ☐ Central Provident Fund (CPF) Investment account statement(s) dated [to state date]
- ☐ Bank statement(s) for [state time frame]
- ☐ CPF statement(s) dated [to state date(s)] on contribution to purchase of immovable property
- ☐ CPF statement(s) dated [to state date(s)] on balances in Special, Medisave and Ordinary Accounts
- ☐ Renovation receipt(s)
- ☐ Receipt(s) evidencing payment for furnishings
- ☐ Receipts supporting expenses, e.g. utilities bills, telephone bills, conservancy charges, school fees, etc.
- ☐ Others (please specify)

VI. Affidavit**

Sworn/Affirmed* at Singapore on [to state date] by [to state name and NRIC Number] through the interpretation of*: [to state name] in [to state language]

Before me,

Signed:

Commissioner for Oaths

*Delete where inapplicable

** The form of the jurat should follow the appropriate form in Form 78 of the Rules of Court

Para.179

**ORIGINATING SUMMONS FOR LEAVE UNDER SECTION 121D OF THE
WOMEN'S CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121D of the Women's Charter
(Chapter 353)

Between

(ID No.:) ... Plaintiff

And

(ID No.:) ... Defendant

ORIGINATING SUMMONS

To : The Defendant(s)

[Name]

of [Address]

The Plaintiff applies for the following orders :

1. That leave be granted to the Plaintiff to file an application for financial relief
against the Defendant under Section 121B of the Women's Charter;
2. Any such further or other order as this Honourable Court deems fit;
3. Costs.

Dated this day of 20

Registrar

Memorandum to be subscribed on the summons

1. If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 21 days of service after the date on which you were served with this summons.
2. If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.
3. This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].
(or where the plaintiff sues in person)
This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service [address].
4. This summons may not be served more than 6 months after the above date unless renewed by order of the Court.
5. Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant within 7 days from the service of the originating summons.

Para.179

**PLAINTIFF'S AFFIDAVIT FOR LEAVE UNDER SECTION 121D OF THE
WOMEN'S CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No. _____)
of 20 _____)

In the Matter of Section 121D of the Women's Charter
(Chapter 353)

Between

(ID No.: _____) ... Plaintiff

And

(ID No.: _____) ... Defendant

AFFIDAVIT

I, (Name of deponent), of (address of deponent), do make oath (or affirm)* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application for leave to file an application for financial relief under Section 121B of the Women's Charter.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage, including date and place of marriage).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation and evidence that the divorce, annulment or judicial separation is recognised as valid in Singapore under Singapore law).

Particulars of children (if any)

4. (Please provide particulars of children including age, gender, and whether children are schooling or working).

Grounds on which the Court has jurisdiction to hear the application

5. (Please state which of the parties was domiciled in Singapore on the date of this application or which of the parties was domiciled in Singapore on the date the divorce, annulment or judicial separation was granted in the foreign country. Alternatively, which of the parties was habitually resident in Singapore for a continuous period of 1 year immediately preceding the date of filing this application or was resident in Singapore for a continuous period of 1 year immediately preceding the date on which the foreign divorce, annulment or judicial separation was granted.)

Foreign orders made and financial relief received by plaintiff and children

6. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
7. (Please state the extent to which the order or agreement has been complied with by the defendant).
8. (Please state if the plaintiff or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

Financial relief which had not been dealt with by the foreign order

9. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order and the reason for the omission.)
10. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G of the Women's Charter in favour of the applicant could be made).

Grounds for application

11. (Please state the grounds for application).

Attachments

12. I also attach herewith the following documents in support of my application:
 - a. a draft copy of the application to be filed under Section 121B;
 - b. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;

- c. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
- d. any relevant agreement relating to financial relief between the parties. I am praying for order in terms of the prayers sought in my application.

13. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED)* by the)
Plaintiff at)
on the day of)
20)

Through the interpretation of (name and)
designation of person who interpreted) in)
(language of interpretation)*)

Before me,

A Commissioner for Oaths

**Delete where inapplicable*

Para.179

**PLAINTIFF'S AFFIDAVIT FOR APPLICATION UNDER SECTION 121B OF THE
WOMEN'S CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No. _____)
of 20 _____)

In the Matter of Section 121B of the Women's Charter
(Chapter 353)

Between

(ID No.: _____) ... Plaintiff

And _____

(ID No.: _____) ... Defendant

AFFIDAVIT

I, [Name of deponent], of [address of deponent], do make oath (or affirm)* and say as follows:

1. I am the Plaintiff and I make this affidavit in support of my application.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage (including date and place of marriage)).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation).

Particulars of children (if any)

4. (Please provide particulars of children including age, sex, whether children are schooling or working).

Connection to Singapore

5. (Please state connection which the parties to the marriage have with Singapore).

Connection with country in which marriage was dissolved or annulled or in which judicial separation was obtained

6. (Please state the connection between parties and the country in which the marriage was dissolved or annulled or judicial separation was obtained).

Connection that parties have with any other foreign country

7. (Please state the parties' connection with any other foreign country).

Foreign orders made and financial relief received by plaintiff and children

8. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
9. (Please state the extent to which the order or agreement has been complied with by the defendant).
10. (Please state if the applicant or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit).

Financial relief which had not been dealt with by the foreign order

11. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order.)
12. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G in favour of the applicant could be made).

Extent to which any order under Section 121G is likely to be enforceable

13. (Please state the extent to which any order under Section 121G is likely to be enforceable).

Length of time elapsed

14. (Please state the length of time which has elapsed since the date of the foreign divorce, annulment or judicial separation and the reason for the time taken for this application).

Grounds for application

15. (Please state the grounds for application).

Attachments

16. I also attach herewith the following documents in support of my application:-
 - a. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;

- b. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
- c. any relevant agreement relating to financial relief between the parties.

17. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the _____)
Plaintiff at _____)
on the _____ day of _____)
20 _____)

Through the interpretation of (name and _____)
designation of person who interpreted) in _____)
(language of interpretation)* _____)

Before me, _____

A Commissioner for Oaths

**Delete where inapplicable*

Para.180

**NOTICE TO PRODUCE DOCUMENTS REFERRED TO
IN PLEADINGS OR AFFIDAVITS**

(Title as in action)

Take notice that the Plaintiff/Defendant/Other party [to specify]* requires you to produce for his inspection, the following documents referred to in your pleading (or affidavit) namely:

_____ (Describe documents required and set them out in a table).

<u>S/No.</u>	<u>Document</u>	<u>Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to</u>	<u>Page and paragraph number of pleading/affidavit* where reference to document is made</u>

*Delete where inapplicable

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

NOTICE WHERE DOCUMENTS MAY BE INSPECTED

(Title as in action)

Take notice that the following documents mentioned in your notice of [to state date] may be inspected at [to state place of inspection] on the [to state date] between the hours of [to state times].*

(Describe documents which may be inspected and set them out in table form.)

<u>S/No.</u>	<u>Document</u>	<u>Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to</u>	<u>Page and paragraph number of pleading/affidavit* where reference to document is made</u>

Take notice that the Plaintiff/Defendant/Other Party [to specify]* objects to giving inspection of the following documents mentioned in your notice of [to state date].*

(Describe documents in respect of which inspection is objected to, and set them out in table form, setting out the grounds of objection in respect of each document).

<u>S/No.</u>	<u>Document</u>	<u>Filing date, name of pleading/ deponent of affidavit and number of affidavit in relation to the deponent*, in which document is referred to</u>	<u>Page and paragraph number where reference to pleading/ affidavit is made</u>	<u>Reasons for objection to inspection</u>

*Delete where inapplicable

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

REQUEST FOR DISCOVERY

(Title as in action)

The Plaintiff/Defendant/Other Party [to specify]* is requested to state, pursuant to Rule 25(4) of the Matrimonial Proceedings Rules (Cap. 353 R4)**, in respect of each of the following documents, whether he is willing and able to provide discovery of the same, and, if so, to specify in what mode he is willing to provide such discovery (for example, by exhibiting the documents in an affidavit to be filed in court, by forwarding copies of the documents to the other party, by making the documents available to the other party for inspection):

(Describe the documents required and set them out in table form.)

<u>S/No.</u>	<u>Document</u>	<u>Time-frame for which documents are requested (where applicable)</u>	<u>Reason for request</u>	<u>Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)</u>

*Delete where inapplicable

** as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

NOTICE IN RESPONSE TO REQUEST FOR DISCOVERY

(Title as in action)

The Plaintiff/Defendant/Other Party [to specify]* is willing and able to provide discovery of the following documents:*

(Describe the documents to be discovered and set them out in table form.)

<u>S/No.</u>	<u>Document</u>	<u>Time-frame (where applicable)</u>	<u>Mode in which discovery will be provided</u>

The Plaintiff/Defendant/Other Party [to specify]* is not willing and/or not able to provide discovery of the following documents*:

(Describe the documents which the party is not willing and/or not able to provide discovery of and set them out in table form.)

<u>S/No.</u>	<u>Document</u>	<u>Time-frame (where applicable)</u>	<u>Reason for not being willing and/or able to provide discovery</u>

*Delete where inapplicable

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

REQUEST FOR INTERROGATORIES

(Title as in action)

The Plaintiff/Defendant/Other Party [to specify]* is requested to answer the following interrogatories on affidavit, to the best of his knowledge, information and belief, pursuant to Rule 31 of the Matrimonial Proceedings Rules (Cap. 353 R4)**:

(Set out the interrogatories in the form of concise questions. Each interrogatory is to be set out in a separate paragraph and numbered consecutively, in table form.)

