SG Courts

FAMILY JUSTICE COURTS
SINGAPORE

CASE MANAGEMENT HANDBOOK FOR DIVORCE AND OTHER RELATED MATTERS 2.0

Family 1 Case Management Team
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Registrar

Family Justice Courts of Singapore

Foreword

The Family Justice Courts is pleased to present the second edition of the Case Management Handbook. Since the publication of the first edition, the legal landscape governing family proceedings has continued to evolve, and the introduction of the Family Justice Rules 2024 on 15 October 2024 marks a significant milestone in that journey. This Handbook has been comprehensively revised to reflect these developments and to ensure that all court uses have access to clear, practical and up-to-date guidance.

Family proceedings can be challenging, and court users come with varying levels of familiarity with the legal processes. This Handbook aims to serve as a practical resource tool for all — whether represented by solicitors or navigating the process as a self-represented party — by setting out clearly the case management practices and procedures that apply within the FJC. In doing so, it supports the broader goal of ensuring that all court users are able to participate effectively in proceedings before the court

I extend my appreciation to the judges and judicial associates who contributed their time and expertise to this revised edition.

Kenneth Yap Yew Choh
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1. Introduction: The Objectives of the Case Management Handbook 2.0

Jen Koh[*]

Case management underwent a radical change with the enactment of the Family Justice Rules 2014 ("FJR 2014") in particular with the shift in paradigm such that litigation is no longer lawyer-driven but judge-led in its approach. The judge-led approach is retained and enhanced under the new Family Justice (General) Rules 2024 ("FJ(G)R 2024").

The overarching purpose of case management with the Family Justice Courts ("FJC") is to facilitate the just resolution of disputes according to law, as inexpensively and as efficiently as possible with the least acrimony. Parties and solicitors who enter our doors are tasked to conduct all proceedings according to this case management philosophy within the framework of the judge-led approach encapsulated in Rule 22 of the FJR 2014, and currently provided for in Part 8 of the FJ(G)R 2024. They are obliged to co-operate with and assist the Court in achieving this purpose.

This Handbook 2.0 explores the various ways in which a court user can achieve this purpose and how he or she is to prepare and manage his or her proceedings in Court - from the Case Conference ("CC") to the hearing of any interlocutory application leading to the final ancillary matters hearings. It also explores preparatory work and useful tips for attendance and conduct of CCs in the FJC and Pre-Trial Conferences ("PTCs") at the High Court Family Division ("HCFD").

As the work of the Family Courts is intertwined with that of stakeholders, the Handbook 2.0 also explores common issues with orders involving funds in Central Provident Fund ("CPF") accounts as well as dealing with the ownership of a Housing & Development Board ("HDB") flat post proceedings. Suggested phrasing for commonly used orders that are aligned with the applicable stakeholders' rules and regulations are also provided for reference.

[*] District Judge and Deputy Registrar, Family Justice Courts

The Handbook 2.0 offers practical tips, dos and don’ts at CCs and the Court’s expectations of the conduct of hearings. It is a useful tool to assist all court users in identifying core issues and resolving these issues expeditiously and efficiently, whilst according due importance to the family’s needs and access to justice. Please note that this Handbook 2.0 should be read in conjunction with the FJ(G)R 2024 and the Family Justice Courts Practice Directions 2024 (“FJC PD 2024”) and where any discrepancies exist, the latter two documents shall take precedence.

2. Case Management and the "Judge-led" Approach

Chapters 2.1 to 2.3: Janice Chia, Michelle Elias Solomon[*]
Chapter 2.4: Edmund Chew, Gay Hui Yi[*]

1. Introduction

1.1. The FJR 2014 allowed the judge to assume a greater inquisitorial role in proceedings, and enabled cases to be managed based on different timelines/tracks depending on their complexity. This paved the way for a more "judge-led" system geared towards ensuring "just, expeditious and economical" outcomes[1]. The intention was to (i) empower the judge to proactive guide and direct proceedings; (ii) reduce acrimony between the parties; and (iii) minimise the negative impact that Court proceedings may have on the parties involved, especially the children.

1.2. Due to the emotional nature of family law proceedings, such proceedings sometimes tend to be more protracted and multiple interlocutory or interim applications may be filed. As the general assumption is that protracted litigation is detrimental to the best interests of the children and families, it is essential that family cases be prevented from "spiralling out of control"[2]. Effective case management is therefore essential to ensure (i) the expeditious resolution of cases without compromising delivery of justice; (ii) the efficient allocation of limited Court resources; (iii) the efficacy of court procedures and compliance with Court directions.

1.3. In 2017, the RERF Committee (the Committee to Review and Enhance Reforms in the Family Justice System) was formed and one of its key recommendations was to simplify the FJR 2014, enhance its accessibility and streamline Court processes to achieve greater efficiency. An important recommendation was to enhance the judge-led approach, with the intention of finding more ways to help parties heal and move on after Court proceedings, by guiding parties to elicit only the right evidence and raise the right arguments which would be necessary in ensuring a fair outcome.

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[*] District Judges, Family Justice Courts
[1] Rule 22, FJR 2014
[2] *"Shifting to a "Judge-Led" system for family law proceedings: some observations on the Singapore experiment thus far"*, by Chen Siyuan

1.4. It was in this context that the implementation of the FJ(G)R 2024[3] saw the introduction of Part 8, which provides the current framework for the judge-led approach in FJC, and how this approach applies to achieve the Objectives under Part 1 of the FJ(G)R 2024.

2. What does "Judge-led" mean?

What can the judge do?

2.1 The judge should actively direct, control and manage the conduct of proceedings instead of leaving the parties to run the proceedings however they wish to do so, with a view to keeping the proceedings as acrimony-free as possible and leading to better outcomes for families and children. The solicitors and self-represented persons ("SRPs") are also expected to assist the judge to problem-solve and come to a fair decision, and not to prolong or cause undue delay to the proceedings. This is reflected in paragraph 78 of the FJC PD 2024: "The overarching purpose of case management is to facilitate the resolution of disputes in accordance with the objectives set out in Part 1, rule 4(2) of the Family Justice (General) Rules 2024.". Part 1, rule 4(2) of the FJ(G)R 2024 explains the objectives as (a) fair access to justice, (b) expeditious proceedings, (c) cost-effective resolution of cases in a manner proportionate to the nature, complexity and importance of the issues and, if applicable, value of the claims, (d) placing the child's welfare as the paramount consideration where a child is a party to or a subject of the proceedings, (e) fair and practical results for parties (f) efficient use of court resources.

2.2 In the FJC, CCs are generally conducted by the Assistant Registrars ("ARs") to monitor the progress of a case, and to ensure that the directions and timelines given by the Court are complied with. Part 8, rules 1 and 5 of the FJ(G)R 2024 requires the Court to "adopt a judge-led approach which includes:

a) identifying and narrowing the key and relevant issues;

[3] The FJ(G)R 2024 and the FJC PD 2024 came into operation on 15 October 2024 and will apply to proceedings commenced on or after 15 October 2024. For proceedings commenced before 15 October 2024, the FJR 2014 and the FJC PD 2015 will continue to apply to those proceedings.

b) determining what evidence should be adduced by the parties and the manner in which the evidence is to be adduced;

c) determining the conduct of the proceedings, which includes limiting the time for oral evidence or arguments, limiting the number and length of the affidavits and submissions;

d) restricting the number of interlocutory applications and/or affidavits if necessary[4];

e) making an order of a substantive nature without a formal application[5] if it is in the interests of justice to do so;

f) considering all relevant pending matters, such as other related applications filed by way of Magistrate's Complaint;

g) exploring options for alternative dispute resolution as early as practicable which shall include considering if a party has complied with relevant pre-action protocol; and

h) consolidating and giving directions for all relevant matters.

This not only facilitates a more effective and expedient processing of cases, but also reduces the number of required court attendances and affidavits to be filed by the parties.

2.3 The "judge-led" powers of the Court therefore allow the AR to, for example, dispense with unnecessary interlocutory applications by summarily dismissing such applications at CC; or to expedite the proceedings on the Court's own motion by making unless orders. Unless orders usually compel a party to do something, for example to file an

[4] Section 11A Family Justice Act 2014 ("FJA 2014") read with Part 8, rule 5(2) of FJ(G)R 2024
[5] Section 11B FJA 2014

affidavit, and are reserved mainly for repeated and contumelious process breaches. Cost orders may also be made against any party for wasted court attendances due to non-compliance with Court directions. In some cases, a higher quantum of costs, including indemnity costs, may be ordered for repeated process breaches. In the event that any party does not comply with any order made or direction given, the judge can even dismiss the action or strike out any reply or response[6].

2.4 Pursuant to Part 8 of the FJ(G)R 2024 and the FJC PD 2024, solicitors are expected to personally attend CCs, and must be "thoroughly prepared to discuss all relevant matters as the Registrar conducting the case conference will take a holistic approach to the case and consider all relevant matters relating to the case"[7]. Solicitors are also expected to advise their clients about other dispute resolution options, especially mediation, which should be "considered at the earliest possible stage in order to facilitate an amicable resolution of the dispute"[8]. All proceedings which involve disputed children issues will be referred to Therapeutic Justice Case Conference ("TJCC"). For proceedings which do not involve disputed children issues, the judge may direct the parties to attend either court-annexed or private mediation depending on the value of the dispute[9], and give all relevant directions to facilitate the conduct of mediation including the exchange of financial documents and proposals on a "without prejudice" basis[10].

2.5 Judges can also conduct interviews with children[11], in appropriate cases involving custody disputes and where the child is of an age and maturity to make his or her views known. In *WKM v WKN*[12], the Court of Appeal ("CA"), in endorsing the earlier decisions in *ZO v ZP*[13] and *AZB v AZC*[14], affirmed that a child's wishes may be ascertained through the judicial interview process. Whether to employ this process remains a matter of judicial discretion. The Court further explained that the judicial interview is consonant with the principles of TJ which forms the bedrock of the

[6] Part 8, rule 2(7) FJ(G)R 2024
[7] Paragraph 80(2) FJC PD 2024
[8] Paragraph 80(3) FJC PD 2024
[9] Paragraph 81 FJC PD 2024
[10] Paragraph 84 FJC PD 2024
[11] Section 46(3)(ha) FJA 2014 and Part 8, rule 2(f) FJ(G)R 2024
[12] [2024] SGCA 1
[13] [2011] 3 SLR 647
[14] [2016] SGHCF 1

Singapore's family justice system. Through this process, children are assured that their interests take precedence over all other considerations. The CA further explained that the confidentiality of the judicial interview serves a particularly important function to provide the children with a safe space to express their views freely, without fear of the consequences or outcomes that might flow from doing so.

2.6 In hearing ancillary proceedings, the case of *TIG v TIH*[15] which provided guidelines on the Court's judge-led powers under rule 22 of the FJR 2014 remains applicable under the FJ(G)R 2024. The case of *TIG v TIH* concerns the exercise of the judge-led powers in the context of ancillary proceedings. In *TIG v TIH*, the Family Division of the High Court acknowledged that rule 22 under the FJR 2014 gives a "wide discretion" to the judge to achieve a "just, expeditious and economical disposal" of the ancillaries. Accordingly, the judge has a more independent role than that of a judge in ordinary civil proceedings[16]. In the exercise of the judge-led powers, the Court should bear in mind the broad-brush approach in ancillary proceedings and avoid "over-elaboration or trivial issues of minor relevance". The Judge in this case went on to note that cross-examination of witnesses over "minute events taking place many years ago for the purposes of assessing each party's indirect contribution" was usually neither necessary for disposing fairly of the proceedings or for saving costs. *TIG v TIH* remains good law given that the same principles of "just, expeditious and economical disposal" have been retained and recast in the FJ(G)R 2024 as the objectives of achieving fair access to justice, expeditious proceedings and cost-effective resolution of cases proportionate to the value of the claims and nature of issues involved.

2.7 In terms of the conduct of hearing and trials, the judge has extensive powers under FJ(G)R 2024 to decide on the evidence to be adduced (Part 8, rule 1(b) FJ(G)R 2024), the manner of adducing evidence (Part 8, rule 2(e) FJ(G)R 2024) and the sequence of giving oral evidence in proceedings (Part 8, rule 2(l) FJ(G)R 2024). In particular, the judge can order a party to give evidence orally, by affidavit or in any other manner including an unsworn statement. For quasi-criminal proceedings, i.e. proceedings which are commenced by filing a Magistrate's Complaint, Part 15, rule 25 FJ(G)R 2024

[15] [2016] 1 SLR 1218
[16] Ibid

expressly allows the Court to accept an unsworn statement in place of an affidavit, or the attestation of an affidavit by way of a declaration. The Court also has the power to conduct the hearing in an asynchronous manner, i.e. without hearing oral arguments, provided that the exercise of the powers will not be inconsistent with the Court's duty to ensure a fair hearing[17]. In addition, the Court also has the powers to dispense with the attendance of parties and/or solicitors except in certain circumstances[18] such as where oral evidence is given during the proceedings unless all parties consent.

2.8 With the enactment of section 11C of the Family Justice Act 2014 ("FJA 2014"), the Court has been granted expanded powers to restrict the cross-examination of any witness in scope and duration, as well as to allow cross-examination to be conducted in an alternative manner as set out in Part 15, rule 18 of the FJ(G)R 2024.

2.9 Part 15, rule 18 of the FJ(G)R 2024 states that the Court may exercise the powers to restrict cross-examination of a party if any of the following conditions are satisfied.

2.10 The first condition is where the examining party is convicted of an applicable offence committed against the witness. The list of applicable offences primarily relates to offences of violence, including breaches of personal protection orders ("PPO") or protection orders issued under the Protection from Harassment Act 2014 ("POHA").

2.11 The second condition is where there are pending proceedings pertaining to an applicable offence involving both the witness and the examining party.

2.12 The third condition is where a PPO, POHA order or a protection order issued under the Vulnerable Adults Act 2018 ("VAA") is in force in favour of the witness against the examining party.

2.13 The fourth condition is where the witness is a minor (i.e. below 21 years of age), a vulnerable adult or a person who is either mentally or physically incapacitated, elderly or suffering from ill health.