<u>S/No.</u>	<u>Interrogatory</u>	<u>Reason for Interrogatory</u>	<u>Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)</u>

*Delete where inapplicable

** as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

NOTICE IN RESPONSE TO REQUEST FOR INTERROGATORIES

(Title as in action)

The Plaintiff/Defendant/Other Party [to specify] will answer the following interrogatories on affidavit, to the best of his knowledge, information and belief:

Items [to specify] listed in your request for interrogatories dated [to state date].

The Plaintiff/Defendant/Other Party [to specify] objects to answering the following interrogatories:

(Set out the interrogatories objected to, in table form.)

<u>S/No.</u>	<u>Interrogatory</u>	<u>Reason for objection to the interrogatory</u>

*Delete where inapplicable

Dated this day of 20 .

Solicitor for the

To the Solicitor for

Para.180

APPLICATION FOR DISCOVERY

(Title as in action)

SUMMONS

1. [Format as in Form 4 of Matrimonial Proceedings Rules (Cap. 353 R4)**]

2. Orders Applied For

(a) That the Plaintiff/Defendant/Other Party [to specify]* be required :

(i) To state on affidavit, pursuant to Rule 25(1) of the Matrimonial Proceedings Rules**, in respect of each of the following documents, whether the same is in his possession, custody or power, and if not then in his possession, custody or power, when he parted with it and what has become of it;

(ii) To exhibit in the affidavit a copy of each of the said documents stated to be in his possession, custody or power, pursuant to paragraph (a)(i) above; and

(iii) In respect of each of the said documents stated not to be in his possession, custody or power, pursuant to paragraph (a)(i) above, to state the reasons why, together with supporting documentation for the explanation (if any).

(b) That the affidavit under paragraph (a) above is to be filed and served by [to state date].

(Describe the documents required and set them out in table form).

<u>S/No.</u>	<u>Document</u>	<u>Time-frame for which documents are requested (where applicable)</u>	<u>Reason for request</u>	<u>Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)</u>

3. Etc. [Format as in Form 4 of Matrimonial Proceedings Rules**]

Dated this day of 20 .

Solicitor for the

To the Solicitor for

*Delete where inapplicable

** as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

Para.180

APPLICATION FOR INTERROGATORIES

(Title as in action)

SUMMONS

1. [Format as in Form 4 of Matrimonial Proceedings Rules** (Cap. 353 R4)]

2. Orders Applied For

(a) That the Plaintiff/Defendant/Other Party [to specify]* be required to answer the following interrogatories on affidavit, to the best of his knowledge, information and belief, pursuant to Rule 31 of the Matrimonial Proceedings Rules**.

(b) That the affidavit under paragraph (a) above is to be filed and served by [to state date].

(Set out the interrogatories in the form of concise questions. Each interrogatory is to be set out in a separate paragraph and numbered consecutively, in table form.)

<u>S/No.</u>	<u>Interrogatory</u>	<u>Reason for Interrogatory</u>	<u>Paragraph(s) and page(s), filing date, deponent of affidavit (which relates to the request) and number of affidavit in relation to the deponent (where applicable)</u>

3. Etc. [Format as in Form 4 of Matrimonial Proceedings Rules**]

Dated this day of 20 .

Solicitor for the

To the Solicitor for

*Delete where inapplicable

** as amended by the Women's Charter (Matrimonial Proceedings) (Amendment) Rules 2013

Para.181

**APPLICATION FOR THE APPOINTMENT OF EXPERT IN RESPECT OF
CUSTODY AND ACCESS ISSUES**

(Title as in action)

SUMMONS

1. Date and Time of Hearing before Judge in Chambers/Registrar* (to be completed by the court)

Date of Hearing:

Time of Hearing:

2. Orders Applied For

- (a) A report is to be prepared by [to state name of expert] (“the expert”) to assist the court in resolving the custody and/or access* issues in this matter (“the report”) in relation to the following child/children* [to state names and dates of birth of the children]:
- (b) The report is to be filed in court by [to state date], or such later time as the court may fix, upon application by any party.
- (c) The costs of preparation of the report are to be borne by [to state party bearing costs of preparation of the report and/or other arrangements for payment].
- (d) The issues to be addressed in the report, and the documents to be furnished to the expert, are to be as set out in the draft Letter of Instruction to Expert Witness annexed to this application (“the draft Letter”).
- (e) A letter in the form of the draft Letter shall be sent to the expert by [to state name of party] (“the party writing to the expert”) on or before [to state date], which letter shall be copied to the court and all other relevant parties [please specify] to these proceedings.

(f) To facilitate investigations by the expert in respect of the report:

1. Each party to these proceedings is to furnish to the party writing to the expert, upon request, any information which is necessary in order to enable that party to complete Schedule 1 of the draft Letter. If the contact particulars stated in Schedule 1 change before the report is filed in court, the parties are to update the expert on the same within 3 working days of the said change(s), if this is within their knowledge.
2. The parties are to co-operate with the expert and comply with any and all requests made by the expert in the course of his/her investigations for the purposes of the report, including, but not limited to:
 - (i) allowing the other party free access to the child/children (notwithstanding any current orders for access or interim access) for the purpose of an interview by the expert;
 - (ii) attending all appointments made with the expert punctually;
 - (iii) allowing the child/children to be interviewed alone (i.e. not in the presence of any party), or with any other person as the expert sees fit, and otherwise examined or assessed by the expert; and
 - (iv) providing any information requested by the expert, for example, on one's educational history, family members, living arrangements.

If any of the orders in paragraph (f) above are not complied with, the expert may, unless the court otherwise orders, proceed to prepare the report with details of any party's non-compliance with the said orders, for the court's information, consideration and/or directions.

3. Grounds of application

[Choose one of the following.]

- (a) The grounds of the application are set out in the affidavit(s)* filed in support of this application.
- (b) The grounds of the application are set out herein.

4. Party Filing this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)

5. Party/Parties* to be Served with this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)*

6. Consent*

I/We* hereby consent to this Summons.

Signature:

Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of
Party Consenting to this Summons*:

Date:

This Summons is taken out by *[to state name of party taking out this summons]*

Signed:

Registrar:

Date:

* Delete where inapplicable

Para.181

LETTER OF INSTRUCTION TO EXPERT WITNESS

Dear [To state name of expert]

Re: [Name of child/children]

Divorce Suit No. [to state number]

Order for Custody/Access Evaluation Report

Date by which report has been ordered to be filed in court: [to state date]

Summary of the proceedings and applications

1. The particulars of the persons concerned in the above proceedings are listed in Schedule 1 annexed to this letter, with the date(s) of birth of the child/children, and the contact numbers of all the relevant parties. The proceedings consist of:

- ☐ Custody and/or access issues in the ancillary matters in the divorce proceedings [to state the orders sought by each party]
- ☐ Applications for custody and/or access in the divorce proceedings [to state the numbers of the relevant Summonses and the orders sought by each party]

Issues before the Court

2. The issues before the court are:

[To state what issues the court has to decide, for example:

- ☐ Whether the mother/father/third party [please specify] should have care and control of the child/children
- ☐ Whether the mother/father/third party [please specify] should have access/supervised access to the child/children]

Orders Currently in Force

3. The following orders are currently in force:

[To set out the dates and details of all the court orders currently in force in respect of:

- ☐ the custody and access issues;
- ☐ any family violence application;
- ☐ any maintenance issues.]

Documents

4. We enclose with this letter:

- ☐ Schedule 1 (see paragraph 1 above);
- ☐ Schedule 2, which contains a list of the documents which you may wish to consider in preparing your report;
- ☐ A copy of the order giving leave for you to [interview] [examine] the child/children.

Your instructions

5. You have the leave of the court to interview the child/children and any relevant family member[s].

6. Please address the following issues in your report:

[Here set out the specific questions approved by the court or agreed with the other parties in an itemised list, for example:

(1) What is your assessment of the mother's relationship with the child and her ability to care for the child and meet his emotional needs during his childhood?

(2) Would the child be at risk in the father's care during contact either on daytime visits or overnight stays?]

7. If there are any other issues which, in your opinion, need to be addressed, please state them and explain why it is necessary for the court to consider these issues.

Contact persons

8. Please contact the parties directly to arrange for interviews. Please keep a careful record of all pertinent discussions with all the parties. The contact particulars of all the relevant parties are in Schedule 1.

9. If at any time you anticipate that you will not be able to file your report by the deadline stipulated, please inform us promptly so that we may inform the other parties and the court if appropriate.

Factual issues

10. You should express your opinion regarding your findings on the facts of the case, but you must not seek to resolve disputed facts as this is, of course, to be determined by the judge at the final hearing. Where appropriate, it will be of assistance if you are able to express your opinion on the basis of alternative findings regarding the factual dispute[s].

Your report

11. The report will be disclosed to the court and to all the other parties. Once your report has been prepared, please send a copy to:

- ☐ The Plaintiff/Plaintiff's solicitors* at [to state address]*
- ☐ The Defendant/Defendant's solicitors* at [to state address]*
- ☐ The court at The Family and Juvenile Court, No. 3 Havelock Square, Singapore 059725*
- ☐ The other party/parties [please specify]

Please state the case number and name of the case, i.e. [to state the case number and name of the case] in the title on the front page of your report.

Fees

12. The fees for your report will be borne by [to state which party will be bearing the fees for the report and any other arrangements for payment].

Yours etc

*Delete where inapplicable

SCHEDULE 1—Name and Contact Particulars of Relevant Parties
CASE NO.: Divorce Suit * No. [to state number]

NAMES AND CURRENT CONTACT PARTICULARS OF THE PARTIES

The Plaintiff

	<u>Name</u>	<u>Identity Card No.</u>	<u>Current address and contact no. during office hours*</u>	<u>Relationship to the child</u>
<u>Plaintiff</u>			<u>Tel:</u>	

The Defendant

	<u>Name</u>	<u>Identity Card No.</u>	<u>Current address and contact no. during office hours*</u>	<u>Relationship to the child</u>
<u>Defendant</u>			<u>Tel:</u>	

The Child/Children for whom the report has been ordered (to be completed by parent having care and control of the child)

<u>Name of the Child(ren)</u>	<u>Birth Cert. No.</u>	<u>Date of birth</u>	<u>Gender</u>	<u>Current address and contact no. during office hours*</u>
<u>1</u>				<u>Tel:</u>
<u>2</u>				<u>Tel:</u>
<u>3</u>				<u>Tel:</u>

Other Relevant Persons

<u>Name</u>	<u>Current address and contact no. during office hours*</u>	<u>Relationship to the child</u>
	Tel:	
	Tel:	
	Tel:	

* Parties must inform the expert if the contact address or telephone number is changed during investigation.

SCHEDULE 2—List of Documents

CASE NO.: Divorce Suit No [to state number]

<u>S/No.</u>	<u>Document</u>	<u>Party who had furnished the document (i.e. Plaintiff, Defendant or other party)</u>	<u>Date of document</u>

Para.183

**APPLICATION FOR DISCOVERY IN MAINTENANCE PROCEEDINGS UNDER
PART VIII OF THE WOMEN'S CHARTER**

(Title as in action)

1. I, _____ (NRIC No. _____) of _____ (address), the Complainant/Respondent*, hereby apply for the Court to order _____ (NRIC No. _____) ("the Other Party") to provide 3 sets of the following documents :-

(Describe the documents requested)

<u>S/No.</u>	<u>Title or description of Document</u>	<u>Period from which the document is required (e.g. documents from 2009 to 2011)</u>	<u>Reasons why the document is required</u>	<u>Reasons why you think the other party has the document</u>

Dated ____ day of ____ 20 ____.

Affirmed/Sworn* by _____)

_____)

(to state name and NRIC Number) _____)

through the interpretation of* _____)

in [to state language]

Before Me

Commissioner for Oaths

* Please delete accordingly.

Para.184

**COVER LETTER FOR SUBMISSION OF
ORIGINAL BIRTH CERTIFICATE IN ADOPTION PROCEEDINGS**

To: OFFICER-IN-CHARGE
ADOPTION SECTION

ADOPTION PETITION NO. _____ OF _____

Please find enclosed the original birth certificate of the infant in the above matter.

2 The matter has been fixed for hearing as follows:

Date: _____

Time: _____

Signature

Name of Solicitor for the Petitioner

Name of Law Firm

Para.185

UNDERTAKING TO COURT TO E-FILE DOCUMENTS

1. I, _____ (*name of applicant/solicitor*), of _____ (*address*), do hereby undertake to the Court to file the following documents via the Electronic Filing Service (EFS)[#] by _____ (*date*):

(a) _____ the Originating Summons*;

(b) _____ the Summons*;

(c) _____ the affidavit(s) of _____ (*name of deponent*) affirmed on _____ (*date*); and

(d) _____ the draft and final Order of Court if granted by the Court.

2. I understand that if I should fail to carry out my undertaking, I am liable to be punished for non-compliance with an order of the Court.

(Signature)

Name of Applicant / Applicant's solicitor

Date : _____

For a non-EFS subscriber, the documents may be e-filed at the LawNet & CrimsonLogic Service Bureau located at:

133 New Bridge Road, #19-01/02 Chinatown Point, Singapore 059413

Tel: (65) 6538 9507

Fax: (65) 6438 6350

The operating hours are:

Mondays to Fridays : 9.00am to 5:00pm; and

Saturdays : 9.00am to 12:30pm.

* Delete where inapplicable

Para.185

**ORDER OF COURT TO PREVENT THE REMOVAL
OF A CHILD OUT OF JURISDICTION**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit []
No. []
of []

Between

[*Plaintiff's Name*] (NRIC No. [])... *Plaintiff*

And

[*Defendant's Name*] (NRIC No. [])... *Defendant*

ORDER OF COURT

BEFORE THE DISTRICT JUDGE/JUDGE*

IN CHAMBERS

[*Name*] _____

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [date] by [Counsel for] the plaintiff/defendant* to the District Judge [name] by way of ex-parte Originating Summons No. [] of 20 []. The District Judge [name] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application —

IT IS ORDERED by the District Judge/Judge* that:

- (a) the child/children [names of child/children] shall be returned to the custody of his/her lawful guardian/parent [name];
- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings;
- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [name of child/children] from Singapore pending the outcome or further orders made on this application and/or these proceedings; and
- (d) [insert any other orders made by the Court in relation to the application]

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff /defendant* must give to the Court the undertakings set out in Schedule 1 to this order.

Duration of this Order

This Order shall remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant / plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's/ defendant's* solicitors.

Dated the day of 20

REGISTRAR

Schedule 1

(Undertakings provided in writing by the plaintiff/defendant)*

1. If the Court later finds that this Order or the carrying out of this Order has caused loss to the plaintiff/defendant*, and decides that the plaintiff/defendant* should be compensated for that loss, the plaintiff / defendant* shall comply with any order that the Court may make with regard to the payment of such compensation.
2. The plaintiff/defendant* shall provide any form of security including a banker's guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff/defendant* arising from the Order or the carrying out of the said Order.
3. The plaintiff / defendant* shall pay the reasonable costs of anyone other than the plaintiff / defendant* which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff/defendant* shall comply with any order the Court may make.
4. At the same time this Order is served on the defendant/plaintiff*, the plaintiff/defendant* shall serve on the defendant/plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff/defendant*. If the application and supporting affidavits have not been filed, the plaintiff/defendant* shall serve the same within 1 working day from the filing of the application and supporting affidavits.

Para.185

**ORDERS MADE UNDER SECTION 14 OF THE GUARDIANSHIP OF INFANTS
ACT**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Plaintiff's Name] (NRIC No. _____) ... Plaintiff

And

[Defendant's Name] (NRIC No. _____) ... Defendant

ORDER OF COURT

BEFORE THE DISTRICT JUDGE/JUDGE*

IN CHAMBERS

[Name] _____

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [date] by [Counsel for] the plaintiff/defendant* to the District Judge/Judge* [name] by way of ex-parte Originating Summons No. _____ of 20 _____. The District Judge/Judge* [name] heard the application and read the affidavit(s) of [name] filed on [date].

As a result of the application —

I. IT IS ORDERED by the District Judge that:

- (a) the child/children [names of child/children] shall be returned to the custody of his/her/their lawful guardian/parent [name];
- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings;
- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [name of child(ren)] from Singapore pending the outcome or further orders made on this application and/or these proceedings;
- (d) for the purposes of enforcing this Order, the Bailiff be hereby directed to seize the person(s) of the child/children [name] at the place of execution at [name specific address of execution] and the child/children be delivered into the custody of his/her/their lawful guardian/parent [name]; and
- (e) [insert any other orders made by the Court in relation to the application]

II. IT IS FURTHER ORDERED by the District Judge/Judge* that —

- (a) the plaintiff/defendant* shall accompany the Bailiff to the place of execution to identify the child/children [name];
- (b) the Bailiff shall also be accompanied by the following persons to the place of execution:
 - (i) the plaintiff/defendant*;
 - (ii) the plaintiff's/defendant's* Counsel;
 - (iii) an auxiliary police officer engaged by the plaintiff/defendant* at the plaintiff's/defendant's* cost, subject to the condition that where the person against whom the execution is to be carried out or the child/any of the children concerned is a female, the auxiliary police officer to be engaged shall be a female officer.
- (c) as far as is practicable, the child/children shall be handed over to the plaintiff/defendant* at the place of execution;
- (d) the plaintiff/defendant* or the plaintiff's/defendant's* Counsel shall pay to the Court prior to the enforcement of this Order a deposit of S\$300 in cash or by cheque made payable to "Registrar of Supreme Court";
- (e) the Bailiff shall have the absolute discretion to do any or all of the following without having to give any reasons:

- (i) take all necessary measures to ensure the personal safety of all persons (including the child/children or the Bailiff) involved in the execution;
- (ii) postpone the execution or any part thereof; and
- (f) nothing in this Order shall be construed to empower the Bailiff to effect entry into any building or break open any outer or inner door or window of the building or any receptacle therein.

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff/defendant* must give to the Court the undertakings set out in Schedule 1 to this Order. The plaintiff's counsel/defendant's counsel* must give to the Court the undertakings set out in Schedule 2 to this Order.

Duration of this Order

This Order will remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant/plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's/ defendant's solicitors.

Dated the _____ day of _____ 20_____

REGISTRAR

Schedule 1

(Undertakings provided in writing by the plaintiff/defendant)*

1. If the Court later finds that this Order or the carrying out of this Order has caused loss to the plaintiff/defendant*, and decides that the plaintiff/defendant* should be

compensated for that loss, the plaintiff/defendant* shall comply with any order that the Court may make with regard to the payment of such compensation.

2. The plaintiff/defendant* shall provide any form of security including a banker's guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff / defendant* arising from the Order or the carrying out of the said Order.
3. The plaintiff/defendant* shall pay the reasonable costs of anyone other than the plaintiff/defendant* which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff/defendant* shall comply with any order the Court may make.
4. At the same time this Order is served on the defendant/plaintiff*, the plaintiff/defendant* shall serve on the defendant/plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff/defendant*. If the application and supporting affidavits have not been filed, the plaintiff/defendant* shall serve the same within 1 working day from the filing of the application and supporting affidavits.
5. The plaintiff/defendant* shall indemnify the Family Justice Courts and the Bailiffs and keep them indemnified at all times against —
 - (a) all claims and payments for which the Family Justice Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and
 - (b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Family Justice Courts or the Bailiffs or incurred or become payable by the Family Justice Courts or the Bailiffs in the course of executing this Order.
6. The plaintiff/defendant* shall pay the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.
7. As and when required by the Court or the Bailiffs, the plaintiff/defendant* shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

Schedule 2

(Undertakings provided in writing by the plaintiff's/defendant's Counsel)*

1. The plaintiff's/defendant's* Counsel shall personally ensure that this Order is executed in a calm and orderly manner respectful of the circumstances of the case.
2. The plaintiff's/defendant's* Counsel shall pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof, if such costs, expenses and charges are not fully paid by the plaintiff/defendant*.
3. As and when required by the Court or the Bailiffs, the plaintiff's/defendant's Counsel shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

Para.185

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Name] ...Plaintiff

And

[Name] ...Defendant

WRIT FOR SEIZURE

To the Bailiff

Whereas by an Order of this Court pronounced this day, it was ordered that the infant [....] be returned to the custody of his/her lawful guardian, [....].