[17] Section 29A(1) and (2) FJA 2014 and Part 15, rule 4(5) FJ(G)R 2024
[18] Section 29A(3) and (4) FJA and Part 15, rule 5 FJ(G)R 2024

2.14 The fifth condition applies to the victims in any PPO, POHA or VAA trial.

2.15 Where the Court exercises the powers under section 11C FJA 2014 to disallow cross-examination, it may nevertheless permit cross-examination to be conducted in an alternative manner. This includes allowing the questions to be asked after they have been reframed or rephrased, restricting cross-examination to solicitors only, requiring questions to be asked in a manner that advances the objectives set out in the FJ(G)R 2024, or in any other manner as the Court thinks fit[19].

2.16 Under the FJ(G)R 2024, the discovery and interrogatories process (renamed as "disclosure" under the new Rules) closely follow the general principles in the Rule of Court 2021 ("ROC 2021") save for certain exceptions. Similar to the ROC 2021, the Court's powers to order disclosure are guided by the following principles, which marks a significant shift from the regime under the FJR 2014. First, an applicant is to sue and proceed on the strength of the applicant's case, and not the weakness of the respondent's case. Second, the Court must consider the objectives of the FJ(G)R 2024 when ordering disclosure. Third, parties may agree on a broader scope of disclosure. Fourth, the Court may order a broader scope of disclosure where such disclosure will aid in disposing fairly of the proceedings. Fifth, a party does not give up his or her right to privacy and confidentiality in the documents or communications. Accordingly, confidentiality of the documents or information to be disclosed is not a defence to an application for disclosure[20].

2.17 The first principle, i.e. an applicant is to proceed only on the strength of his or her case, marks a significant departure from the regime under the FJR 2014. The effect of this shift is reflected in Part 9, rule 7 FJ(G)R 2024 which provides that the Court will not order disclosure which merely leads a party on a train of inquiry unless the applicant proves that a special case exists.

[19] Part 15, rule 18(2) FJ(G)R 2024
[20] Part 9, rule 9 FJ(G)R 2024

2.18 The key difference between the disclosure principles in the FJ(G)R 2024 and ROC 2021 is in the disclosure of private or internal correspondence. The ROC 2021 provides that such correspondence will not be ordered unless it is a special case or the documents are known adverse documents[21]. There is no similar restriction in the FJ(G)R 2024 due to the personal nature of the family proceedings.

2.19 Apart from the changes in the disclosure principles, the disclosure process is further tightened to address two challenges in the discovery and interrogatories process under the FJR 2014, namely, the length of time taken to complete discovery and/or interrogatories, as well as the number of rounds of requests. The FJ(G)R 2024 provides that a party is required to produce all documents which are referred to in his or her affidavit and any standard documents which are required to be exhibited in accordance with the FJC PD 2024[22]. No disclosure order is required to compel the disclosure of such documents and the applicable consequences arising from failure to disclose may be applied[23]. As for the documents which fall outside of the mandatory disclosure process, a party is allowed to issue only one summons for disclosure for each affidavit[24]. Permission of the Court is required if the party seeks further disclosure, and the Court must be satisfied that the further disclosure arises out of the previous disclosure, and/or necessitated by insufficient or incomplete disclosure, and/or may aid in fair disposal of the matter[25].

2.20 Although the process of making a request for discovery and/or interrogatories in the FJR 2014 was removed in the FJ(G)R 2024, the voluntary process is partially retained through the use of **Form 85A** of the FJC PD 2024[26]. A party who wishes to issue a request for voluntary disclosure ("first party") may write to the other party ("second party") with his or her request. The request must include a warning on the legal implications should the other party agree to provide disclosure[27]. The warning makes clear that the first party may request the Court record any agreement to provide

[21] Order 11, rule 5(2) ROC 2021
[22] Part 9, rule 3 FJ(G)R 2024
[23] Part 9, rule 16 FJ(G)R 2024
[24] Refer to Chapter 7 on **Ancillary Matters** for more information on Disclosure.
[25] Part 9, rule 5 FJ(G)R 2024
[26] Paragraph 92 FJC PD 2024
[27] Paragraph 92(2)(b) FJC PD 2024

voluntary disclosure as a Court order. If there is a complete agreement on voluntary disclosure, the first party may file **Form 85A** to inform the Court of the agreed disclosure and no summons for disclosure is required. Otherwise, the first party is still required to file and serve a summons for disclosure for the items which the second party has refused to provide voluntarily within the prescribed timeline of 14 days from the date of the First Ancillary Affidavit ("1st AA")[28].

2.21 Arising from the extensive judge-led powers to control and direct proceedings, one possible issue that may arise is that of "excessive judicial interference" or the perception that the judge is descending into the arena. *BOI v. BOJ*[29] offers some guidelines as to when this may arise. Pursuant to rule 22 of the FJR 2014 which has been imported into the FJ(G)R 2024[30], the Court has "wide powers to manage the flow of the proceedings, including the power to limit time for oral arguments". The judge must however be careful not to take up "a position and pursue it with the passion of an advocate", nor should the judge intervene in a manner which impedes a party's presentation of its case. However, the CA in the case of *BOI v BOJ* recognised that in this case, which was described as one that "cried out for judicial intervention", it was necessary for the judge to "keep a tight rein on the proceedings", cut down on the issues of dispute, and steer the parties towards a resolution of the final ancillary matters.

2.22 The question of whether "judge-led" powers extend to making decisions or orders which affect the substantive rights of the parties is now laid to rest with the enactment of section 11B of the FJA 2014. Section 11B makes clear that the Court's power to make any order on its own motion extends to orders of a substantive nature provided both of the following conditions are satisfied. First, every person affected by the order has been given an opportunity to be heard. Second, it is in the interests of justice to make the order. These powers are reinforced through the FJ(G)R 2024, which empowers the Court to deal with any issue summarily and make the appropriate orders at the CC to ensure the welfare of a child to whom the proceedings relate to[31]. The Court may exercise such powers despite the absence of a formal application or the production of

[28] Paragraph 92(5) FJC PD 2024
[29] [2018] 2 SLR 1156
[30] Part 1, rule 4(2) read with Part 8, rule 2 of the FJ(G)R 2024
[31] Part 8, rule 5 FJ(G)R 2024

relevant evidence in relation to the intended orders, as long as the affected person has been given an opportunity to make representations.

2.23 Notwithstanding the recent legal developments that have further strengthened the Court's judge-led powers in the FJ(G)R 2024, earlier cases such as *TZW v TZX*[32] and *UYJ v UYK*[33] continue to provide useful guidance on the exercise of such powers – the former in relation to substantive orders, and the latter in relation to procedural matters.

2.24 In *TZW v TZX*, the "judge-led" approach was used by the judge during a CC to make an order for interim maintenance for the child, even though this was not strictly within the scope of the application. The judge explained that the interim order was made taking into account the best interests and welfare of the child, as the parties were foreigners and therefore were not eligible to seek help from the relevant governmental agencies.

2.25 In *UYJ v UYK*, the District Judge ("DJ") who was also the docket judge for the main applications, had exercised the judge-led powers under rule 22 of the FJR 2014, to restrict the number of affidavits filed in respect of main application and disallow further affidavits from third parties. The DJ explained that, as the hearing judge, she is well placed to determine that there was already sufficient evidence before her. On appeal, the Honourable Justice Debbie Ong found that the DJ had "exercised the judge-led approach in a principled way" in restricting the evidence presented by the parties[34]. The appeal Judge noted that while the Father may "perceive the DJ's restrictions on the evidence to be 'unfair' because he is not able to present all the evidence he wishes to", the Mother may also "perceive unfairness if the DJ had allowed a party to bring to court unnecessary evidence, protracting proceedings, increasing costs and distracting all from the most important issues". The judge may thus exercise discretion to restrict the evidence presented, and should give sound reasons for doing so, bearing in mind the purpose of the "judge-led" approach, which is to control/not to protract proceedings for the sake of protecting the child's welfare.

[32] [2017] SGFC 73
[33] [2019] SGFC 76
[34] RASes 18/2019, 20/2019, 24-27/2019, oral decision delivered on 8 Aug 2019

3. Some Dos and Don'ts of Case Management

3.1 **DO** come prepared for CCs. As the "judge-led" approach requires the Court to actively manage and direct the conduct of proceedings, this usually means that you may be asked questions on (i) the disputed issues; (ii) the gross value of the matrimonial asset pool; (iii) whether the issues relating to the child(ren) are contentious, i.e. parties are unable to agree over care and control; (iv) if the parties have attended mediation; and (v) whether there is any third-party interest in any matrimonial asset.

3.2 **DO** assist the Court in expediting proceedings. Comply with timelines as set out in the FJ(G)R 2024, especially on matters of disclosure which are often the cause of protracted delays. If a subsequent summons for disclosure is required, be prepared to address the Court at a CC on why you require further disclosure; this will assist the Court in determining whether to grant permission on your request.

3.3 **DO** be punctual. CCs are fixed within designated slots on lists which typically involve 8-10 cases. When you are late for your case, it can cause delays with other cases and is unfair to other court users who have made the effort to be on time.

3.4 **DO** comply with court directions, especially timelines given for the filing of documents/affidavits. If directions were not complied with, do have your reasons available to update the Court for the AR's consideration.

3.5 **DO** be respectful towards the other party and the AR conducting the CC. It is not polite to express your disagreement by way of body language or non-verbal communication. Mutual respect is expected from all parties. For virtual court events, please ensure that you have stable connectivity that supports the entire duration of the virtual court event. Virtual court sessions with parties that have audio / visual / connection problems can cause delays in the management of your case. Most importantly, it is in your interests, as the court user, to ensure that the Court can hear and see you; this supports your right to be heard in court proceedings.

3.6 **DON'T** ask for, and expect, an adjournment to be granted without a valid reason. As far as possible, the court will set timelines in advance to allow solicitors and parties to plan around court events. Generally, only unforeseen and/or uncontrollable circumstances which render it impossible or highly prejudicial for the hearing to proceed will be accorded due weight in a request for an adjournment. For example, an adjournment will be granted if you/your solicitor is hospitalised and have a medical certificate valid for absence from court attendance, or where there is a bereavement in the immediate family. While it is not possible to list the "good reasons" for adjournment exhaustively, a "common-sense" test will be applied. Non-critical circumstances or preventable conflicts (e.g. "I have another meeting that can only be held on this date") will not be looked upon favourably.

3.7 **DON'T** expect that a request for an extension of time to file documents/affidavits will be automatically granted, even if it is by consent of parties, and especially if it is not the first extension of time.

3.8 **DON'T** ask for another extension of time after the final extension has already been granted. A direction that an extension is "final" should be taken at a plain reading.

4. Conduct of Case Conferences and Pre-Trial Conferences

4.1 CCs at the Family Courts and PTCs at HCFD are conducted by ARs of the Family Courts to monitor the progress of the case and for parties to update the Court on the status of directions previously given. The AR will issue further directions for steps to be taken to dispose of or resolve the case expeditiously, including fixing suitable dates for the substantive hearing.

4.2 **Location and mode** – CCs at Family Courts and PTCs at HCFD may be conducted in-person in the FJC building at 3 Havelock Square Singapore 059725 or via video conferencing platform (currently, Zoom).

4.3 **Queue system for physical hearings** – Where the CC or PTC (as the case may be) is conducted physically in the FJC, the Central Queue Management System ("CQMS")

allows the AR to manage the list from within the hearing chamber. Only cases which are ready to be mentioned (i.e. all parties have taken a queue number or remaining parties are marked absent) will be called by the AR. If the other party is absent for more than 30 minutes and you wish to proceed with the CC or PTC, the party or solicitor present can take the queue number for the absent party or indicate the absence of that party in CQMS.

4.4 **Queue system for virtual hearings** – Where the CC or PTC (as the case may be) is conducted via video conferencing platform, all parties must ensure that they adhere to the relevant guidelines for the use of video conferencing available on the Judiciary website[35]. A copy of the Zoom Guidelines is also provided in the Registrar's Notice issued to parties setting out the hearing details. All parties must comply with the relevant guidelines, including the proper naming convention and the appropriate attire.

[35] See the Judiciary website for more information: https://www.judiciary.gov.sg/attending-court/virtual-court-sessions

3. Interlocutory Applications

Goh Zhuo Neng[*], *Nathaniel Tan*[**]

1. Introduction

1.1 This Chapter deals with the filing of interlocutory applications.

1.2 In the course of proceedings commenced by an Originating Application ("OA") under Part 10 of the Women's Charter 1961 ("WC 1961") or the Guardianship of Infants Act 1934 ("GIA 1934"), prior to the final hearing of the matter, parties may file applications regarding various issues. These applications are treated as interlocutory applications, and would generally be:

a) **Procedural** – Applications for substituted service or dispensation of service, or for the production of documents and/or information (disclosure); or

b) **Substantive** – Applications requiring the Court to determine the substantive rights of the parties pending the final hearing (e.g. interim custody, care & control, access and maintenance of child(ren)). These orders will be superseded by orders made at the final hearing of the OA.

2. Timelines

2.1 Interlocutory applications are commenced by the filing of a summons within the OA proceedings (Generally **Form 67A** of the FJC PD 2024, unless a specific summons form is available), supported by an affidavit (Generally **Form 54** of the FJC PD 2024, unless a specific affidavit form is available). Interlocutory applications are generally heard with notice, which means that both parties – the party who files the summons (called the "Applicant") and the party who responds to the summons (called the

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"Respondent") - will submit evidence to the Court for determination. The general timeline for an interlocutory application is set out in the table below.

Stage	Description
Filing of summons and supporting affidavit	Filed by the Applicant, and served on the Respondent at least 7 days before the first Court hearing or CC or any shorter period that the Court may allow[36].
Case Conference	This will be fixed by the Court within a few weeks of filing of the summons, in order to manage and give directions for the summons, to ensure that the application is ready for hearing.
Filing of reply affidavit	Filed by the Respondent within 14 days after the service of the summons and supporting affidavit on the Respondent. No final response will be allowed to this reply affidavit without permission of the Court.
Hearing of the interlocutory application	The Court will hear submissions and make orders on the interlocutory application. Parties are usually required to file written submissions 7 days before the hearing, unless otherwise directed.