You are directed to seize the person of the infant [...] and the infant be delivered into the custody of his/her lawful guardian.

Dated this day of 20

Registrar

Para.185

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Name] ...Plaintiff

And

[Name] ...Defendant

REQUEST FOR WRIT FOR SEIZURE

Name of person entitled to execution (applicant) :

Address of applicant :

Name of Solicitor for applicant :

Address of the Solicitor for applicant :

Hereby request the Registrar to issue a Writ for Seizure to be executed at the Address of Execution to seize the person of the infant [*name of infant*] and the infant be returned to the custody of his/her lawful guardian.

Name of person subject to execution (respondent):

Address of Execution :

Attached herewith is a copy of the Order of Court duly sealed.

UNDERTAKING AND DECLARATION

1. I/We hereby undertake to pay all your charges. Please appoint a suitable date to execute the Writ for Seizure.
2. I/We hereby declare that as at the date of this Request, the person of the infant [*name of infant*] is not subject to any other execution or order issued by the Family Justice Courts or the High Court.
3. I/We hereby declare that, as at the date of this declaration, I/we have reason to believe that the person subject to execution will be at the Address of Execution together with the infant [*name of infant*].

(State the grounds of belief)

NAME OF DECLARANT :

Date of filing :

Para.185

APPLICANT'S LETTER OF INDEMNITY

Date:

The Bailiff

Dear Sir

1. I confirm that I have obtained a Court Order under section 14 of the Guardianship of Infants Act (Cap 122).

2. I confirm that I have placed a deposit of \$300 in cash/ by cheque no. _____ made payable to "Registrar of Supreme Court" * as part of the Bailiff's expenses in executing the Order.

OR

I undertake to place a deposit of \$300 in cash / by cheque made payable to "Registrar of Supreme Court"* by _____ (date) _____ as part of the Bailiff's expenses in executing the Order.

3. I understand and agree that should the bailiff's expenses of execution exceed \$300, I shall, as and when required by the Court or the Bailiff, provide sufficient funds to the Court or the Bailiff to meet the shortfall.

4. I shall pay all the costs, expenses and charges which may have to be incurred by the Court and or the Bailiff in connection with this Order including the execution thereof.

5. I shall indemnify and keep the Family Justice Courts and the Bailiffs indemnified at all times hereinafter against —

(a) all claims and payments for which the Family Justice Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and

(b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Family Justice Courts or the Bailiffs or incurred or become payable by the Family Justice Courts or the Bailiffs in the course of executing this Order.

(Signature)

Name of plaintiff/defendant*

*Delete if inapplicable

Para.185

**UNDERTAKING TO PAY COMPENSATION/DAMAGES TO THE
PLAINTIFF/DEFENDANT/OTHER PERSON* AND TO SERVE DOCUMENTS**

I, _____ (*name of plaintiff / defendant*), of _____ (*address*), do hereby undertake to the Court as follows:

1. If the Court later finds that the Order dated _____ or the carrying out of the said Order has caused loss to the plaintiff / defendant,* and decide that the defendant / plaintiff* should be compensated for that loss, I shall comply with any order that the Court may make with regard to the payment of such compensation.
2. I shall provide any form of security including a Banker's Guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff / defendant* arising from the Order or the carrying out of the said Order.
3. If the Court later finds that this Order has caused loss to anyone other than the plaintiff / defendant* as a result of this order and decides that such person should be compensated for that loss, I shall comply with any order the Court may make with regard to the payment of such compensation and shall pay the reasonable costs of such a person.
4. At the same time this Order is served on the defendant / plaintiff*, I shall serve on the defendant / plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff / defendant*. If the application and supporting affidavits have not been filed, I shall serve the same within 1 working day from the filing of the application and supporting affidavits.

I understand that if I should fail to carry out my undertaking, I am liable to be punished for non-compliance with an order of the Court.

(Signature)

Name of plaintiff / defendant*

Date : _____

*Delete if inapplicable

Para.185

**UNDERTAKINGS TO BE PROVIDED BY THE PLAINTIFF'S/DEFENDANT'S*
COUNSEL**

I [name of counsel] of [name of law firm] hereby undertake as follows:

1. To personally ensure that this order is executed in a calm and orderly manner respectful of the circumstances of the case.
2. To pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiff in connection with this Order including the execution thereof, if such costs, expenses and charges are not fully paid by the plaintiff / defendant*.
3. To provide as when required by the Court or the Bailiff, sufficient funds to the Court or the Bailiff to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiff in connection with this Order, including the execution thereof.

(Signature)

Name of Plaintiff's/Defendant's* counsel

Date : _____

*Delete if inapplicable

Para.187

ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No. _____)
of 20 _____)
(Seal) _____)

In the Matter of Section [section no] of the Mental
Capacity Act (Cap 177A)

And

In the Matter of [name of person alleged to lack
capacity](ID No.: _____), a person alleged to lack
capacity (“P”)

Between

(Name and ID No.: _____) ... Plaintiff⁺

And _____

(Name and ID No.: _____) ... Defendant[#]

To THE DEFENDANT(S) [name]
of [address][#]

ORIGINATING SUMMONS

The plaintiff/applicant* prays for the following orders:-

[Please select the relevant prayer(s) or add prayers as required.]

1. Permission

The plaintiff/applicant* be permitted to make an application under section [state the
section of the MCA] of the Mental Capacity Act (Cap 177A)(“MCA”) to the Court.

2. Dispensation

- (i) The notification of [Name of P] (“P”) of this originating summons and of the date of the hearing for its final disposal is dispensed with.
[Note: There is a general requirement to notify P. As such, if the applicant or plaintiff seeks dispensation of notification, an explanation as to why dispensation is sought has to be included in the supporting affidavit.]
- (ii) The attendance of P at all hearings for this originating summons be dispensed with.
- (iii) The attendance of Dr [state name of doctor] (ID No. [state number]) of (state address) at the hearing for this originating summons is dispensed with.
- (iv) The service of this application on [state names and ID Numbers] be dispensed with.

3. That the Court be satisfied that:

- (i) [Name of P] (“P”) is unable to make various decisions for himself/herself* in relation to a matter or matters concerning P’s personal welfare/property and affairs/personal welfare and property and affairs because of an impairment of, or a disturbance in the functioning of, P’s mind or brain;
- (ii) The purpose for which the order is needed cannot be as effectively achieved in a way that is less restrictive of P’s rights and freedom of action.

4. That the Court orders as follows:-

(1) Appointment of Deputy/Deputies*

- (a) [State name] (ID No. [state number]) of [state address] is/are* appointed as deputy/deputies* to make decisions on behalf of P that P is unable to make for himself/herself* in relation to his/her* personal welfare/property and affairs/personal welfare and property and affairs* subject to any conditions or restrictions set out in this order.
- (b) The appointment will last until further order.
- (c) [The deputies shall act jointly/jointly and severally* in all matters]*

[Note: To also include whether or not the deputies act jointly/jointly and severally at the appropriate paragraphs on the deputies’ authority and powers in this Originating Summons.]

- (d) The deputy/deputies* must apply the principles set out in section 3 of the MCA and have regard to the guidance in the Code of Practice to the MCA.
- (e) The deputy/deputies* does/do* not have authority to make a decision on behalf of P in relation to a matter if the deputy/deputies* know(s) or has/have* reasonable grounds for believing that P has capacity in relation to the matter.

- (f) In the event the deputy or any of the deputies (where two or more deputies are appointed) dies, becomes a bankrupt (for a property and affairs deputy) or lacks mental capacity to act as deputy, the following are appointed to succeed that deputy in the stated order:
- (i) [State name] (ID No. [state number]) of [state address].
 - (ii) [State name] (ID No. [state number]) of [state address] etc.
- (g) Upon the happening of such an event in paragraph (f), the surviving deputy or remaining deputy together with the successor deputy are to inform the Office of the Public Guardian and to apply to Court providing evidence of the event for the Court to confirm the appointment of the successor deputy.
[Note: The prayer for successor deputy or deputies should only be included if there is a need for a successor deputy or deputies to be appointed, for example, if the proposed deputy is likely to predecease P.]

(2) Authority of Deputy/Deputies* in respect of P's personal welfare:

- (a) The Court grants authority to the deputy/deputies* to make the following decisions on behalf of P, that P is unable to make for himself/herself* when the decision needs to be made:
- (i) where P should live;
 - (ii) with whom P should live;
 - (iii) consenting to medical or dental examination and treatment on P's behalf;
 - (iv) making arrangements for the provision of care services; and
 - (v) complaints about P's care or treatment.
 - (vi) [to state any other matters for which power is sought for deputy/deputies* to make decision]
- (b) For the purpose of giving effect to any decision, the deputy/deputies* may execute or sign any necessary deeds or documents.
- (c) The deputy/deputies* does/do* not have the authority to make the following decisions or to do the following things in relation to P:
- (i) to prohibit any person from having contact with P;
 - (ii) to direct a person responsible for P's health care to allow a different person to take over that responsibility;
 - (iii) to consent to specific treatment if P has made a valid and applicable advance decision to refuse that specific treatment; and
 - (iv) to do an act that is intended to restrain P otherwise than in accordance with the conditions specified in the MCA.

(3) Authority of Deputy/Deputies* in respect of the property and affairs of P

- (a) The court grants general authority to the deputy/deputies* to take possession or control of the property and affairs of P and to exercise the same powers of management (and investment*) as P has as beneficial owner, subject to the terms and conditions set out in this order.
- (b) The deputy/deputies* is/are* authorised to do the following:

[Note: To include here the relevant powers sought]

(4) Authority of Deputy/Deputies* in respect of CPF monies and accounts of P

[where applicable]

[Note: Please refer to the sample CPF orders on the website of the Family Justice Courts]

(5) Costs and Expenses

- (a) The deputy/deputies* is/are* authorised to make payment of reasonable legal costs and disbursements of and incidental to these proceedings from P's estate.

(6) Reports

- (a) The deputy/deputies* is/are* (jointly) required to keep a record of any decisions made or acts done for the personal welfare of P pursuant to this order and the reasons for making or doing them.
[For example, a decision that P will not undergo a medical procedure is to be recorded and the reason to be provided.]
- (b) The deputy/deputies* is/are* (jointly) required to keep statements, vouchers, receipts and other financial records in the administration of P's property and affairs. The deputy/deputies* is/are* also (jointly) required to keep a record of decisions made or acts done relating to P's property and affairs.
[For example, a decision not to expend monies for a medical procedure for P which is medically indicated is to be recorded and the reason to be provided.]
- (c) The deputy/deputies* must (jointly) complete and file an annual report relating to P's personal welfare and property and affairs to the Public Guardian for a period of 2 years and further reports at any time as may be required by the Public Guardian, which report must contain such information and be in such form as may be required by the Public Guardian.

- (7) There be liberty to apply.

Memorandum to be subscribed on the summons[#]

1. If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 21 days of service after the date on which you were served with this summons.
2. If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.
3. This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].

(or where the plaintiff sues in person)

This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is [address].

4. This summons may not be served more than 6 months after the above date unless renewed by order of the Court.
5. Unless otherwise provided in any written law, where the plaintiff intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant not later than 7 days after the service of the originating summons.

⁺ To use "Applicant" if this is an ex parte application.

[#] To delete if this is an ex parte application.

^{*} Delete where inapplicable.

Para.195

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No. _____)

of 20 _____)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____
[name of person alleged to lack capacity]
(NRIC/FIN/Passport No.: _____), a
person alleged to lack capacity (“P”)

[name of applicant]
(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [name of Applicant], of
_____ [address of Applicant], do
make oath / affirm* and say as follows:

1. I am the Applicant and I make this affidavit in support of my application.

2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.

3. I confirm that the information set out in paragraphs 4, 5, 6, 7 and 8 below is true and correct.

4. APPLICANT'S PARTICULARS

Full name:

NRIC/FIN/Passport no.:

Date of birth (DD/MM/YYYY):

Age:

Gender: ☐ Male ☐ Female

Occupation:

Name and address of employer:

Monthly income:

Relationship to P (i.e. the person alleged to lack capacity):

☐ Spouse

☐ Child

☐ Parent

☐ Sibling

☐ Friend

☐ Others – please specify:

5. INFORMATION ABOUT APPLICANT

Please tick the options that are applicable to you

- ☐ **I am not an undischarged bankrupt**
- ☐ **I am not facing any bankruptcy actions**
- ☐ **I have not been convicted of a criminal offence**
- ☐ **I am not facing any criminal prosecution**
- ☐ **I have not been sued as a defendant in civil proceedings**
- ☐ **I am not facing any claims in any civil suit**
- ☐ **I have not been appointed as a Donee or Deputy for someone else**

Please tick the option that is applicable to you

- ☐ **I declare that I do not have any outstanding loans or debts at all**
- ☐ **I declare that I do not have any outstanding loans or debts except for the following loans / debts, and I further declare that I am able to pay my loans and debts as and when they become due and payable.**

<u>Information about loan / debt</u> <i>(e.g. creditor, reason for loan/debt etc.)</i>	<u>Amount owed</u>

6. INFORMATION ABOUT P

P's Full name:

P's NRIC/FIN/Passport no.:

P's Date of birth (DD/MM/YYYY):

P's Age:

P's Gender: ☐ Male ☐ Female

P's Marital status: ☐ Single ☐ Married ☐ Divorced ☐ Separated
 ☐ Widowed ☐ Unknown

Address at which P is currently residing:

Is P living in a nursing home? ☐ Yes ☐ No

If "Yes", please state which nursing home:

Do you confirm that, to the best of your knowledge and belief, P's incapacity is as set out in the doctor's affidavit(s) and medical report(s) filed in support of your application?

☐ Yes ☐ No

P's care arrangements:

(Please provide information about how P is being cared for)

P's monthly expenses:

--

P's monthly income and sources of such income:

<u>P's assets and up to date value (to the best of your knowledge) of these assets:</u>	
<u>Assets</u> <i>(e.g. bank accounts, CPF accounts, insurance policies, stocks and shares, property etc.)</i>	<u>Value</u>

Please tick the options that are applicable and provide details where applicable

☐ **P has no outstanding debts or liabilities**

☐ **P's debts or liabilities are as follows:**

<u>Information about loan / debt</u> <i>(e.g. creditor, reason for loan/debt etc.)</i>	<u>Amount owed</u>

☐ **P has not received and is not going to receive any form of compensation or award of damages**

☐ **P has received or is going to receive the following compensation or award of damages:**

<u>Information about compensation</u> (e.g. nature of claim etc.)	<u>Amount</u>

LASTING POWER OF ATTORNEY

(Please tick where applicable)

- ☐ **P made a Lasting Power of Attorney and the Registration No. is:**
- ☐ **P made an instrument intended to create a Lasting Power of Attorney but it has not been registered yet**
- ☐ **P has not made a Lasting Power of Attorney and, as far as I am aware, P has not make an instrument intended to create a Lasting Power of Attorney**

Has P made a will? ☐ **Yes** ☐ **No** ☐ **I do not know**

PREVIOUS LEGAL APPLICATIONS CONCERNING P

(Please tick where applicable)

- ☐ **There has been no application or order made relating to P under the Mental Capacity Act as well as the repealed Mental Disorders and Treatment Act**
- ☐ **There was an application or order made relating to P under the Mental Capacity Act or the repealed Mental Disorders and Treatment Act in case no.**

7. INFORMATION ABOUT RELEVANT PERSONS

<u>P'S SPOUSE</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S PARENTS</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S CHILDREN</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S SIBLINGS</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<p><u>OTHER RELEVANT PERSONS WHO ARE LIKELY TO HAVE AN INTEREST IN AN APPLICATION CONCERNING P</u></p> <p><u>(e.g. persons who have a close relationship with P, persons who have a legal duty to support P, persons who will benefit from P's estate, persons who are responsible for P's care)</u></p>

<u>Full name</u>	<u>NRIC/FIN/ Passport No.</u>	<u>Age</u>	<u>Relationship to P</u>

**You will normally have to obtain the consent of the Relevant Persons named above.
If you have not done so, please explain why.**

8. INFORMATION ABOUT URGENT INTERIM ORDERS REQUESTED (IF ANY)

Are you asking for an urgent interim order?

☐ Yes ☐ No

If “Yes”, please state the nature of the urgent interim order and the reason for the urgency:

How will this application benefit P?

*(Please provide information on how the Court orders you are asking for can benefit P.
If the orders you are asking for relate to handling P’s assets, please explain how P’s
assets will be used for P’s maintenance and well-being.)*

9. I confirm that:

- (a) there are no other relevant persons who may be interested in this application;
- (b) there are no other relatives or friends who have a close relationship with P;
- (c) there are no other persons who have a legal duty to support P;
- (d) there are no other persons who will benefit from P's estate; and
- (e) there are no other persons who are responsible for P's care.

10. I declare and undertake as follows:

- (a) I understand my responsibilities if I am appointed as Deputy or Successor Deputy. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my duties as P's deputy, and I will not use my position for any personal benefit.
- (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act. In particular, I will act and make decisions for P in P's best interests.
- (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which a deputy is sought to be appointed. I understand that I will not have the power to make a decision on P's behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.

11. I confirm that the documents exhibited herein and marked as "A" are true copies of the originals.

12. Upon the Court declaring that P lacks capacity to make decisions about the matters set out in the Applicant's Form, I seek an order in terms of my application.

Sworn (or affirmed) by _____)

the abovenamed on _____)

this _____ day of 20 _____)

at Singapore _____)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ [name of applicant]
and sworn / affirmed before me on this _____
[date on which the affidavit is sworn or affirmed].

Before me,

A Commissioner for Oaths

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<u>Document</u>	<u>Page No.</u>
<u>Documents that prove the applicant's relationship to P</u> <u>(e.g. Birth Certificate, Marriage Certificate, Adoption Order etc.)</u>	
<u>Documents relating to P's assets</u> <u>(e.g. bank statements, CPF statements, CDP statements, insurance documents, title search documents etc.)</u>	
<u>A copy of P's will</u>	
<u>Other documents</u>	

Note: Please exhibit the documents in the order listed above.

Para.195

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No. _____)

of 20 _____)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____
[name of person alleged to lack capacity]
(NRIC/FIN/Passport No.: _____), a
person alleged to lack capacity (“P”)

[name of applicant]
(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [name of Applicant], of
_____ [address of Applicant],

do make oath / affirm* and say as follows:

1. I am the Applicant and I make this affidavit in support of my application.

2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.