2.2 Where the interlocutory application is relatively straightforward, the Court may deal with the matter and grant the relevant orders at CCs, where appropriate, pursuant to the judge-led approach[37]. This will generally include procedural applications in which the issue is primarily one of costs, such as applications for extensions of time, and for substituted service or dispensation of service.

3. Substituted Service and Dispensation of Service

A. Introduction

[36] Part 5, rule 15(4) FJ(G)R 2024
[37] Refer to Chapter 2 on **Case Management and the "Judge-led" Approach** for more details.

3.1 An OA is required to be served on the other party personally i.e. leaving the documents with his or her person[38]. This is necessary in order to bring the attention of the other party to the filing of the OA against him or her.

3.2 The following persons may effect personal service[39]:

a) A process server of the Court;

b) A solicitor;

c) A solicitor's employee;

d) A self-represented party;

e) Any other person that the Court may allow.

3.3 Similarly, summonses (including interlocutory or interim applications) are also required to be served on the Respondent, but may be done by ordinary service instead[40]. Part 7, rule 4 of the FJ(G)R 2024 sets out the various methods of effecting ordinary service. Common methods of effecting ordinary service include:

a) Leaving the documents at the usual or last known address of the Respondent, or the business address of the solicitor representing the person in the proceedings;

b) Posting the documents to the usual or last known address of the Respondent, or the business address of the solicitor representing the person in the proceedings;

c) Emailing the documents to the Respondent's email address provided.

[38] Part 5, rule 11 FJ(G)R 2024
[39] Part 7, rule 3(2) FJ(G)R 2024
[40] If a party files a summons to vary an order more than 1 year after the date of the last order made in the proceedings, the summons must be served personally: Part 2, rule 19(2) FJ(G)R 2024

3.4 If personal service is successful, an Affidavit of Service (Successful Attempt) (using **Form 78B** of the FJC PD 2024) should be filed within 7 days of the date of service[41]. If personal service is unsuccessful, an Affidavit of Service (Failed Attempts) (using **Form 78A** of the FJC PD 2024) should be filed prior to any application for substituted service or dispensation of service (see below).

B. Substituted Service / Dispensation of Service

3.5 If a document is required to be served personally and it is impractical to serve it personally, a party may apply to serve it by substituted service. The application for an order for substituted service should be filed. This application is filed as a 'without notice' summons supported by affidavit – meaning that the application will be heard without giving notice to the Respondent.

3.6 The Court may order any of five types of substituted service where applicable:

a) By posting on the front door at the Respondent's last known address in Singapore.

b) By way of pre-paid AR registered post/ordinary post to the Respondent's last known address.

c) By virtual service e.g. electronic mail, instant messenger or social media account.

d) By SingPass app inbox to a Respondent with a valid SingPass ID.

e) By way of advertisement.

3.7 If the Respondent's last known address is known, an application should be made for substituted service under (a) or (b) above. If the last known address is not known but the Applicant knows the Respondent's current contact number/email address/social media account, an application could be made for substituted service under (c) above.

[41] Part 7, rule 4 FJ(G)R 2024

SingPass account is only available to Singaporeans, Singapore Permanent Residents ("PR") and certain passholders. If the Respondent does not fall within these categories, substituted service under (d) may not be available and the Applicant should consider other modes of substituted service. Substituted service under (e) above is usually done when the Applicant does not have the Respondent's contact details or address but is aware that the Respondent is in a certain country, is literate in a certain language and this mode would be effective in bringing the proceedings to the notice of the Respondent.

3.8 If all the modes of substituted service above would not be effective in bringing the proceedings to the notice of the Respondent or the Respondent cannot be found and/or located, then the Applicant should apply for dispensation of service. This means that if successful, the documents need not be served on the Respondent. The requirements for an application for dispensation of service are explained in more detail below.

C. Contents of the Summons and Supporting Affidavits for Service-Related Applications

3.9 **Form 79** of the FJC PD 2024 provides the details required for the respective service-related summons application and the supporting affidavit. Generally, in any application for substituted service, the Applicant must satisfy the Court of the following matters which should be explained in the supporting affidavit:

a) The proposed mode of substituted service is effective in bringing the document to the notice of the Respondent; and

b) The Applicant should, where appropriate, consider other modes of substituted service, such as AR registered post, electronic means (including email or Internet transmission) or via SingPass app inbox in addition to or in substitution for substituted service by posting on doors or gates of residential or business premises.

3.10 Two reasonable attempts at personal service have been made at the Respondent's last known address before the application for substituted service is filed. The dates, times, and outcomes of these attempts must be stated in the supporting affidavit, if the attempts at service were effected by the Applicant personally. Otherwise, the supporting affidavit must refer to the Affidavit of Service (Failed Attempts) (using **Form 78A** of the FJC PD 2024) sworn or affirmed by the process server who had attempted service of the documents.

3.11 If the attempts at personal service were not successful because the server was informed that the Respondent is overseas or has moved away, then the Applicant must explain how the posting to or at that address would bring the documents to the notice of the Respondent. For example, if the server is told that the Respondent "is overseas", evidence is required in the affidavit as to what date the person will be back in the country.

I. Posting on the front door of the last known address

3.12 **Efforts to ascertain the Respondent's last known address** – The affidavit should set out the efforts made by the Applicant to ascertain the Respondent's last known address and the Applicant's efforts to effect service there.

a) In the case where the Respondent is an owner of a property, the Applicant should obtain documentary proof from either of the following sources to prove that the Respondent is an owner of the property, and state the grounds for the Applicant's belief that the Respondent continues to reside there:

i) Inland Revenue Authority of Singapore – Check Annual Value of Property.

ii) Singapore Land Authority – Property Ownership Information.

iii) Housing & Development Board ("HDB") – Purchased Flat Details.

iv) Accounting and Corporate Regulatory Authority ("ACRA") – People Profile.

b) If there is no response to both attempts at personal service at the Respondent's last known address (e.g. the door was locked and no one came to the door), the Applicant needs to state in the affidavit:

i) The evidence that the Respondent is currently residing at the address (for example, relevant search results from the source(s) at sub-paragraph (a) above);

ii) The grounds for the Applicant's belief that the Respondent is currently residing at the address, for example, that the Applicant is also residing at the same address, and sees the person every day;

iii) The grounds for the Applicant's belief that the Respondent is evading service and evidence to support such statement;

iv) The efforts that the Applicant took to discover that the Respondent is currently residing at this address. See sub-paragraph (c) below.

c) In a case where the Applicant is not able to prove the Respondent's address by exhibiting the relevant search results, the Applicant must make attempts to locate the Respondent by contacting the person's family, friends, and employer(s) (if any), in order to discover the address at which the person is currently residing. The Applicant must then explain the following matters in the affidavit:

i) Details of the Applicant's last contact with the Respondent including the date or period of contact, the mode of contact (i.e. over the telephone, a letter, or a meeting), and the contents of any communications made, whether written or oral, and the nationality of the Respondent;

ii) Details of the Applicant's knowledge (or lack thereof) of the Respondent's family, friends and/or employer, and those person(s)' knowledge of his or her whereabouts ("the contacts of the Respondent"), including their details if known (e.g. names, addresses and their relationship to the Respondent and whether they live in Singapore or overseas) and whether the Applicant knows them;

iii) Details of the Applicant's attempts to contact the contacts of the Respondent, including the number of such attempts made, the dates and mode of the said attempts or enquires made as to the Respondent's whereabouts or last known address (i.e. whether by telephone, letter, or meeting), and the contents of any communications made, whether written or oral;

d) If the response to the attempt at personal service is that the Applicant or process server is told that the Respondent "is overseas", evidence is required in the affidavit as to what date the person will be back in the country. If it appears from the response to the attempt at personal service that the Respondent is permanently overseas, evidence is required in the affidavit as to how the documents will come to the person's attention by being posted on the front door.

II. Prepaid AR registered post / ordinary post

3.13 **Belief** – The affidavit should state the grounds for the Applicant's belief in respect of the particular address at which substituted service by prepaid AR registered post / ordinary post is sought. Specifically, the affidavit should state that (i) the Respondent is currently resident, working, or can receive correspondence at that address; (ii) the Applicant, the parties' children, or a common contact had visited the Respondent at that address; or (iii) that address is the last known address of the Respondent as stated in a document or message.

3.14 **Overseas address** – If the application for substituted service by way of prepaid AR registered post / ordinary post is to an overseas address, the affidavit should also state the country that the Respondent ordinarily resides in.

III. Virtual service e.g. email, instant messenger (e.g. WhatsApp) or social media account

3.15 **Belief** – The affidavit should state the grounds for the Applicant's belief that the Respondent can be contacted by the virtual address, contact number or social media account specified, and that the said account or contact remains active.

3.16 For example, if application for substituted service is by way of email, it has to be shown that the email account to which the document will be sent belongs to the Respondent and that it is currently active. Documentary proof that the Respondent actively uses this email address should be exhibited in the affidavit.

3.17 Similarly, if substituted service is by other electronic means (e.g. WhatsApp, social media account), the Applicant must show that the Respondent actively communicates through the specific instant messenger or social media account. Documentary proof of these communications should be exhibited in the affidavit.

IV. SingPass app inbox

3.18 **Belief** – The affidavit should state the grounds for the Applicant's belief that the Respondent has a SingPass app and that such service will bring the proceedings to his or her notice, including the Respondent's SingPass ID and residency status (i.e. Singapore citizen, Singapore PR or pass holder). If the Respondent is a pass holder (e.g. employment pass, S pass, long term visit pass/pass-plus, work permit etc), the affidavit should include how long the Respondent has been living and/or working in Singapore.

3.19 **Declaration** – The application for substituted service by SingPass app inbox includes a declaration that service can only be effected if the person to be served has a SingPass

app (and not just a SingPass account). If the person to be served does not have a SingPass app, the service will be marked as "unsuccessful".

V. Advertisement

3.20 **Efforts to locate the Respondent** - Before an application for substituted service by way of advertisement can be granted, the Applicant must make attempts to locate the Respondent by contacting the person's family, friends, and employer(s) (if any), in order to discover the address at which the Respondent is currently residing, whether in Singapore or overseas.

3.21 **Language literacy** – The affidavit must state the matters set out at paragraph 3.12(c) above. In addition, the affidavit must also state the details of the literacy of the Respondent, in what language the Respondent is literate, whether he or she has a habit of reading newspapers and the Applicant's basis for knowing of such habit.

3.22 For example, if the Respondent is a Singapore citizen, believed to be literate in English and the Applicant is aware that the Respondent has a habit of reading the Straits Times, then the advertisement should be placed in the Straits Times. If the Respondent is literate in a language other than English, then the advertisement should be placed in the main newspaper for that language. If it is not known which language the Respondent is literate in, then the advertisement should be placed in both the Straits Times and one of the main non-English Language newspapers.

3.23 **Overseas advertisement** – If the advertisement is to be placed in an overseas newspaper, the affidavit must state the grounds for the Applicant's belief as to why the Respondent is thought to be in that particular country, for example, if he or she is a citizen of or currently resides at that particular country.

3.24 **Last resort option** – Substituted service by advertisement should only be considered as a last resort. The Applicant must therefore explain why the Respondent cannot be contactable by other means, such as by electronic means, posting to an address, or why

the Respondent's address cannot be obtained by the Respondent's family, friends and/or employer.

VI. Dispensation of Service

3.25 Dispensation of service should only be considered where no other form of substituted service would be effective in bringing the proceedings to the notice of the Respondent. In other words, dispensation of service would only be granted by the Court if substituted service is not possible.

3.26 **Efforts to contact or locate the Respondent** – Before an application for dispensation of service can be granted, the Applicant must explain (i) his or her last contact with the Respondent as well as the reasons why the Respondent cannot be contacted in the same manner; (ii) why service at the Respondent's last known address will not be effective; (iii) make attempts to locate the person to be served by contacting the person's family, friends, and employer(s) (if any), in order to discover the address at which the Respondent is currently residing; (iv) whether he or she is aware of the Respondent's active virtual account or contact and why the Respondent cannot be served in this manner.

3.27 **Substituted service not possible** – The affidavit must state why advertisement is not effective in bringing the proceedings to the notice of the person to be served (for example, that it is not known which country the person is currently residing in). These points must be stated to satisfy the Court that substituted service is not possible, such that there is no alternative but to dispense with service.

D. Who should Affirm the Affidavits / Exhibits to the Affidavits

3.28 An affidavit should only be affirmed by a person with personal knowledge of the facts that are stated in the affidavit. Some common examples in the context of service-related applications are as follows:

a) Where attempts have been made by a process server to serve the documents at a specific address – Affidavit of Service (Successful Attempt) (**Form 78B**) or Affidavit of Service (Failed Attempts) **(Form 78A**) to be affirmed by the process server.

b) Where attempts have been made by the Applicant to serve the documents at a specific address – Affidavit affirmed by the Applicant (in the supporting affidavit for substituted service).

c) Where an Applicant has spoken with sources to determine the location or contact details of the Respondent – Affidavit to be affirmed by the Applicant.

d) Where the Applicant has personally seen the Respondent residing at the stated address – Affidavit to be affirmed by the Applicant.

3.29 If a document is referred to in an affidavit, that document must be exhibited in the affidavit. This includes text and electronic messages, as well as electronic mail. If any document is not in the English language, a certified translation must be obtained and exhibited in the affidavit. In the context of service-related applications, some common examples of documents include:

a) Document proof that the Respondent is the owner of the property that the documents should be posted to – a copy of the relevant search result should be exhibited.

b) When the Respondent communicates with the Applicant by electronic text messages or email, stating the Respondent's contact details – a copy of the electronic text messages or email should be exhibited.

c) Where the Applicant communicates by electronic text message or mail with a source to determine the contact details of the Respondent – a copy of the electronic text messages or email should be exhibited.