3. I confirm that the information set out in paragraphs 4, 5, and 6 below is true and correct.

4. **APPLICANT'S PARTICULARS**

Full name:

NRIC/FIN/Passport no.:

Age:

Occupation:

Name and address of employer:

Relationship to P (i.e. the person alleged to lack capacity):

5. **INFORMATION ABOUT P**

P's Full name:

P's NRIC/FIN/Passport no.:

P's Date of birth (DD/MM/YYYY):

P's Age:

P's Gender: ☐ Male ☐ Female

P's Marital status: ☐ Single ☐ Married ☐ Divorce ☐ Separated
 ☐ Widowed ☐ Unknown

Address at which P is currently residing:

Is P living in a nursing home? ☐ Yes ☐ No

If "Yes", please state which nursing home:

Do you confirm that, to the best of your knowledge and belief, P's incapacity is as set out in the doctor's affidavit(s) and medical report(s) filed in support of your application?

☐ Yes ☐ No

Details in respect of P's medical / nursing home bills and recurrent expenses:

P's monthly income and sources of such income (to the best of your knowledge):

P's assets and up to date value (to the best of your knowledge) of these assets:

<u>Assets</u> <i>(e.g. bank accounts, CPF accounts, insurance policies, stocks and shares, property etc.)</i>	<u>Value</u>

Please tick the options that are applicable and provide details where applicable (to the best of your knowledge)

☐ P has no outstanding debts or liabilities

☐ P's debts or liabilities are as follows:

<u>Information about loan / debt</u> <i>(e.g. creditor, reason for loan/debt etc.)</i>	<u>Amount owed</u>

☐ P has not received and is not going to receive any form of compensation or award of damages

☐ P has received or is going to receive the following compensation or award of damages:

<u>Information about compensation</u> <i>(e.g. nature of claim etc.)</i>	<u>Amount</u>

LASTING POWER OF ATTORNEY

(Please tick where applicable)

☐ P made a Lasting Power of Attorney and the Registration No. is:

- ☐ P made an instrument intended to create a Lasting Power of Attorney but it has not been registered yet
- ☐ P has not made a Lasting Power of Attorney and, as far as I am aware, P has not make an instrument intended to create a Lasting Power of Attorney

Has P made a will? ☐ Yes ☐ No ☐ I do not know

PREVIOUS LEGAL APPLICATIONS CONCERNING P

(Please tick where applicable)

- ☐ There has been no application or order made relating to P under the Mental Capacity Act as well as the repealed Mental Disorders and Treatment Act
- ☐ There was an application or order made relating to P under the Mental Capacity Act or the repealed Mental Disorders and Treatment Act in case

6. INFORMATION ABOUT RELEVANT PERSONS

<u>P'S SPOUSE</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S PARENTS</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S CHILDREN</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>P'S SIBLINGS</u>		
<u>Full name</u>	<u>NRIC/FIN/Passport No.</u>	<u>Age</u>

<u>OTHER RELEVANT PERSONS WHO ARE LIKELY TO HAVE AN INTEREST IN AN APPLICATION CONCERNING P</u> (e.g. persons who have a close relationship with P, persons who have a legal duty to support P, persons who will benefit from P's estate, persons who are responsible for P's care)			
<u>Full name</u>	<u>NRIC/FIN/ Passport No.</u>	<u>Age</u>	<u>Relationship to P</u>

7. I confirm that I am authorised to make this application and the declarations contained
herein on behalf of _____ [name of P's hospital /

nursing home] and I further confirm that the aforesaid institution undertakes to make the requisite refunds to P in the event of a wrongful payment and/or overpayment.

8. I confirm that the documents exhibited herein and marked as “A” are true copies of the originals.

9. Upon the Court declaring that P lacks capacity to make decisions about the matters set out in the Applicant’s Form, I seek an order in terms of my application.

Sworn (or affirmed) by _____)

the abovenamed on _____)

this _____ day of 20 _____)

at Singapore _____)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ [name of applicant]
and sworn / affirmed before me on this _____
[date on which the affidavit is sworn or affirmed].

Before me,

A Commissioner for Oaths

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<u>Document</u>	<u>Page No.</u>
<u>Documents relating to P's assets (where available)</u> <u>(e.g. bank statements, CPF statements, CDP statements, insurance documents, title search documents etc.)</u>	
<u>Documents relating to P's medical / nursing home expenses</u> <u>(e.g. invoices etc.)</u>	
<u>Other documents</u>	

Note: Please exhibit the documents in the order listed above.

Para.195

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No. _____)

of 20 _____)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____
[name of person alleged to lack capacity]
(NRIC/FIN/Passport No.: _____), a
person alleged to lack capacity (“P”)

[name of applicant]
(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [name of Successor
Deputy], of _____ [address of
Successor Deputy], do make oath / affirm* and say as follows:

1. I am the Successor Deputy proposed to be appointed to make decisions and act on P’s
behalf.

2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.

3. I confirm that the information set out in paragraphs 4, 5 and 6 below is true and correct.

4. SUCCESSOR DEPUTY'S PARTICULARS

Full name:

NRIC/FIN/Passport no.:

Date of birth (DD/MM/YYYY):

Age:

Gender: ☐ Male ☐ Female

Occupation:

Name and address of employer:

Monthly income:

Relationship to P (i.e. the person alleged to lack capacity):

☐ Spouse

☐ Child

☐ Parent

☐ Sibling

☐ Friend

☐ Others – please specify:

--

5. INFORMATION ABOUT SUCCESSOR DEPUTY

Please tick the options that are applicable to you

☐ I am not an undischarged bankrupt

☐ I am not facing any bankruptcy actions

☐ I have not been convicted of a criminal offence

☐ I am not facing any criminal prosecution

☐ I have not been sued as a defendant in civil proceedings

☐ I am not facing any claims in any civil suit

☐ I have not been appointed as a Donee or Deputy for someone else

Please tick the option that is applicable to you

☐ I declare that I do not have any outstanding loans or debts at all

☐ I declare that I do not have any outstanding loans or debts except for the following loans / debts, and I further declare that I am able to pay my loans and debts as and when they become due and payable.

<u>Information about loan / debt</u> <i>(e.g. creditor, reason for loan/debt etc.)</i>	<u>Amount owed</u>

6. INFORMATION ABOUT P

P's Full name:

P's NRIC/FIN/Passport no.:

7. I confirm that:

- (a) I understand the nature of the order which is applied for in these proceedings.
- (b) I have read and understood all the contents of the Originating Summons and the supporting affidavits.
- (c) I consent to the Originating Summons filed in these proceedings.
- (d) I consent to the dispensation of service of the Originating Summons, supporting affidavits and all subsequent documents filed in these proceedings on me*. (please delete if not applicable)

8. I declare and undertake as follows:

- (a) I understand my responsibilities if I am appointed as Successor Deputy. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my duties as P's deputy, and I will not use my position for any personal benefit.
- (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act. In particular, I will act and make decisions for P in P's best interests.
- (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which a deputy is sought to be appointed. I understand that I will not have the power to make a decision on P's behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.

9. I confirm that the documents exhibited herein and marked as "A" are true copies of the originals.

Sworn (or affirmed) by _____)

the abovenamed on _____)

this day of 20)

at Singapore)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ *[name of successor*
deputy] and sworn / affirmed before me on this
_____ *[date on which the affidavit is sworn*
or affirmed].

Before me,

A Commissioner for Oaths

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<u>Document</u>	<u>Page No.</u>
<u>Documents that prove the successor deputy's relationship to P</u> <u>(e.g. Birth Certificate, Marriage Certificate, Adoption Order etc.)</u>	
<u>Other documents</u>	

Note: Please exhibit the documents in the order listed above.

Para.192, 194

**CONSENT TO ORIGINATING SUMMONS AND
DISPENSATION OF SERVICE OF DOCUMENTS**

**IN THE FAMILY JUSTICE COURTS OF
THE REPUBLIC OF SINGAPORE***

OSF No. _____)
of 20 _____)
(Seal) _____)

In the Matter of Section [section no] of the Mental
Capacity Act (Cap177A)

And

In the Matter of [name of person alleged to lack
capacity](ID No.: _____), a person alleged to lack
capacity ("P")

Between

(Name and ID No.: _____) ... Plaintiff⁺

And

(Name and ID No.: _____) ... Defendant

CONSENT

I [name and ID number of relevant person], of [state address] being the [state nature of
relationship with P] of P state as follows:

OR

We, as the relevant persons whose details are listed in the table below, state as follows:

<u>Name</u>	<u>ID No.</u>	<u>Address</u>	<u>Nature of relationship to P</u>

1. I/We* understand the nature of the order which is applied for in these proceedings.

2. I/We* have read and understood all the contents of the Originating Summons and the supporting affidavits and I/we* consent to the Originating Summons filed in these proceedings.

[If the relevant person(s) is/are only consenting to a part of the Originating summons, to state the prayers in the Originating Summons which the relevant person(s) is/are consenting to.]

3. I/We* consent to the dispensation of service of the Originating Summons, supporting affidavits and all subsequent documents filed in these proceedings on me/us.*

Sworn (or affirmed) by the)
abovenamed on)
this day of 20)
at Singapore)

Through the interpretation of (name and
designation of person who interpreted) in
(language of interpretation)*

Before me,

Commissioner for Oaths

⁺ To use “Applicant” if this is an ex parte application

[#] To delete if this is an ex parte application.

*Delete where inapplicable.

Para.191

NOTICE TO RELEVANT PERSONS

APPLICATION UNDER MENTAL CAPACITY ACT (CAP 177A)

1. You have been served with an Originating Summons and the supporting affidavits. The plaintiff/applicant* is making an application for [state nature of application].
2. If you consent to the application, you should sign a written consent in Form 74 in Appendix A of these Practice Directions before a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths. You should then return the completed and signed consent form to the plaintiff/applicant* or the plaintiff's /applicant's* solicitors.