E. What to do after the Service Order is Granted?

3.30 If the order for substituted service is granted, copies of the documents to be served, together with the order for substituted service, should be served on the Respondent in the prescribed manner in the order. Service by substituted means should be effected within 14 days of the date of the order or within such other time as the Court may direct. Thereafter, an Affidavit of Service (Successful Attempt) (using **Form 78B** of the FJC PD 2024) should be filed by the person who effected the substituted service.

3.31 If an order for dispensation of service is granted, there is no further action to be taken in respect of service.

F. Sample Orders for Service-Related Orders

3.32 Sample orders for substituted service and dispensation of service applications are set out below. These orders should be included as prayers in the summons for substituted service or dispensation of service as the case may be. Sample orders can also be found in the Family Orders Guide, accessible from the Judiciary website[42].

S/No.	Type of Service	Prayers in the Summons
a)	Substituted service by posting on the front door of an address	That permission be granted for the Applicant to serve the **[documents]** and the order in this summons on the Respondent by posting on the front door of **[address]**, and that service in this manner be regarded as good and proper service on the Respondent.
b)	Substituted service by AR registered post or ordinary post to an address	That permission be granted for the Applicant to serve the **[documents]** and the order in this summons on the Respondent by AR registered post or ordinary post to **[address]**, and that service in this manner be regarded as good and proper service on the Respondent.

[42] See the Judiciary website for more information: https://www.judiciary.gov.sg/news-and-resources/court-guides

S/No.	Type of Service	Prayers in the Summons
c)	Substituted service by virtual service	That permission be granted for the Applicant to serve the **[documents]** and the order in this summons on the Respondent by transmitting it to **[email address@domain.com]** or **[the Respondent's] WhatsApp account linked to phone number xxxxxxx]** or **[the Respondent's social media account at Facebook/Wechat (Facebook ID/Wechat ID)]**, and that service in this manner be regarded as good and proper service on the Respondent.
d)	Substituted service by SingPass app inbox	That permission be granted for the Applicant to serve the **[documents]** and the order in this summons on the Respondent by SingPass app inbox with the SingPass ID **[number]**, and that service in this manner be regarded as good and proper service on the Respondent.
e)	Substituted service by advertisement	That permission be granted for the Applicant to serve the **[documents]** and the order in this summons on the Respondent by way of advertisement in the **[Name of Newspaper]**, and that service in this manner be regarded as good and proper service on the Respondent.
f)	Dispensation of service	That service of **[documents]** on the Respondent be dispensed with.

4. Other Common Interlocutory Applications

A. Introduction

4.1 Aside from service-related applications, there are numerous other interlocutory applications that parties can consider where appropriate. The most common of such interlocutory applications are disclosure applications and applications for permission to file further affidavits. These are covered in Chapter 7 on **Ancillary Matters**.

4.2 This section will briefly cover three other common interlocutory applications as follows:

a) Striking out applications.

b) Amendment applications.

c) Injunction applications.

B. Striking Out

4.3 **Documents that may be struck out –** Generally, a party may apply to the Court to strike out any or part of the following documents[43]:

a) OAs;

b) Summonses;

c) Replies;

d) Affidavits.

4.4 **Grounds for striking out** – The Court may order that a document or any part thereof be struck out on any of the following grounds:

a) It discloses no reasonable cause of action or defence, as the case may be;

b) It is an abuse of process of the Court;

c) It is in the interests of justice to do so; and/or

d) The other party had no right to file the affidavit or other document.

[43] Part 8, rule 12 FJ(G)R 2024

4.5 **Procedure for striking out applications** – A party making a striking out application should file a Summons for Striking Out (using **Form 82A** of the FJC PD 2024), together with the Striking Out Table (using **Form 82B** of the FJC PD 2024) and, if appropriate, a supporting affidavit setting out the factual basis for the striking out application (using **Form 54** of the FJC PD 2024). In the Striking Out Table, the applying party must identify the document that is sought to be struck out (e.g. Respondent's 1st AA filed on 12 June 2026), state whether it is the whole or part of the document that is sought to be struck out (e.g. paragraphs 20 to 30 of the Respondent's 1st AA filed on 12 June 2026), and state the reasons for the striking out with reference to one or more of the grounds above.

4.6 **Responding party's reply affidavit** – The party responding to the striking out application may then file a reply affidavit to the striking out application (using **Form 54** of the FJC PD 2024) if he or she wishes to contest the application. This reply affidavit should set out the responding party's reasons for resisting the application, typically, by arguing that none of the grounds for striking out have been established. For example, if the applying party *X* is applying to strike out paragraphs 20 to 30 of the *Y*'s 1st AA on the ground of interest of justice as those paragraphs are irrelevant to the issues in dispute, *Y* should explain in the reply affidavit that it would not be in the interests of justice for those paragraphs to be struck out from his or her 1st AA and explain how those paragraphs are relevant to the issues in dispute.

4.7 **After the striking out order is made** – If the Court makes a striking out order:

a) If an OA or a summons is struck out in its entirety – that application is deemed concluded and no further action is required.

b) If a Reply is struck out in its entirety – the OA may proceed for a hearing without any Reply by the Respondent.

c) If an affidavit is struck out in its entirety – the application may proceed for a hearing without any affidavit by that party.

d) If only parts of a document are struck out – the Court may direct that the document be refiled with redactions to the parts that have been struck out.

C. Amendments

4.8 Amendments to documents may only be made generally in respect of clerical mistakes or any accidental slip or omission (e.g. if there is a typographical error in a bank account number in an order of court). Amendments cannot be used to change the *substance* of a document (e.g. changing an order for maintenance of $500 per month to $300 per month); the more appropriate recourse for such substantive amendments would be a variation application.

4.9 **Amendments to OAs, Summonses or Replies**[44] – OAs, summonses or replies may be amended without the Court's permission before they are served on any party or before the first hearing of the OA or summons (as the case may be), with the written consent of all other parties. Barring these limited circumstances, these documents can only be amended with the Court's permission.

4.10 **Amendment of all other documents**[45] – Except for OAs, summonses or replies, all other documents in the proceedings may be amended only with the Court's permission.

4.11 **Procedure for amendment applications** – In the case of an amendment for which the Court's permission is required, a party may make an oral application at the next court event (e.g. a CC) for such permission, especially if the amendments are not substantial. The applying party should be prepared to explain the necessity of the amendments to the Court. If the intended amendments are substantial, the applying party should instead file a Summons for Amendment (using **Form 67A** of the FJC PD 2024) together with a supporting affidavit (using **Form 54** of the FJC PD 2024). The affidavit should clearly identify which parts of the document that party intends to amend, what the intended amendments are, and why the amendments are necessary. The affidavit should also exhibit a draft of the document with the intended amendments.

[44] Part 8, rule 9 FJ(G)R 2024
[45] Part 8, rule 10 FJ(G)R 2024

4.12 **After the amendment is allowed –** If the Court grants permission to amend any document, the following matters must then be attended to[46]:

a) A fresh copy of the document with the amendments included must be prepared, regardless of the number and length of the amendments sought to be made.

b) The number of times the document has been amended must be indicated in parentheses after the name of the document. It should therefore be entitled "[document name] (Amendment No. 1)" or "[document name] (Amendment No. 2)", or as appropriate.

c) An amended document must be endorsed with a statement that it has been amended, specifying the date on which it was amended and by whom the order (if any) authorising the amendment was made and the date of the order, and if no such order was made, the relevant provision in the FJ(G)R 2024 pursuant to which the amendment was made (i.e. in the case of amendments without permission of the Court). The amendment endorsement shall take either one of the following forms: (i) "By order of Court made on [date order was made]"; or (ii) "Pursuant to Part 8, Rule [cite specific rule number] of the Family Justice (General) Rules 2024".

d) The amendment endorsement must be appended to the title of the document, after the amendment number as required at sub-paragraph (b) above. Where a document is amended more than once, the endorsement need only cite the basis for the most recent amendment. For example: "Originating Application for Divorce (Amendment No. 3, by order of Court made on 1 April 2024)".

e) The changes made in the document from the latest version of the document filed in Court should be indicated in the following ways: (i) deletions shall be made by

[46] Paragraph 90 FJC PD 2024

drawing a single line across the words to be deleted; and (ii) insertions must be underlined.

f) In addition, the following colours shall be used to indicate the history of the amendments in the specified documents:

i) black for the first round of amendments;
ii) red for the second round of amendments;
iii) green for the third round of amendments;
iv) blue for the fourth round of amendments; and
v) brown for subsequent rounds of amendments.

g) From the *third* round of amendments onwards, the amended specified document should comprise two versions of the document, i.e.: a clean version without the amendments shown; followed in the same document by a version showing the amendments in colour. Only one amended document consisting of these two versions is required to be filed.

h) **Amendments to add a party** – Where the permission of Court has been obtained to add a party to the main case title of a matter, for example, an intervener, or any party that was previously a non-party, the applicant or his or her solicitor is to file a request through the Electronic Filing Service to add that specific party to the main case title[47].

D. Injunctions

4.13 An injunction is a remedy to either compel someone into, or prohibit someone from, doing something. The most common injunction in matrimonial proceedings is to prevent a party from disposing of his or her assets or removing it out of jurisdiction. In essence, the party's assets are frozen pending the conclusion of the matter. The

[47] Paragraph 90(12) FJC PD 2024

injunction can apply to a wide range of assets – bank accounts (even if held in joint names with a non-party), properties, and even assets outside Singapore.

I. Legal Requirements for Injunction Applications

4.14 To succeed in an injunction application, an applying party must show the following:

a) A valid cause of action over which the Court has jurisdiction – this is generally an uncontroversial requirement in the context of matrimonial proceedings.

b) A good arguable case on the merits of his or her claim.

c) A real risk that the other party will dissipate his or her assets to frustrate the enforcement of an anticipated judgment of the Court.

d) There are assets within jurisdiction.

4.15 **Good arguable case** – A good arguable case is one which is more than capable of serious argument, but not necessarily one which the Court considers would have a better than 50% chance of success. To this end, the Court examines the apparent strengths and weaknesses of parties' respective cases to decide if the applying party's case, on its merits, is sufficiently strong to reach the threshold. As parties in ancillary matters proceedings are both seeking a share of the matrimonial assets, relevant considerations as to whether a party has a good arguable case would be the total alleged size of the asset pool and the proportion of assets each party is seeking and likely to receive.

4.16 **Real risk of dissipation** – The overarching test is whether there is objectively a real risk that a judgment may not be satisfied because of a risk of unjustified dealings with assets. The applying party must produce "solid evidence" to demonstrate this risk, and not just bare assertions of fact. The ultimate question is whether the applying party is able to show that the other party has any characteristics which suggest that he or she can and will frustrate judgment. Generally, the Court considers a wide array of factors in assessing if there is a real risk of dissipation, including but not limited to:

a) The nature of the assets which are to be the subject of the proposed injunction, and the ease with which they could be disposed of or dissipated.

b) The nature and financial standing of the other party's business.

c) The length of time the other party has been in business.

d) The domicile or residence of the other party.

e) If the other party is a foreign entity, the country in which it is registered and the availability of reciprocal enforcement of local judgments or awards in that country. However, this may not be relevant in matrimonial proceedings.

f) The other party's past or existing credit record.

g) Any intention expressed by the other party about future dealings with his or her local or overseas assets.

h) Connections between the other party and other companies which have defaulted on awards or judgments.

i) The other party's behaviour in respect of the claims, including that in response to the applying party's claims; and good grounds for alleging that the other party has been dishonest.

4.17 **Full and frank disclosure** – The applying party must make full and frank disclosure of all material matters which the Court will need to take into account in making its decision on whether to grant the injunction. The duty of the applying party is to make a full and fair disclosure of all the material facts, including facts that may be adverse to the applying party's interests. The material facts are those which it is material for the judge to know in dealing with the application as made. Materiality is to be decided by the Court and not by the assessment of the applying party or his or her solicitors. If a

material non-disclosure is later established, the court may discharge the injunction for abuse of process.

4.18 **Third parties** – An injunction can be granted against third parties when such third parties are joined to the action, and despite the applying party having no underlying cause of action against such a third party. Thus, when there is (a) a good arguable case that the third party is holding assets belonging to the other party and (b) there is a real risk of dissipation, an injunction can be granted. For the avoidance of doubt, in considering (a), the Family Courts are not deciding the substantive issue of the beneficial ownership of that asset which in any event it has no jurisdiction to do so.

II. Procedural Requirements for Injunction Applications

4.19 **'Without notice' application** – In an urgent case, a party may apply for an injunction by an OA without notice or summons without notice to the other party, supported by an affidavit stating the urgency and explaining why the other party should not be informed about the application and the merits of the application. However:

a) Any party applying for an injunction without notice (including an injunction prohibiting the disposal of assets) must give notice of the application to the other concerned parties prior to the hearing.

b) The notice may be given by way of email, or, in cases of extreme urgency, orally by telephone.

c) Except in cases of extreme urgency or with the permission of the Court, the party must give a minimum of 2 hours' notice to the other parties before the hearing. The notice should inform the other parties of the date, time and place fixed for the hearing of the application and the nature of the relief sought.

d) If possible, a copy of the OA, the summons without notice or the OA without notice (if no OA has been issued yet) and supporting affidavit(s) should be given

to each of the other parties in draft form as soon as they are ready to be filed in Court.

e) At the hearing of the OA without notice, in the event that some or all of the other parties are not present or represented, the applying party's solicitors should inform the Court of:

i) The attempts that were made to notify the other parties or their solicitors of the making of the application.

ii) What documents were given to the other parties or their solicitors and when these documents were given.

iii) Whether the other parties or their solicitors consent to the application being heard without their presence.

f) The requirements above for the giving of 2 hours' notice need not be followed if the giving of the notice to the other parties, or some of them, would or might defeat the purpose of the application without notice. However, in such cases, the reasons for not following the directions should be clearly set out in the affidavit prepared and filed in support of the application without notice.

g) The Court may nevertheless direct the applying party to serve the application for an injunction on the other party if the Court is of the opinion that the application is not urgent or the other party should be informed of the application.