[Note: If the relevant person is an organisation providing residential accommodation to P, the above paragraph 2 is to be deleted and substituted with the following paragraph:-

If you wish to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, you may prepare a report through one of your representatives. The report shall be submitted to the Family Justice Courts with a cover letter addressed to the Registrar of the Family Justice Courts and stating clearly the Originating Summons number (OSF No.) and the names of P and the plaintiff/applicant*. You must notify the Court by way of letter (stating clearly the Originating Summons number and the names of P and the plaintiff/applicant) within 8 days of the date on which you were served with this Originating Summons that you wish to submit such a report. If such a report is submitted, the Court may require and direct for the attendance of the maker of the report at the hearing of the Originating Summons.]

3. If you intend to contest the application or any part of it, you are required to file an application in Form 78 in Appendix A of these Practice Directions to seek the permission of the Court to be joined as a party to the proceedings. This application must be supported by an affidavit stating your interest in the application and the grounds of your objection. The application must be filed using the Electronic Filing Service[#] within 21 days after the date on which you were served with this Originating Summons.

[Note: If the relevant person is an organisation providing residential accommodation to P, the above paragraph 3 is to be deleted.]

4. If you do not attend personally or by your solicitor at the time and place stated in the Originating Summons, such order may be made as the Court may think just and expedient.

[**Note:** If the relevant person is an organisation providing residential accommodation to P, the above paragraph 4 is to be deleted.]

5. This Originating Summons is filed by [name of firm], the plaintiff's/applicant's* solicitor whose address is [state address].

(or where the plaintiff/applicant* acts in person)

This Originating Summons is filed by the plaintiff/applicant* who resides at [address] and (if the plaintiff/applicant* does not reside within the jurisdiction) whose address for service is [state address].

Name and Signature

Plaintiff/Applicant* OR Solicitors for the Plaintiff/Applicant*

* To delete where inapplicable.

To file a document using the Electronic Filing Service, you may use the Lawnet and Crimsonlogic Service Bureau located at 133 New Bridge Road, Chinatown Point #19-01/02, Singapore 059413.

Para.193

CERTIFICATE OF NOTIFICATION

(Title as in cause or matter.)

CERTIFICATE OF NOTIFICATION

I, [name of person effecting the notification] (ID No. _____), certify that I have notified the abovenamed P of this Originating Summons on [date] at [address where notification took place]. The notification complies with Order 99, rule 6 of the Rules of Court and Paragraph 193 of these Practice Directions. In particular, P was notified of [please specify the matters which P was notified of].

Dated this _____ day of _____ 20_____

Signature and name of person effecting notification

Para.195

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No. _____)

of 20 _____)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____
[name of person alleged to lack capacity]
(NRIC/FIN/Passport No.: _____), a
person alleged to lack capacity (“P”)

[name of applicant]
(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [name of Doctor], of
_____ [address of Doctor],
do make oath / affirm* and say as follows:

1. I am a registered medical practitioner in Singapore.
2. The facts contained in this affidavit and the medical report exhibited herein are within my personal knowledge or are based on documents in my possession.
3. I confirm that the medical report exhibited herein and marked as “A” is mine and that I accept full responsibility for the said report.
4. I am aware that my report is being adduced for the purpose of obtaining a declaration that the person who is the subject of this application, i.e. P, lacks capacity in relation to matters specified in the application.

Sworn (or affirmed) by _____)
the abovenamed on _____)
this _____ day _____)
of _____ 20 _____)
at Singapore _____)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ [name of doctor]
and sworn / affirmed before me on this _____
[date on which the affidavit is sworn or affirmed].

Before me,

A Commissioner for Oaths

MEDICAL REPORT

SECTION 1: PATIENT'S PARTICULARS

Full name of patient:

NRIC/FIN/Passport no. of patient:

Age of patient:

SECTION 2: DOCTOR'S PARTICULARS

Full name of doctor:

NRIC/FIN/Passport no. of doctor:

MCR no. of doctor:

Hospital / Clinic name and address:

Doctor's qualifications and experience in this area of work:

Doctor-patient relationship:

Please state if you have been seeing the patient regularly over a period of time (if so, please state when you first started seeing the patient and how often you see the patient) or if you saw the patient specifically for this mental capacity assessment only.

SECTION 3: PATIENT'S MEDICAL INFORMATION

Patient's clinical history:

Please also state the source of the information (e.g. from medical records, from the patient, from the applicant etc.).

Findings from physical examination / mental state examination:

Date of physical examination / mental state examination: _____

Relevant investigation results:

Diagnosis:

SECTION 4: OPINION ON PATIENT'S MENTAL CAPACITY

OPINION ON PATIENT'S MENTAL CAPACITY IN RELATION TO PERSONAL WELFARE

In your opinion, can the patient understand information relevant to a decision relating to his or her personal welfare?

☐ Yes ☐ No

In your opinion, can the patient retain information long enough to make a decision relating to his or her personal welfare?

☐ Yes ☐ No

In your opinion, can the patient weigh information as part of the process of making a decision relating to his or her personal welfare?

☐ Yes ☐ No

In your opinion, can the patient communicate his or her decision relating to his or her personal welfare?

☐ Yes ☐ No

Taking into consideration the above, in your opinion, does the patient have mental capacity in respect of personal welfare?

☐ Yes ☐ No

OPINION ON PATIENT'S MENTAL CAPACITY IN RELATION TO PROPERTY

AND AFFAIRS

In your opinion, can the patient understand information relevant to a decision relating to his or her property and affairs?

☐ Yes ☐ No

In your opinion, can the patient retain information long enough to make a decision relating to his or her property and affairs?

☐ Yes ☐ No

In your opinion, can the patient weigh information as part of the process of making a decision relating to his or her property and affairs?

☐ Yes ☐ No

In your opinion, can the patient communicate his or her decision relating to his or her property and affairs?

☐ Yes ☐ No

Taking into consideration the above, in your opinion, does the patient have mental capacity in respect of property and affairs?

☐ Yes ☐ No

Please state the basis of your opinion above in respect of the patient's mental capacity:

PROGNOSIS

In your opinion, is the patient likely to regain mental capacity?

☐ Yes ☐ No ☐ Not Sure

If “Yes” or “Not Sure”, please suggest when another assessment of the patient’s mental capacity should be carried out:

In your opinion, would the patient understand if he/she were to be informed of this application?

☐ Yes ☐ No

Are you aware of any other doctor who holds a different professional opinion regarding the patient’s mental capacity? If so, please provide details:

SECTION 5: DECLARATION

I have read and understood the provisions in sections 3, 4 and 5 of the Mental Capacity Act.

I believe in the correctness of the opinion set out herein.

I understand that in giving this report my duty is to the Court and I confirm that I have complied with this duty.

Signature: _____

Name: _____

Date: _____

Explanatory notes:

1. “Personal welfare” refers to matters such as deciding where to live and consenting to medical and dental treatment.

2. "Property and affairs", as the name implies, refers to matters concerning the patient's financial affairs and property.
3. When giving your opinion on the patient's mental capacity, please note that where it is not patently obvious from the clinical history and examination that the patient has or lacks capacity, you will need to explain the basis for your opinion.

Section 3 of the Mental Capacity Act

- (1) The following principles apply for the purposes of this Act.
- (2) A person must be assumed to have capacity unless it is established that he lacks capacity.
- (3) A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.
- (4) A person is not to be treated as unable to make a decision merely because he makes an unwise decision.
- (5) An act done, or a decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.
- (6) Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person's rights and freedom of action.

Section 4 of the Mental Capacity Act

- (1) For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.
- (2) It does not matter whether the impairment or disturbance is permanent or temporary.
- (3) A lack of capacity cannot be established merely by reference to —
 - (a) a person's age or appearance; or
 - (b) a condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity.
- (4) In proceedings under this Act (other than proceedings for offences under this Act), any question whether a person lacks capacity within the meaning of this Act must be decided on the balance of probabilities.
- (5) Subject to section 21, no power which a person ("D") may exercise under this Act —
 - (a) in relation to a person who lacks capacity; or
 - (b) where D reasonably thinks that a person lacks capacity, is exercisable in relation to a person below 21 years of age.

Section 5 of the Mental Capacity Act

- (1) For the purposes of section 4, a person is unable to make a decision for himself if he is unable —
 - (a) to understand the information relevant to the decision;

(b) to retain that information;

(c) to use or weigh that information as part of the process of making the decision; or

(d) to communicate his decision (whether by talking, using sign language or any other means).

(2) A person is not to be regarded as unable to understand the information relevant to a decision if he is able to understand an explanation of it given to him in a way that is appropriate to his circumstances (using simple language, visual aids or any other means).

(3) The fact that a person is able to retain the information relevant to a decision for a short period only does not prevent him from being regarded as able to make the decision.

(4) The information relevant to a decision includes information about the reasonably foreseeable consequences of—

(a) deciding one way or another; or

(b) failing to make the decision.

Para.199

SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

(Title as in cause or matter.)

SUMMONS

1. Orders Applied For: [Set out orders applied for.]

2. Grounds of application

[Choose one of the following]

(a) The grounds of the application are set out in the affidavit(s) filed in support of this application.

(b) The grounds of the application are set out herein.

3. Party/Parties* to be served with this Summons

[Insert party to be served with summons e.g. spouse, children, parents, etc.]

4. Consent*

I/We* hereby consent to this Summons.

Signature: [Signature of consenting party]

[Name and ID No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.*]:

This Summons is taken out by [to state name of party filing this summons]

*Delete where inapplicable.

Para.202

ORDER OF COURT FOR MENTAL CAPACITY PROCEEDINGS

(Title as in cause or matter.)