4.20 **Required documents to be filed as part of the injunction application** – The following documents must be filed as part of any injunction application:

a) Summons application (using **Form 67A** of the FJC PD 2024);

b) **Form 98** (Injunction Prohibiting Disposal of Assets Worldwide) or **Form 99** (Injunction Prohibiting Disposal of Assets in Singapore) of the FJC PD 2024, as the case may be, to be attached to the summons; and

c) Supporting affidavit of the injunction application (using **Form 54** of the FJC PD 2024).

4.21 **Contents of the affidavit in support of the application** – Generally, the affidavit should contain the reasons for the application with reference to the legal requirements of an injunction as outlined above. The applying party should therefore include in the supporting affidavit the following information under clearly defined headings:

a) Reasons the application is taken out without notice, including whether the applying party believes that there is a risk of dissipation of assets, destruction of evidence or any other prejudicial conduct;

b) Urgency of the application (if applicable), including whether there is any particular event that may trigger the dissipation of assets, destruction of evidence or any other prejudicial conduct;

c) Factual basis for the application, including the basis of any belief that there will be dissipation of assets, destruction of evidence or any other prejudicial conduct, whether there have been any past incidents of the other party dissipating assets, destroying evidence or engaging in any other prejudicial conduct, and whether there is any evidence of dishonesty or bad faith of the other party;

d) Factual basis for any reasonable defences that may be relied on by the other party;

e) Whether the applying party is aware of any issues relating to jurisdiction, *forum non conveniens* or service out of Singapore, and if so, whether any application relating to these issues has been or will be made;

f) An undertaking to pay for losses that may be caused to the other party or other persons by the granting of the orders sought, stating what assets are available to meet that undertaking and to whom the assets belong; and

g) Any other material facts which the Court should be aware of.

4.22 **Skeletal submissions** – In addition to the above, the applying party must also prepare skeletal submissions on the points to be raised at the hearing of the application without notice. At the hearing, the applying party shall give a copy of the skeletal submissions to the Court and to any other party present. The applying party shall file the skeletal submissions by the next working day. The Court may also require the applying party to prepare a note of the hearing setting out the salient points and arguments canvassed before the Court and may order such a note to be served together with the court documents on any other party who is not present at the hearing or within a reasonable time after the service of the court documents.

III. After obtaining Injunction Order

4.23 After obtaining an injunction order, the applying party should serve the order on the other party and notify third parties (e.g. banks) who may be holding the frozen assets. A party in whose favour an injunction is granted must serve the injunction on any person affected by the injunction *personally* unless the other party has already been served with the OA in relation to which the injunction was granted in which case *personal* service of the injunction is not required.

4.24 If the injunction was obtained before a main OA was filed (e.g. an OA for Divorce), the Court may order the applying party not to serve the injunction order on anyone until after the OA is issued or to serve the injunction on the other party and issue the OA within 2 days (or any other period that the Court may allow) after the date on which the injunction order is served. Where the applying party fails to issue the OA as ordered by the Court, the other party may apply to set aside the injunction order by filing a summons.

4.25 If the injunction order was obtained on a ‘without notice’ basis, the Court will usually fix a return date hearing at a later stage for the other party to challenge, vary or discharge the injunction order.

4. Interim Applications

Bryan Fang, Goh Zhuo Neng[*]

1. Applications for Children Orders (Custody, Care and Control, Access)

A. Introduction

1.1 Applications for interim children orders (relating to custody, care and control, and access) are usually filed by way of summons supported by affidavit (using **Form 55A** of the FJC PD 2024) in the OA under Part 10 of the WC 1961 or the GIA 1934. Orders made in such applications are usually interim pending the final orders made at the hearing of the OA.

B. Custody, Care and Control, Access

1.2 Custody, care and control, and access are broadly defined as follows:

a) **Custody** – Custody is the decision-making authority to make long term decisions affecting the children's welfare, such as the children's school, the religion of the children and any major medical treatment for the children. Generally, joint custody is ordered, which means that both parents will have joint decision-making authority on major issues regarding the children. Where appropriate, sole custody can also be awarded to one parent, who will then be able to make unilateral decisions relating to custody.

b) **Care and Control** – The children will reside with the parent who has care and control, who will make day-to-day decisions concerning the children's daily schedule and upbringing. In some cases, shared care and control arrangements may be ordered.

[*] District Judges, Family Justice Courts

c) **Access** – The parent who does not have care and control of the children will have time with the children, referred to as access time. This may follow a structured schedule that lists specific days and times, or be fluid and flexible, as best suits the needs of each case. That parent may also be given access during the children's school holidays, including overseas holiday access, and on public holidays.

C. Contents of Affidavit

I. Present and Future Care Arrangements

1.3 **Present living arrangements** – The affidavit should contain brief details of the children's present living arrangements such as who the children are living with, all other adults in the household and their relationship to the children, when the arrangement started, and whether it is pursuant to a court order. If the children are not living with either parent, the affidavit should also state whether the children have contact with the parent or parents not living with them, including the frequency, length, and most recent instance of such contact. Details of financial support for the children, including who maintains them, how, and since when, should also be provided.

1.4 **Proposed future arrangements** – The affidavit should also contain brief details of the proposed future living arrangements for the children, such as who the children will be living with and the details of that arrangement, as well as the contact the children will have with the parent not living with them, including the proposed frequency and length of such contact. Details of the proposed financial support for the children should also be provided, including who will maintain them, how they will do so, and whether any such person is an undischarged bankrupt. If the person providing financial support is an undischarged bankrupt, the affidavit should state how that person intends to support the children financially.

II. Factors to Consider

1.5 As the paramount consideration of the Court hearing the matter is the best interests of the child, the affidavit should address specific issues relating to the care and welfare of the children, and why one particular parent is in a better position to care for the children. Some common issues that should be addressed in such an application are set out below.

a) **Background** – The age of the parties, the children, when the parties were married (if applicable).

b) **Education** – The current educational status of the children. If the children are in childcare, is it full day or half day? If the children are of schooling age, where do they go to school and do they attend student care?

c) **Caregiving** – What is the role played by each parent in the care of the children? Do both parents work? Do they travel frequently? Are their working hours long or irregular? Who is responsible for fetching the children to and from school every day? Do grandparents, other relatives or domestic helpers play a caregiving role?

d) **Other matters** – Significant issues which have a bearing on the caregiving for the children (e.g. health issues), the parent's ability to provide caregiving (e.g. other commitments, circumstances of either parent) or reasons for the proposed future arrangements.

e) **Schedule** – A table setting out how a child spends his or her time during the week. This includes school and any enrichment activities. A sample of such a table is set out below.

Day of the Week	Activities
Monday	9.00am to 12.00pm – School. 12.00pm to 5pm – Student care. 5pm onwards – With Mother/Father – Bedtime at 8pm.

Day of the Week	Activities
Tuesday	9.00am to 12.00pm – School. 12.00pm to 5pm – Student care. 5pm onwards – With Mother/Father – Bedtime at 8pm.
Wednesday	9.00am to 12.00pm – School. 12.00pm to 3pm – Student care. 3pm to 5pm – Swimming Class 5pm onwards – With Mother/Father – Bedtime at 8pm.
Thursday	9.00am to 12.00pm – School. 12.00pm to 5pm – Student care. 5pm onwards – With Mother/Father – Bedtime at 8pm.
Friday	9.00am to 12.00pm – School. 12.00pm to 5pm – Student care. 5pm onwards – With Mother/Father – Bedtime at 8pm.
Saturday	Morning to 10am – With Mother/Father 10am to 8pm – With Father/Mother – Child attends Chinese Language Class from 3pm to 5pm. 8pm onwards – With Mother/Father – Bedtime at 9pm.
Sunday	Morning to 12pm – With Mother/Father – Child attends Music classes from 10am to 12pm. 12pm to 8pm – With Father/Mother 8pm onwards – With Mother/Father – Bedtime at 9pm.

III. Children Maintenance

1.6 A party may also apply for children maintenance in the same application for interim children orders. See Chapter 4.2 on **Interim Maintenance** below.

D. Mediation and Counselling

1.7 In divorce cases where the parties have not agreed on custody, care and control, or access issues for children under the age of 21, it is mandatory for the parties to attend mediation and counselling at the Family Dispute Resolution (commonly referred to as "FDR") division, where they will be assigned to a TJCC. The Court has a variety of therapeutic and forensic options[48] which it may order, which are set out below.

a) **Therapeutic Options** – These options focus on providing therapeutic intervention to address psychological, emotional concerns. In some cases, a report may be requested by the Judge ordering the intervention.

Whether it can be made pre-order / for hearing / post-Court order[49])	Conditions for Ordering	Purpose
Counselling and Psychological Service ("CAPS") Counselling • Pre-order • Free – Closed report • Consent of parties not required	None	1. Provide brief psychological support including triage and referral to relevant services. 2. Address underlying issues and concerns behind parental disputes; Facilitate resolution of underlying issues.

[48] The details of the various therapeutic and forensic options provided in this Chapter are accurate as of publication date and the respective provider(s) of the service(s) reserve the right to vary or amend any aspect of the programme(s) stated.
[49] Orders made "post-Court order" are made at the final hearing of the matter. Orders made before the final hearing are "pre-order" (mediation or at CC) and "for hearing" (made at a hearing i.e. the hearing judge makes such an order and part hears the matter with a further/final hearing date to be fixed pending the outcome of the therapeutic or forensic option).

Whether it can be made pre-order / for hearing / post-Court order[49])	Conditions for Ordering	Purpose
		3. Attend to emotional and psychological distress.
FAM@FSC Counselling • Pre-order / Post-order • Free – Closed report • Consent of parties not required	1. Singapore citizens, PRs or clients with a Singapore nexus (i.e. have a family member who is a Singapore citizen or PR). 2. Attendees require ability to comprehend sessions (not suitable for very young children or individuals with cognitive issues). 3. Attendees must be physically present in Singapore.	Provide counselling for parents and children during or after divorce or custody and care proceedings, to further support and assist them on the issues arising such as parenting/co-parenting, children care arrangements, and emotional well-being.
CAPS crisis intervention • Pre-order / For hearing • Free – Closed Report • Consent of parties not required	Crisis incident must take place on court premises. Police will be activated if the crisis event takes place outside court premises.	To assist with the management of escalating emotionally distressed SRPs in the court room and refer to relevant help service where necessary.
FAM@FSC Family Support Programme for Related Persons • Pre-order / Post-order	1. Singapore Citizens, PRs or clients with a Singapore nexus (i.e. have a family member	Help caregivers involved in the child's life with the knowledge and skills needed to support them in parenting

Whether it can be made pre-order / for hearing / post-Court order[49])	Conditions for Ordering	Purpose
• Free – No report • Consent of parties not required	who is a Singapore citizen or PR). 2. Transient employees (e.g. nannies, FDW) are excluded. 3. Attendees must be physically present in Singapore.	and prioritising the needs of the children.
FAM@FSC Child-in-Between ("CIB") • Pre-order / Post-order • Free – No report • Consent of parties not required	1. Singapore Citizens, PRs or clients with a Singapore nexus (i.e. have a family member who is a Singapore citizen or PR). 2. CIB is only for children between 6-14 years old (inclusive) and/or their parents. 3. Attendees require ability to comprehend sessions (not suitable for very young children or individuals with cognitive issues).	CIB is a group programme. The parent component is designed to highlight ways in which children can be caught in the middle of their parents' emotional conflict. This aims to improve co-parenting cooperation and reduce parental conflicts. The child component is a skills-based programme to equip children with the necessary skills to manage their feelings and to develop resilience despite their parents' divorce.

Whether it can be made pre-order / for hearing / post-Court order[49])	Conditions for Ordering	Purpose
FAM@FSC Children of Divorce Intervention Programme ("CODIP") • Pre-order / Post-order • Free – No report • Consent of parties not required	1. Singapore citizens, PRs or clients with a Singapore nexus (i.e. have a family member who is a Singapore citizen or PR). 2. CODIP is only for children between 7 – 12 years old. 3. Attendees must be physically present in Singapore.	Preventive group programme that aims to enhance children's resilience and facilitate their healthy adjustment in the post-divorce period. 6 sessions of 2 hours each for the child, and 1-hour introductory session for parents.
FAM@FSC Programme for Children ("P4C") • Pre-order / Post-order • Free – No report • Consent of parties not required	1. Singapore Citizens, PRs or clients with a Singapore nexus (i.e. have a family member who is a Singapore citizen or PR). 2. Attendees must be physically present in Singapore.	An assessment would be done to make recommendations to parents on suitable interventions. This can be helpful when the Judge requires more clarity on what interventions are needed.
Panel of Therapeutic Specialists ("POTS") • Pre-order / Post-order • Paid – Open specialist memo	None, but this is a paid programme. $200-400 per hour per session, with a 20% discount for the first three sessions.	Therapeutic intervention for parties.

Whether it can be made pre-order / for hearing / post-Court order[49])	Conditions for Ordering	Purpose
• Consent of parties required		
Parenting Coordinator ("PC") • Post-order • Paid – Closed report • Consent of parties required	1. Not for unmarried parents. 2. Only available for spouse / former spouse. Not for other family members e.g. grandparents / siblings etc. 3. PC cannot vary or change a court order. If parties agree to a variation, they can file a by-consent summons with supporting affidavit justifying variation. 4. This is a paid programme. Costs depend on who is appointed as a PC. Solicitors - $300-$400 per hour. Social Science professional - $250 per hour.	PC generally helps to resolve disagreements on parenting matters between spouses or former spouses

b) **Forensic Options** – These options focus on obtaining specific information or to address specific issues so that the Judge can have a more holistic picture of the facts when making decisions for the children.

Whether it can be made pre-order / for hearing / post-Court order)	Conditions for Ordering	Purpose
Child Representative ("CR") • Pre-order / For hearing • Paid – Open CR submission • Consent of parties not required	1. Suitable for children aged 7 and above of sufficient maturity. 2. CR will not have access to closed reports like FAM@FSC reports and CAPS reports. 3. This is a paid program. 1st tranche is $1,000. 2nd tranche is at the Court's discretion taking into account the CR's position on costs for the same.	CR will obtain the child's views and obtain collateral e.g. school reports / Private counselling reports
Custody Evaluation Report ("CER") • Pre-order / For hearing • Free – Closed report • Consent of parties not required	1. Report done by Ministry of Social and Family Development ("MSF") for children <8 years. 2. Report done by CAPS for children >8 years. 3. Unsuitable if there is an ongoing Child Protective	To provide assessment on matters relating to custody, care and control and access.

Whether it can be made pre-order / for hearing / post-Court order)	Conditions for Ordering	Purpose
	Services ("CPS") investigation.	
Access Evaluation Report ("AER") by CAPS • Pre-order / For hearing • Free – Closed report • Consent of parties not required	1. Report done by CAPS for children >8 years. 2. Unsuitable if there is an ongoing CPS investigation.	To provide assessment and recommendation on access issues.
Specific Issues Report (SIR) by CAPS • Pre-order / For hearing • Free – Closed report • Consent of parties not required	1. Report is done by CAPS for children > 8 years. 2. Unsuitable if there is an ongoing CPS investigation.	Conducted to provide assessment on specific issues identified by the Judge (up to three issues).
Judge and Child Session • Pre-order / For hearing • Free – Closed Judge's notes (Closed CAPS memo if CAPS counsellor sits in) • Consent of parties not required	1. Depends on the Child's age, willingness and maturity. 2. Suited for children aged 8 and above. 3. CAPS counsellor may sit in to lend therapeutic support.	Conducted by the Judge to ascertain the wishes of child and to understand family dynamics.

E. Supervised Access / Supervised Visitation

1.8 In cases where parents need a safe and neutral environment to spend time with their children, the Court may order Supervised Exchange or Supervised Visitation ("SE/SV")

conducted by the Strengthening Families Programme by MSF appointed Social Service Agencies ("FAM Centres"):

a) **Supervised Exchange** – A case worker would supervise the transfer of the children from the care and control parent to the access parent and vice versa, but access itself is not supervised. Supervised Exchange can be conducted one-way or two-ways (both handover and return).

b) **Supervised Visitation** – A case worker would supervise the access between the access parent and child at the agency's premises or any other suitable venue at the discretion of the agency.

1.9 The Court may order up to a maximum of 8 sessions of SE/SV per order within 1 year, where necessary. This could be a mixture of face-to-face sessions, and remote conferencing sessions, with a report to be provided by the FAM Centre. The Court may also order a subsequent access review once the ordered SE/SV sessions have concluded. The first 3 court-ordered SE/SV sessions are provided free of charge. The cost of these sessions from the 4th order onwards are as follows:

Service Type	Weekdays (Tuesday to Friday)	Weekend (Saturday)
Supervised Exchange	$50 per way	$70 per way
Supervised Visitation	$200 per hour	$240 per hour

1.10 At the end of the 4th session of any SE/SV, FAM Centre would usually provide a brief progress update on the remaining dates of the last 4 sessions. This is to enable the Judge making the order to fix a review shortly after the 8 sessions are completed and a report is received from the FAM Centre. In some cases, the FAM Centre may make a recommendation for a further round of 8 SE/SV sessions to be ordered. Judges who encounter such a recommendation may bring forward the access review to make such orders so that the next round of SE/SV sessions can run continuously after the completion of the current SE/SV sessions.

1.11 Please note that SE/SV will not be ordered where both parties are not Singaporean and the child is not a Singaporean. In such cases, the parties will have to make their own arrangements with other agencies for supervised access/transfer arrangements, if necessary.

F. Sample Orders for Custody, Care and Control, and Access

1.12 Some samples of the more commonly made children orders are set out in the table below. Further examples of such orders may be found in the Family Orders Guide (3A) "Child Related Orders"[50].

Order	Sample Description
Joint Custody	The Parties shall have joint custody of the child/ren of the marriage, **[insert full name of child/ren and identification number]**.
Sole Custody	[Party] shall have sole custody of the child/ren of the marriage, [insert full name of child/ren and identification number].
Sole Care and Control	**[Party]** shall have sole care and control of the child/ren of the marriage, **[insert full name of child/ren and identification number]**.
Shared Care and Control	That the Parties shall have shared care and control of the child/ren of the marriage, **[insert full name of child/ren and identification number]**. The shared care and control arrangements shall be as follows: a) The child/ren shall reside with **[Party]** from **[date]** at **[time]** to **[date]** at **[time]**. b) The child/ren shall reside with **[Party]** from **[date]** at **[time]** to **[date]** at **[time]**.
Generous / Regular access	**[Party]** shall have liberal/reasonable access to the child/ren.

[50] See the Judiciary website for more information: https://www.judiciary.gov.sg/news-and-resources/court-guides

Order	Sample Description
Weekly access with specific timing	**[Party]** shall have weekly access to the child/ren from **[day]** at **[time]** to **[day]** at **[time]**.
Supervised Exchange	**[Party]** shall have access to the child/ren via the Supervised Exchange programme on Saturdays/weekdays from __am to __pm. (One-way/Two-way). Supervised exchange shall take place at the FAM Centre for ___sessions (Up to 8). [if one-way Supervised Exchange is ordered, details may be required to clarify the arrangements for the exchange]. A review shall be fixed by the court after a report is submitted by FAM Centre to the Court. (If applicable) Costs of any Supervised Exchange *programme at the FAM Centre are to be borne **[to state proportion e.g. equally]** between the Parties.
Supervised Visitation	**[Party]** shall have supervised access to the child/ren via the Supervised Visitation programme at the FAM Center (under the MSF supervised visitation programme) **[insert number of sessions and/or number of times a week or month]**. Parties may be required to attend any other programme including counselling and/or assessment at the FAM Centre, as determined by the MSF. A review shall be fixed by the Court after a report is submitted by FAM Centre to the Court. (If applicable) Costs of any Supervised Visitation *programme at the FAM Centre are to be borne **[to state proportion e.g. equally]** between the Parties.

2. Applications for Interim Maintenance

A. Introduction

2.1 Applications for interim maintenance for a spouse and/or children are usually filed by way of summons supported by affidavit (using **Form 56A** of the FJC PD 2024) filed in the OA under Part 10 of the WC 1961 or the GIA 1934. Orders made in such applications are usually interim pending the final orders made at the hearing of the OA.

B. Maintenance

2.2 Maintenance generally covers the living expenses of a spouse or children, and is usually ordered to be paid as a monthly sum to a specified bank account. In certain cases, the Court may order payment of specific expenses. This can generally take two forms (i) the Respondent makes payment directly to a specific vendor, e.g. for payment of school fees or enrichment classes or (ii) the Respondent reimburses the Applicant for these expenses upon the production of receipts from the Applicant or vendor.

C. Contents of Affidavit – Factors to Consider

2.3 In determining the appropriate amount of maintenance to be ordered, the Court will generally consider the means or earning capacity of both spouses, as well as the standard of living of the parties, children and the household. The fact that parties have been paying for certain items during the marriage does not automatically render these expenses reasonable.

2.4 The affidavit supporting such an application should address the following:

a) **Background** – The age of the parties, the children, when the parties were married.

b) **Means and earning capacity of the parties** – What the parties do for a living, what is their take-home income or their last-drawn pay. Copies of the parties'

IRAS Notice of Assessment and recent payslips should be attached to verify their take-home income.

c) **Expenses** – The projected expenses of the parties and the children should be set out in table form. This is explained below.

d) **Reasons for seeking interim maintenance** – E.g. Certain expenses for the children are paid for fully by the Applicant, circumstances which may affect the Applicant's income or ability to maintain self, spouse or children.

D. Table of Expenses

2.5 The projected expenses of the parties and the children should be set out in the following table form, with supporting documents exhibited. If there are expenses which are shared between one party and the children, the relevant proportion of expenses should be set out.

I. Shared Expenses

Description	Amount	Supporting Documents at page [xx] of affidavit
Housing (rental of a room/apartment or mortgage payments)	$xxx	1-3
Utilities	$xxx	3-8
Internet	$xxx	9-20
Car Loan	$xxx	21-24
Car Insurance	$xxx	25-31
Road Tax	$xxx	32
Petrol	$xxx	33-35
Miscellaneous	$xxx	36-40
Total	$xxx	

II. Personal Expenses (Spouse)

Description	Amount	Supporting Documents at page [xx] of affidavit
Food	$xxx	41-43
Transport / Fuel expenses	$xxx	44-49
Utilities	$xxx	50-56
Telephone, Internet, Cable	$xxx	57-60
TV charges	$xxx	61-64
Medical expenses	$xxx	65-69
Rent	$xxx	70-72
Insurance premiums	$xxx	73-79
Payment of debts	$xxx	80-82
Maintenance	$xxx	83-88
Tax payments	$xxx	89-90
Financial provisions	$xxx	91-94
Others / Miscellaneous	$xxx	95-99
Percentage of Shared Expense	$xxx	
Total	$xxx	

III. Child's Expenses

Description	Amount	Supporting Documents at page [xx] of affidavit
Food (including milk)	$xxx	100-112
Transport	$xxx	113-119
Mobile phone charges	$xxx	120-121
Pocket money	$xxx	122-130
School fees	$xxx	131-140
Enrichment fees	$xxx	141-142

Description	Amount	Supporting Documents at page [xx] of affidavit
Extracurricular expenses	$xxx	143-147
Schoolbooks, school uniform	$xxx	148-149
Insurance premiums	$xxx	150
Others / Miscellaneous	$xxx	
Percentage of Shared Expense	$xxx	
Total	$xxx	

E. Comparative Table

2.6 If the Respondent in an application for interim maintenance disputes the expenses claimed by the Applicant, he or she should state his or her position in a comparative table set out in his or her reply affidavit.

2.7 A sample of such a comparative table is set out below.

Comparative Positions on Expenses

Description	Applicant's Position	Respondent's Position	Respondent's Remarks
Mobile Phone	$xxx	$xxx	
Insurance	$xxx	$xxx	
Food & Groceries	$xxx	$xxx	
Eating Out	$xxx	$xxx	
Medical	$xxx	$xxx	
Clothes	$xxx	$xxx	
Toiletries	$xxx	$xxx	
Travel/Holiday	$xxx	$xxx	
Miscellaneous	$xxx	$xxx	
½ of Shared Expense	$xxx	$xxx	

Description	Applicant's Position	Respondent's Position	Respondent's Remarks
Total	$xxx	$xxx	

2.8 The column marked "*Respondent's Remarks*" should give the reasons why the Respondent disagrees with the amount of expenses claimed by the Applicant.

F. Sample Orders for Maintenance

2.9 Samples of the more commonly made orders for maintenance are set out in the table below. Further examples of such orders may be found in the Family Orders Guide (3B) "Maintenance Orders"[51].

Order	Sample Description
Monthly Sum payment	The **[Paying Party]** shall pay the **[Paid Party]** monthly maintenance of **[$xxx],** for the following: a) **[Paid Party]** – **[$xxx]** a month. b) **[Child]**, the child of the marriage – **[$xxx]** a month. Payment of the above maintenance shall be transferred to the **[Paid Party's] [bank account details]** on the **[xx]** day of each month with effect from **[date],** and therefore on the **[date]** of each subsequent month.
Payment/Reimbursement of Specific Expenses	The **[Paying Party]** shall make payment directly to the respective vendors in respect of the following expenses: a) **[%]** of the **[Child] [Dental/ Medical / Tuition/ Enrichment/ other Expense]**, up to a limit of **[$xxx]** per month.

[51] See the Judiciary website for more information: https://www.judiciary.gov.sg/news-and-resources/court-guides

	b) **[%]** of the **[Child] [Dental/ Medical/ Tuition/ Enrichment/other Expense]**, up to a limit of **[$xxx]** per month. Payment of the above expenses shall be paid within **[xx]** days after the invoices for the above are provided in writing. If the **[Paid Party]** has already paid the above expenses, then the **[Paying Party]** will reimburse the **[Paid Party]** within **[xx]** days after the invoices and receipts for the above are provided in writing.

5. CPF Toolkit

Michelle Elias Solomon[*], *Allen Chong*[**]

1. Introduction

1.1 In Singapore, the Central Provident Fund ("CPF") is a compulsory comprehensive savings plan for working Singaporeans and permanent residents primarily to fund their retirement, healthcare and housing needs. CPF savings are intended for the benefit of the member himself and his/her family, upon retirement.

1.2 In the case of *Central Provident Fund Board v Lau Eng Mui*[52], the CA decided that in the unfortunate event of the irretrievable breakdown of the marriage, if it is found that the money in a CPF account was accumulated through a party's effort and the effort of the spouse (direct or indirect), then the Court may effect a just and equitable division of these monies under section 112 of the WC 1961.

1.3 Many individuals opt to use their CPF funds to acquire immovable property. Once CPF funds are used this way, a charge is then created by the CPF Board against the property. This means that if the property is subsequently transferred or sold, the refund of the CPF monies take priority. In dealing with immovable property where CPF funds were used to finance the property, solicitors and parties must be aware of the prevailing CPF refund regulations to ensure that the orders they seek are consistent with these regulations.

1.4 Generally, the CPF refund regulations made under the Central Provident Fund Act 1953 ("CPF Act 1953") ensure that all CPF funds utilised by parties towards the acquisition of a property are refunded to parties' respective CPF accounts upon the disposition (e.g. sale or transfer) of the property. A failure to do so can lead to a leakage of CPF funds, which is prevented under the CPF Act 1953. However, there are certain exceptional

[*] District Judge, Family Justice Courts
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[52] [1995] 2 SLR(R) 826

circumstances in which a partial refund or no refund of CPF funds is allowed, as explained below.

1.5 This Toolkit serves as a quick guide to important information on commonly-used CPF-related orders, when they are made and why it is important to consider the CPF regulations when seeking orders from the Court.