ORDER OF COURT

1. Parties Present at the Hearing

[Choose one or more of the following]

(a) Plaintiff*

(b) Plaintiff's Counsel*

(c) Defendant*

(d) Defendant's Counsel*

(e) P*

(f) P's Litigation Representative*

(g) Other Party (to specify)*

2. Orders Made (By Consent*)

*Delete where inapplicable.

Para.203

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 8 OF THE
INTERNATIONAL CHILD ABDUCTION ACT**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No. _____)
of 20 _____)
(Seal) _____)

In the Matter of Section 8 of the International Child Abduction
Act (Cap. 143C)

And

In the Matter of [name of child]
(ID No.: _____)

Between

(ID No.: _____) ... Plaintiff/Applicant*

And

(ID No.: _____) ... Defendant*

ORIGINATING SUMMONS

To : The Defendant(s)

[Name]

of [Address] *

Let all parties concerned attend before the Judge on _____ (date/time), on the
hearing of an application by the plaintiff/applicant* that:-

2. That [name of child] be returned to the child's place of habitual residence which is
[country];

3. That the defendant/[name of person]* do hand over the child to the plaintiff/applicant* or his or her appointed representative, [name of representative], or [person ordered by the court] within ____ days from the date of this order;
4. That the defendant/[name of person]* do hand over the child and the child's passport and all relevant travelling documents to the plaintiff/applicant* or his or her appointed representative, [name of representative], or [person ordered by the court] within ____ days from the date of this order;
5. Any such further or other order as this Honourable Court deems fit;
6. Costs.

Dated this ____ day of _____ 20__

Registrar

Memorandum to be subscribed on the summons

1. This summons is taken out by _____ of _____ solicitor for the said plaintiff/applicant* whose address is _____ (or where the plaintiff/applicant* sues in person) This summons is taken out by the said plaintiff/applicant* who resides at _____ and is (stated occupation) and (if the plaintiff/applicant* does not reside within the jurisdiction) whose address for service is _____
2. If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 14 days of service after the date on which you were served with this summons.
3. If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.
6. This summons may not be served more than 6 months after the above date unless renewed by order of the Court.
7. Where the plaintiff/applicant* intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant together with the service of the originating summons.

*Delete where inapplicable.

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 14 OF THE
INTERNATIONAL CHILD ABDUCTION ACT**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)
(Seal))

In the Matter of Section 14 of the International Child
Abduction Act (Cap. 143C)

And

In the Matter of [name of child] (ID No.:)

Between

(ID No.:) ... Plaintiff/Applicant*

And

(ID No.:) ... Defendant*

ORIGINATING SUMMONS

To : The Defendant(s)

[Name]

of [Address]*

Let all parties concerned attend before the Judge on (date/time), on the
hearing of an application by the plaintiff/applicant* for:-

1. A declaration that the removal of [name of child] from Singapore or the retention of
[name of child] outside Singapore was wrongful within the meaning of the
Convention on the Civil Aspects of International Child Abduction (“the
Convention”);

2. Any such further or other order as this Honourable Court deems fit; and
3. Costs

Dated this day of 20

Registrar

Memorandum to be subscribed on the summons

1. This summons is taken out by _____ of
_____ solicitor for the said plaintiff/applicant* whose address is
(or where the plaintiff/applicant* sues in person) This summons is taken out by the said
plaintiff/applicant* who resides at _____ and is (stated occupation) and (if
the plaintiff/applicant* does not reside within the jurisdiction) whose address for
service is _____
2. If you intend to contest the application or any part of it, you are required to file an
affidavit stating the grounds of your objection within 14 days of service after the date
on which you were served with this summons.
3. If you do not attend personally or by your counsel or solicitor at the time and place
stated in this summons, such order may be made as the Court may think just and
expedient.
4. This summons may not be served more than 6 months after the above date unless
renewed by order of the Court.
5. Where the plaintiff/applicant* intends to adduce evidence in support of an originating
summons he must do so by affidavit, and must file the affidavit or affidavits and serve a
copy thereof on every defendant together with the service of the originating summons

*Delete where inapplicable.

Para.203

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION 8
OF THE INTERNATIONAL CHILD ABDUCTION ACT**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No. _____)

of 20 _____)

(Seal) _____)

In the Matter of Section 8 of the International Child Abduction
Act (Cap. 143C)

And

In the Matter of [*name of child*]

(ID No.: _____)

Between

(ID No.: _____) ... Plaintiff/Applicant*

And

(ID No.: _____) ... Defendant*

AFFIDAVIT

I, [*Name of deponent*], of [*address of deponent*], do make oath (or affirm)* and say as follows:

1. I am the Plaintiff/Applicant* and I make this affidavit in support of my application.

Details concerning the child

2. The child, [*full name*], was born on [*date*].

3. The habitual residence of the child immediately prior to the removal or retention of the child was _____, a convention country.
4. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
5. The child is now residing with [full name], [relationship, if any, to child], at [address].

Details of parties

6. [Please state the details of parties and the relationship between the parties and the child.]

Details concerning child's custodian

7. The plaintiff/applicant* has rights of custody in respect of the child by reason of the following factual and legal circumstances :
[Include details of any custody order.]
8. The child was removed or retained on [date] in the following circumstances:
[Include details of removal or retention.]
9. The following are particulars of pending court proceedings concerning the child :
[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

Attachments

10. I attach herewith a copy of the request for the return of the child filed with the Central Authority of Singapore marked “_____”.
11. I also attach herewith the following documents in support of my application:-
[Identify, attach and mark relevant documents:
(a) certified copy of relevant order or judgment concerning rights of custody, care and control;

- (b) certified copy of any relevant agreement relating to the custody of the child;
- (c) certificate or affidavit as to the applicable law;
- (d) any other documents relating to the child.]

If the child has been removed or retained for more than 12 months

12. The child was removed or retained more than 12 months ago. The reason for the delay in this application is as follows:

[State reasons.]

13. I hereby undertake to serve a copy of my application and all orders made pursuant to my application on the Central Authority.

14. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED)* by the _____)

Plaintiff/Applicant* at _____)

on the _____ day of _____)

20 _____)

Through the interpretation of (name and _____)

designation of person who interpreted) in _____)

(language of interpretation)* _____)

Before me,

A Commissioner for Oaths

*Delete where inapplicable

Para.203

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER SECTION
14 OF THE INTERNATIONAL CHILD ABDUCTION ACT**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)

of 20)

(Seal) _____)

In the Matter of Section 14 of the International Child
Abduction Act (Cap. 143C)

And

In the Matter of [name of child] (ID No.:)

Between

(ID No.: _____) ... Plaintiff/Applicant*

And

(ID No.: _____) ... Defendant*

AFFIDAVIT

I, [Name of deponent], of [address of deponent], do make oath (or affirm)* and say as follows:

- 1. I am the Plaintiff/Applicant* and I make this affidavit in support of my application.**

Details concerning the child

2. The child, (full name), was born on [date].
3. The habitual residence of the child immediately prior to the removal or retention of the child was _____, a convention country.

4. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
5. The child is now residing with [full name], [relationship, if any, to child], at [address].

Details of parties

6. [Please state the details of the parties and the relationship between the parties and the child.]

Details concerning child's custodian

7. The plaintiff has rights of custody in respect of the child by reason of the following factual and legal circumstances :

[Include details of any custody order.]

8. The child was removed or retained on [date] in the following circumstances :

[Include details of removal or retention.]

9. The following are particulars of pending court proceedings concerning the child:

[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

Attachments

10. I attach herewith a copy of the request made by the requesting judicial or administrative authorities referred to in Articles 15 of the Convention marked
“ _____ ”.

11. I also attach herewith the following documents in support of my application:-

[Identify, attach and mark relevant documents:]

- (a) certified copy of relevant order or judgment concerning rights of custody care and control;
- (b) certified copy of any relevant agreement relating to the custody of the child;

(c) any other documents relating to the child.]

12. I undertake to serve a copy of my application and all orders made pursuant to my application on the Central Authority.
13. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the)

Plaintiff/Applicant* at)

on the day of)

20)

Through the interpretation of (name and)

designation of person who interpreted) in)

(language of interpretation)*)

Before me,

A Commissioner for Oaths

*Delete where inapplicable

Para.203

**SUMMONS UNDER THE INTERNATIONAL CHILD ABDUCTION
ACT**

(Title as in cause or matter.)

SUMMONS

1. Date and Time of Hearing before Judge in Chambers/Registrar*
(to be completed by the court)
Date of hearing: [Date]
Time of hearing: [Time]
2. Orders Applied For: [Set out orders applied for.]
3. Grounds of application
[Choose one of the following]
 - (a) The grounds of the application are set out in the affidavit(s) filed in support of this application.
 - (b) The grounds of the application are set out herein.
4. Party/Parties* to be served with this Summons
[Insert party to be served with summons e.g. spouse, parents, etc.]
5. Consent*
I/We* hereby consent to this Summons.

Signature: [Signature of consenting party]
[Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.*]:

This Summons is taken out by [to state name of party/applicant filing this summons]

Signed:

Registrar:

Date:

* Delete where inapplicable.

Para.203

ORDER OF COURT UNDER THE INTERNATIONAL CHILD ABDUCTION ACT

(Title as in cause or matter.)

ORDER OF COURT

1. Date of order

2. Nature of Hearing (in Chambers)
Summons No./Nos*: [to state number]

3. Name of Registrar/Judge* Making the Order
[to state name]

4. Parties Present at the Hearing
[Choose one or more of the following]
(a) Plaintiff/Applicant*
(b) Plaintiff's/Applicant's Counsel*
(c) Defendant*
(d) Defendant's Counsel*
(e) Other Party (to specify)*

5. Orders Made (By Consent*)

Signed:

Registrar:

Date:

* Delete where inapplicable.