2. Types of CPF Orders

A. CPF Standard Order for Disclosure

2.1 This is commonly known as the 'CPF Standard Order'.

2.2 In cases where both parties participate in proceedings (with or without solicitors), they would have to disclose their respective CPF contributions towards the matrimonial property, as well as the balances in their CPF accounts, via their respective 1st AA. This is usually done by parties accessing their CPF Account statement online using their SingPass or obtaining a hard copy of the relevant document(s) from the CPF Board.

2.3 In cases where one party is absent and does not participate in court proceedings, the CPF Standard Order is used to ascertain the amount of CPF funds used to acquire the matrimonial property by the absent party, as well as to ascertain the amount of CPF monies the party has in his or her account(s). This order states that the CPF Board is to disclose the relevant information on the absent party's CPF funds. This information is necessary for the ancillary matters hearing, in order for the Court to effect a just and equitable division of the assets.

2.4 The CPF Standard Order is usually made at a CCs,[53] with consequential directions for the solicitor or SRP to extract such an order via the electronic filing system (e-Litigation) and to serve the order on the CPF Board.

[53] Paragraph 80(1)(g) of the FJC PD 2024 expressly provides that the Court will consider the necessity of making such an order at a CC where there is a claim for the division of a matrimonial property or CPF-related assets.

2.5 After the CPF Board has been served with the CPF Standard Order, the Board will respond with information on the amount used for the purchase of the matrimonial property if any (including accrued interest), and the balance in the absent party's various CPF accounts (usually the Ordinary Account, Special Account, Medisave Account and Retirement Account if applicable). A copy of the latest version of the CPF Standard Order may be found on the Judiciary website[54].

2.6 The response from CPF Board with the particulars of the absent party's CPF funds should be exhibited in an affidavit filed by the participating party before the ancillary matters hearing.

B. CPF Orders involving Division of Property

2.7 At the hearing of the ancillary matters, the Court may make orders dividing an immovable property for which CPF funds were used by the parties to pay for the property. When dealing with such orders, one must take into consideration the prevailing CPF rules and regulations governing the refund process.

2.8 In cases where a transfer of rights is ordered (e.g. Husband transfers his interest in the property to the Wife), the CPF refund ordered may be one of the following:

a) A full CPF refund (i.e. including the interest accrued on the principal sum used);

b) A partial CPF refund (i.e. a specific monetary sum which is less than the full CPF refund in (a) above); or

c) No CPF refund.

[54] Accessible at <https://www.judiciary.gov.sg/family/understand-requirements-getting-divorce#divorce-ancillary-matters> > Resources > Guides > CPF Suggested Clauses for Disclosure Orders

2.9 In scenarios (b) and (c) above, if the spouse who retains the property subsequently sells the property, he or she is required to refund to his or her own CPF account the amount of the expected refund to the former spouse's CPF account. In other words, the former spouse's CPF funds which were not refunded in the transfer process are treated as the retaining spouse's own CPF funds when he or she subsequently disposes of the property.

2.10 In cases where a sale of the property is ordered, the preferred order of distribution of sale proceeds is:

a) Payment of outstanding loan (and HDB resale levy where applicable);

b) Payment of the requisite CPF refunds in accordance with applicable CPF laws to all owners' respective CPF accounts;

c) Division of net cash proceeds.

2.11 The above manner of distribution ensures that each party's CPF account is refunded in full if there are enough sale proceeds to do so.

2.12 In the event that the court order provides for a party to get less than their full CPF refund [e.g. the Order of Court states that parties are to get equal shares of the asset, but the Husband's full CPF refund gives him an 80% share of the asset], the necessary adjustments can be made via a separate order for transfer of CPF monies (within the same Order of Court) to give effect to the court order [e.g. the Wife is entitled to $x of the Husband's CPF funds from his Ordinary Account following the sale of the property, $x being the equivalent of 30% of the asset].

2.13 To ensure consistency and compliance with prevailing CPF rules and regulations, CPF Board has drafted a document containing suggested clauses to be used in court orders which deal with CPF monies. A copy of the latest version of the CPF Suggested Clauses

may be found on the Judiciary website[55]. For further guidance on the drafting of such orders, the CPF Board's ClauseComposer tool[56] for orders involving the transfer of CPF monies and for orders involving the transfer of CPF-funded property generates draft CPF clauses for court orders in line with CPF legislation and may be used as a reference for drafting.

3. The CPF Checklist

3.1 The CPF Checklist ("Checklist") was first introduced in January 2019 as a separate document but now forms part of the standard template of the Draft Ancillary Reliefs Order ("DARO")[57].

3.2 The introduction of the Checklist was part of CPF Board's continuing efforts to facilitate the smooth division of assets in matrimonial proceedings.

3.3 The Checklist simply serves to make parties aware of the prevailing CPF refund policies and has to be signed by both parties personally (not solicitors).

3.4 The Checklist applies to the following situations:

a) Parties seek to record a consent order dealing with changes in ownership (e.g. sale, transfer etc.) of a property under section 112 or 121G of the WC 1961. This excludes parties who are obtaining an order for the property to be transferred (other than by way of sale) with partial or no CPF refunds; and

b) CPF monies have been withdrawn from any CPF account(s) in respect of the property. This includes using CPF monies to purchase the property, and/or pledging the property to withdraw monies from the CPF Retirement Account.

[55] Accessible at <https://www.judiciary.gov.sg/family/understand-requirements-getting-divorce#divorce-ancillary-matters> > Resources > Guides
[56] Accessible at <https://www.cpf.gov.sg/ClauseProperty>
[57] The Checklist is found at Form 9 (CPF Checklist for Consent Orders for Disposal or Transfer of Properties Funded with CPF Moneys) of the FJC PD 2024 and must be annexed to the DARO (Form 8 of FJC PD 2024) before the consent order is recorded by the Court.

3.5 In ensuring that parties are made aware of CPF's refund policies, this serves to reduce the number of post-order variation applications which may arise as a result of parties being unable to fulfil their CPF refund obligations.

3.6 In the majority of cases, parties would already be aware of CPF Board's refund policies. In the event parties have any questions about the Checklist and/or CPF Board's refund policy, they should seek clarification from the CPF Board.

3.7 CPF Board has provided a suite of tools to court users to assist them in crafting orders that are consistent with CPF legislation.

3.8 Judges, solicitors and parties are strongly encouraged to utilise these tools to avoid difficulties in giving effect to orders that will not be accepted by the CPF Board. Such difficulties may result in a delayed sale and/or costs incurred to vary the court order. Visit the CPF Board website for further information[58].

[58] Accessible at https://www.cpf.gov.sg/member/account-services/cpf-asset-management/on-divorce.

6. HDB Matters

Adriene Cheong[*]*, Jasmine Loo*[**]

1. Introduction

1.1 After a marriage is dissolved and if the parties are unable to reach an agreement on the division of matrimonial assets, the Court may step in to make a decision. It may make orders on the division of the matrimonial assets pursuant to section 112 of the WC 1961.

1.2 Many cases involve parties who own an HDB flat ("the flat"). As HDB flats are subsidised public housing, ownership is subject to specific rules and regulations imposed by HDB. These usually relate to the ownership (applicable eligibility criteria) and disposal (by sale or transfer) of the flat.

1.3 Due to this unique characteristic of public housing, there are special considerations you should be aware of when there is a divorce and an HDB flat to be divided. This Chapter gives a brief overview of these considerations and what to look out for. You should approach HDB directly for specific considerations on your particular situation.

2. What Happens to Your Flat After Divorce?

2.1 Once parties are divorced, ownership of the flat will need to change as the parties are no longer able to rely on the spousal relationship which was the original family nucleus for the qualification of subsided housing. A party who seeks to retain the flat will therefore need to meet HDB's eligibility criteria.

2.2 In some cases, the flat is jointly owned by the spouses and a third party (for example, the parent or sibling of one spouse). If this is the case and the parties cannot agree on the proportion of division and how to dispose of the flat, an application will have to be filed in the High Court regarding the third party's share in the flat.

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[*] District Judge, Family Justice Courts
[**] Magistrate, Family Justice Courts

2.3 Generally, there are 4 options for the flat post-divorce:

a) **Transfer without cash consideration**: One party retains the flat by transferring the other party's share of the flat to the retaining party without cash consideration. The retaining party must meet HDB's eligibility criteria.

b) **Retention through part-share resale**: One party retains the flat by buying the other party's share. Similarly, the retaining party must meet HDB's eligibility criteria.

c) **Sale on the open market**: If the applicable minimum occupation period ("MOP") of the flat has been met, or if HDB otherwise approves the sale, the flat can be sold in the open market and proceeds distributed.

d) **Surrender to HDB**: If the flat is not eligible to be sold in the open market (e.g., if the MOP of the flat has not been met or either party is not eligible or unable to retain the flat), the flat will be surrendered back to HDB. Parties will receive compensation determined by HDB.

2.4 Any court order or agreement about the flat should include a clear timeline for how it will be dealt with after the divorce is finalised. The average time frame is usually about 6 months from the date of the order.

A. Eligibility to Retain Flat

2.5 There are several eligibility schemes that allow a party to retain the flat. These are set out below and subject to HDB's approval:

a) You may form a family nucleus with the child(ren) under your care. HDB's prevailing policy is that each child can only be listed in one flat, even if their parents have shared care and control.

b) If there are no children, you may form a family nucleus by including another eligible person (parents, other family members or a new spouse).

c) You may retain the flat as a single adult above 35 years old if you are a Singaporean citizen.

2.6 If you qualify for any of the eligibility schemes listed above, you may consider retaining the flat by having the other party's share transferred or sold to you.

2.7 If you buy the other party's share (i.e., through a part-share resale), a new MOP may apply, and the flat will be treated as a resale flat. See Section B below for more information on the MOP.

2.8 In addition to fulfilling the eligibility criteria to retain the flat through a part-share resale, you must also meet prevailing income ceilings[59] for Plus or Prime flats. You do not need to fulfil any income ceiling if you are (a) purchasing a part-share of an unclassified or Standard flat; (b) taking over a flat by way of transfer without cash consideration; or (c) selling the flat on the open market.

2.9 There will also be refinancing considerations in terms of housing loan from HDB or private bank loans. You should consider all these financial issues in your discussions with the other party/submissions to the Court.

B. Minimum Occupation Period (MOP)

2.10 An MOP is imposed on all subsidised flats purchased directly from HDB or with a housing grant, during which you must physically reside in your flat. This is to ensure that the flat is used for its intended purpose of housing, and to discourage HDB flats from being used in property speculation for financial gains.

2.11 You must satisfy the MOP before you may:

[59] Accessible at https://www.hdb.gov.sg/buying-a-flat/flat-grant-and-loan-eligibility/couples-and-families

a) Sell the flat on the open market; or

b) Purchase or sell a part-share of a flat from one owner to another owner (i.e. from one spouse to the other spouse).

2.12 You do not need to satisfy the MOP before you may:

a) Surrender the flat to HDB; or

b) Transfer one owner's share of the flat to the other present owner without any cash consideration.

2.13 The duration of the MOP begins from the date that the flat purchase is legally completed (excluding any period where the flat owners do not physically reside in the flat or rent the flat out) and ranges as follows[60]:

Type of HDB Flat	Duration of MOP
Unclassified flats sold before October 2024	5 years
Standard flats	10 years
Plus flats	10 years
Prime flats	10 years
Flat bought under the Selective En bloc Redevelopment Scheme (SERS) after 7 April 2022	5 years
Flat bought under the Fresh Start Housing Scheme	20 years

These durations are subject to change by the HDB and any individual terms and conditions you have signed when purchasing your flat.

2.14 To determine whether you have met the MOP, you may log in to My HDBPage to check. The MOP must be fulfilled as at the date of Final Judgment (i.e., generally at least 3

[60] See HDB website for more information: https://www.hdb.gov.sg/managing-my-home/selling-a-flat/eligibility

months after the Interim Judgment is granted, and all the ancillary matters, such as matters relating to the division of matrimonial assets, maintenance, custody and care and control of any children, have been resolved).

2.15 If you wish to sell the flat within the MOP period, you will need to obtain specific approval from HDB to do so. HDB will consider each request based on its merits.

3. Can I get a New HDB Flat or Rental Flat?

3.1 If you are unable to retain your matrimonial flat, you may choose to purchase or rent a flat for your housing needs. Whether you can purchase a flat will depend on whether you meet HDB's eligibility criteria and whether you can afford to do so. The sections below explain what to consider.

3.2 If you consider renting, you may wish to rent from HDB under the Public Rental Scheme[61] or from the open market. You may also consider staying with friends and family.

3.3 You may wish to note the following:

a) Pursuant to section 50(1) of the Housing and Development Act 1959 ("HDA 1959"), a person is not allowed to own another HDB flat when he or she already has an existing legal title or beneficial interest in another HDB flat.

b) Pursuant to section 58(11) of the HDA 1959, ineligible persons are not allowed to hold an interest in an HDB flat indirectly via a trust.

3.4 If you intend to rent from HDB under the Public Rental Scheme, you must:

a) form a family nucleus with at least one Singaporean citizen application with a Singapore Permanent Resident or another citizen; or apply as a single;

[61] See HDB website for more information: https://go.gov.sg/hdb-public-rental

b) not be an owner or essential occupier of any HDB flat; and

c) not be able to afford other housing options, such as renting from the open market, purchasing a flat of your own, or staying with family.

4. What can I do when Undergoing Divorce Proceedings?

4.1 To understand your eligibility to sell or retain your flat and the finances you require to proceed with your preferred option, you may use the MSF's Housing Options Explorer[62].

4.2 Before deciding on which option to seek, you should:

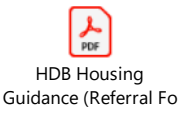
a) Determine whether you will be eligible to retain the flat under any scheme after the divorce and which eligibility scheme you fall under;

b) Determine whether you have the financial ability to afford your preferred housing option, based on whether you have sufficient cash, CPF funds and mortgage loan availability to pay the purchase price of any flat or share; and

c) Determine whether you are eligible to rent an HDB flat from the Public Rental Scheme, based on your own eligibility, financial ability to afford alternatives and access to familial support.

4.3 You may wish to approach your nearest HDB branch office to make an appointment to discuss the housing options best suited to your situation, or approach HDB for housing guidance[63]. You may complete the following referral form before approaching HDB for a housing counselling session.

[62] See MSF website for more information: https://familyassist.msf.gov.sg/tools/housing-options-explorer/
[63] Contact HDB at https://go.gov.sg/hdb-write-to-us



4.4 It would be prudent for solicitors to advise their clients to approach HDB for housing guidance in the course of proceedings, in order to make an informed decision on this issue and to avoid having to file further applications to vary unworkable orders.

4.5 If you are a single parent facing difficulties in securing housing, you may also consider available housing support options[64].

4.6 After receiving the Interim Judgment and settling the ancillary matters on the matrimonial property and care and control of any minor children, you may apply for an intended change in flat ownership.

[64] See HDB website for more information: https://www.hdb.gov.sg/about-us/newsandpublications/publications/hdbspeaks/helping-singleparent-households

7. Ancillary Matters

Nicole Loh[*], *Kelyn Lee*[**], *Marcus Ho*[**]

1. Introduction

1.1 The ancillary matters refer to the following issues to be dealt with after the divorce is granted (Interim Judgment):

a) Custody of the children;

b) Care and control of the children;

c) Access arrangements for the children;

d) Division of matrimonial assets;

e) Maintenance for the spouse; and

f) Maintenance for the children.

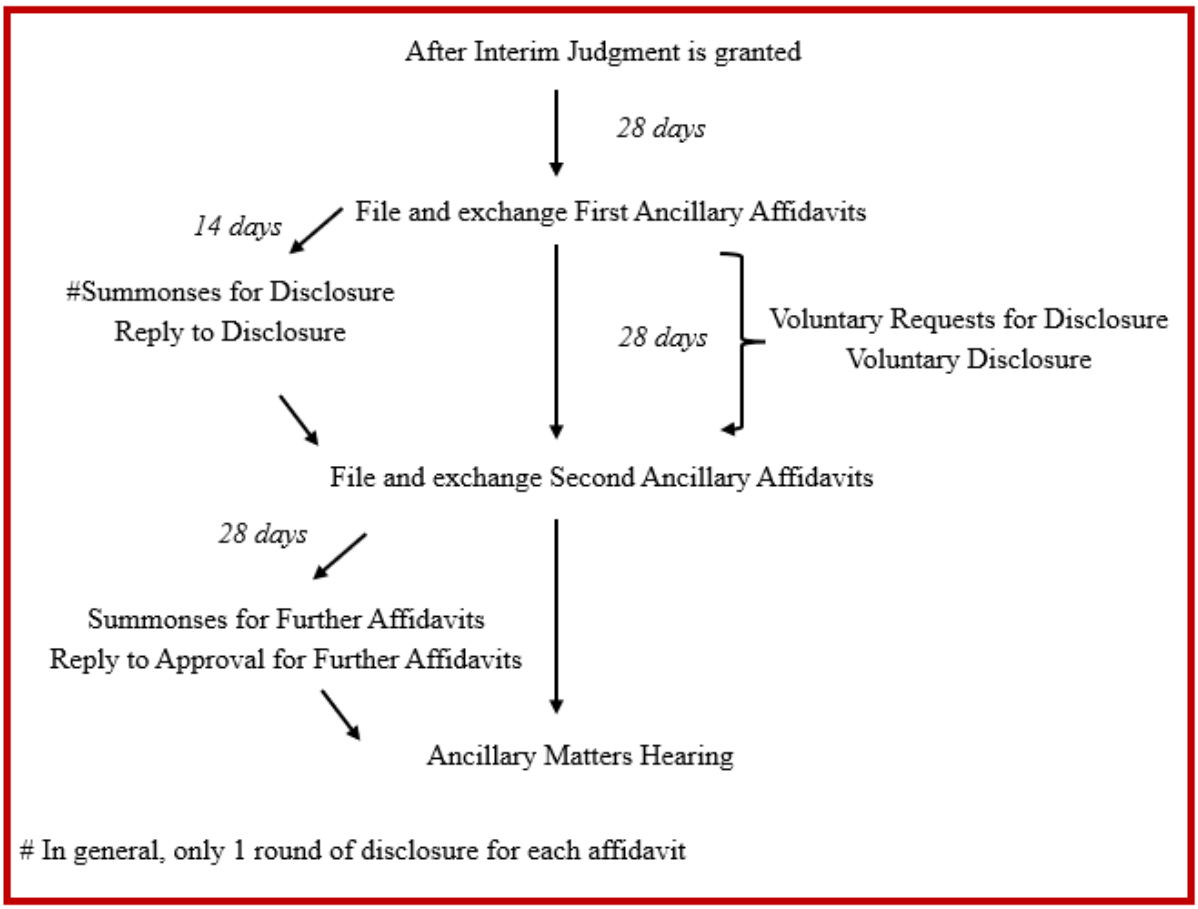
1.2 If parties are not able to reach an agreement on the ancillary matters prior to the grant of the Interim Judgment, the ancillary matters will be decided by the Court at a later date. Parties will have to file affidavits for the ancillary matters (ancillary affidavits) to provide documents and information for the Court to decide on the outstanding ancillary matters.

1.3 After all the ancillary affidavits have been filed, a District Judge will hear submissions (i.e. written submissions or orally) and make orders on the outstanding ancillary matters. The ancillary matters hearing is conducted in chambers, which generally means

[*] District Judge, Family Justice Courts
[**] District Judges, Family Justice Courts (designations at time of contribution)

that the hearing is based on the affidavit evidence and submissions and there is no cross-examination.

1.4 The general workflow is as follows:



2. General Matters

2.1 In preparing the ancillary affidavits, each party is to consider the following issues:

a) If there are children to the marriage, what is the custody order sought? Custody relates to decisions on significant long-term matters affecting the children's welfare, such as the type of education, religion, and major healthcare issues. Joint custody is generally awarded save for exceptional circumstances, hence if a party is seeking sole custody, that party should have sufficient reasons to justify this.

b) Who is to have care and control of the children? Care and control refers to whom the children live with, and who should tend to the children's daily needs. If the proposal is for shared care and control, what are the specific care arrangements and how will the time be split between both parents?

c) What is the access arrangement for the parent who does not have care and control of the children? Should the access timing to be specified or kept general, if the parties are able to communicate with each other and mutually arrange access?

d) What are the matrimonial assets? When were these acquired? What are the parties' respective financial contributions towards these assets?

e) If the assets were acquired before marriage, has there been substantial improvement by one party or both parties during the marriage?

f) The indirect (financial and non-financial) contributions the party has made towards the family.

g) What is the proposal for the division of these matrimonial assets?

h) Are there any regulations from CPF Board / HDB which parties need to be aware of so that they can decide on whether they want the matrimonial property to be sold or to be retained by one party? For example, if the HDB flat is to be sold or transferred, what are the financing options and is one party eligible to retain the flat?

i) Are there any assets or property which a third party may claim to have an interest in?

j) Do the parties require any maintenance from the other spouse? If yes, how much? What are parties' respective lists of expenses, incomes, and earning capacities? What were the financial arrangements during the marriage?

k) For the maintenance of the children, how much is required as a contribution from the spouse who does not have care and control? What are the children's lists of expenses, and the parties' respective lists of expenses, incomes, and earning capacities?

2.2 Start collating and preparing the relevant documents before drafting the ancillary affidavits. This is because if documents are to be retrieved from other agencies (e.g. banks), it will take time to obtain them.

3. Preparation of Ancillary Affidavits

3.1 Once the Interim Judgment is granted, for cases where there is no agreement on the ancillary matters, a Registrar's Notice will be issued to parties, informing parties of the date for the filing and exchange of the 1st AA and the date of the next CC for the matter.

3.2 The template for the 1st AA is found in **Form 15** or **Form 15A** of the FJC PD 2024. Use **Form 15** to file the 1st AA as an e-affidavit, or **Form 15A** to upload it directly as a PDF.

3.3 The 1st AA of each party sets out all the relevant information relating to their income and expenses, assets (held jointly or in sole names) and their respective contributions towards the matrimonial assets, as well as the children's care arrangements.

3.4 The parties are also required to exhibit various documents referred to or in support of the information in their respective 1st AAs, as set out in Table 16-1 of **Form 15**. In particular, the following are typical documents to be exhibited by parties:

a) The party's payslips or similar documents to show income for the past 6 months before the filing of the 1st AA;

b) Current employment contract or evidence showing the current terms of employment;

c) Tax assessment notices or similar documents for the past 3 years before the filing of the 1st AA;

d) Current tenancy agreement or similar evidence showing rental received;

e) The Statement of Affairs for Bankruptcy and the latest Income and Expenditure Statement filed with the Official Assignee (if the party is an undischarged bankrupt);

f) Documents to prove the monthly expenses of the party and/or the parties' child(ren);

g) Updated mortgage statement showing the outstanding mortgage loan of any immovable matrimonial property;

h) Any valuation report or transaction history in respect of any immovable matrimonial property;

i) Updated bank account statements (including sole and joint accounts) showing the party's banking transactions and account balances for the past 3 months before the filing of the 1st AA;

j) Updated CPF statements showing the balance in the party's CPF account;

k) Updated CPF Investment Account statements;

l) Updated Central Depository Pte Ltd statements or similar evidence to show the balance and details of the party's investments;

m) Updated ACRA search results or similar evidence to show the party's shareholdings;

n) Insurance policy documents or similar evidence to show the surrender values and beneficiaries of the party's insurance policies;

o) Updated CPF housing withdrawal statements, or similar evidence, to show the use of CPF monies or other payments made for purchase of the matrimonial assets; and

p) Any other documents referred to or supporting the information in the 1st AA.

3.5 After the 1st AA is prepared, the party must sign the 1st AA before a Commissioner for Oaths (or Notary Public / Singapore Consular Officer if the party is overseas), and it must be filed in the electronic filing system (eLitigation).

3.6 A copy of the 1st AA must also be served on the other party (i.e. sent to the other party), and in exchange, the other party will also serve a copy of his or her 1st AA on you.

4. Case Conferences

4.1 At the first CC after the Interim Judgment is granted, the parties should have filed and exchanged their respective 1st AAs as directed in the Registrar's Notice.

4.2 CCs are convened to monitor the progress of the case and various directions may be given by the Court so that the case can proceed expeditiously for hearing.

4.3 Before the case is fixed for the final ancillary matters hearing, parties and/or solicitors can expect to attend CCs to update the Court on the progress of the matter and to take the necessary directions. This is to ensure that a hearing date is not wasted and that all documents and affidavits that are required at the hearing have been filed and served.

4.4 Parties and/or solicitors attending the CCs are to be well prepared and familiar with the case. During the CCs, there will often be a discussion on the various disputed issues and specific directions will be given based on what is required, so that the case can proceed to the ancillary matters hearing as expeditiously as possible.

4.5 The usual directions given at CCs are:

a) Extensions of time to file and exchange the 1st AAs (if the 1st AAs have not been filed pursuant to the directions given in the Registrar's Notice after the grant of the Interim Judgment);

b) If the value of the pool of the matrimonial assets is less than S$2 million and there are no contested children issues, the parties may be directed to attend mediation conducted by an FJC mediator, who is a specially appointed judge or staff family mediator.

c) If the value of the pool of the matrimonial assets is S$2 million or above and there are no contested children issues, the parties may be directed to attend mediation at the Singapore Mediation Centre or private mediation before an appointed mediator;

d) If the gross value of the pool of the matrimonial assets is more than S$5 million, the ancillary matters hearing will be fixed before a Judicial Commissioner or Judge in the HCFD;

e) If the 1st AAs have been filed and exchanged, directions will be given for the filing and exchange of the Second Ancillary Affidavits (2nd AA);

f) If there are Summonses for Disclosure filed by the parties, directions will be given for the filing of the Reply to Disclosure, and the Court will fix a hearing for the Summonses for Disclosure before an AR;

g) If there are further affidavits to be filed by parties, in addition to the 1st AA and 2nd AA, directions will be given for the filing of the Summons for Further Affidavits and Reply to Approval for Further Affidavits;

h) Once the case is ready for the ancillary matters hearing, the Court will fix an ancillary matters hearing date before a District Judge.

4.6 The Court will not grant multiple extensions of time for the filing of affidavits and/or applications without good reason. Orders may be made against a party to pay costs to the other party for seeking an extension of time. Pursuant to the objectives of the FJ(G)R 2024 and the purpose of the "judge-led" powers, if there have been repeated breaches of directions, the Court may make an "unless" order. An "unless" order is an order for a party to file an affidavit and/or application by a certain date, and if the affidavit and/or application is not filed by that date, the party will not be allowed to file it.

5. Reply Affidavits and Subsequent Affidavits

5.1 After the 1st AAs have been filed and exchanged, parties may file and serve a reply affidavit to each other's 1st AAs (referred to as the 2nd AA).

5.2 Thereafter, no further affidavits are to be filed without the approval of the Court[65].

5.3 Approval is generally granted for a further affidavit to be filed, if the party applying can show that he or she is seeking to introduce new circumstances or evidence that only arose or became available after the 2nd AA was filed, to rebut an assertion made by the other party for the first time in that party's 2nd AA, or if there are any other special circumstances. The evidence must be relevant and necessary to the contested ancillary issues.

5.4 An application for the Court's approval to file a further affidavit is made by way of Summons for Further Affidavits (using **Form 16A** of the FJC PD 2024), accompanied by the Approval for Further Affidavits: The Applying Party's table (using **Form 16B** of the FJC PD 2024). The applying party is typically also directed to include a draft of the affidavit which the party seeks the Court's approval to file in the application.

[65] Part 2, rule 16(6) of the FJ(G)R 2024.

5.5 The other party will be directed to file his or her Reply to Approval for Further Affidavits: The Responding Party's table (using **Form 16C** of the FJC PD 2024), to set out his or her response to the applying party's application for approval to file further affidavit(s). Thereafter, the Court will fix a hearing date for the application to be heard before an AR.

6. Full and Frank Disclosure

6.1 Parties must make full and frank disclosure of all their assets and means when filing their affidavits in Court.

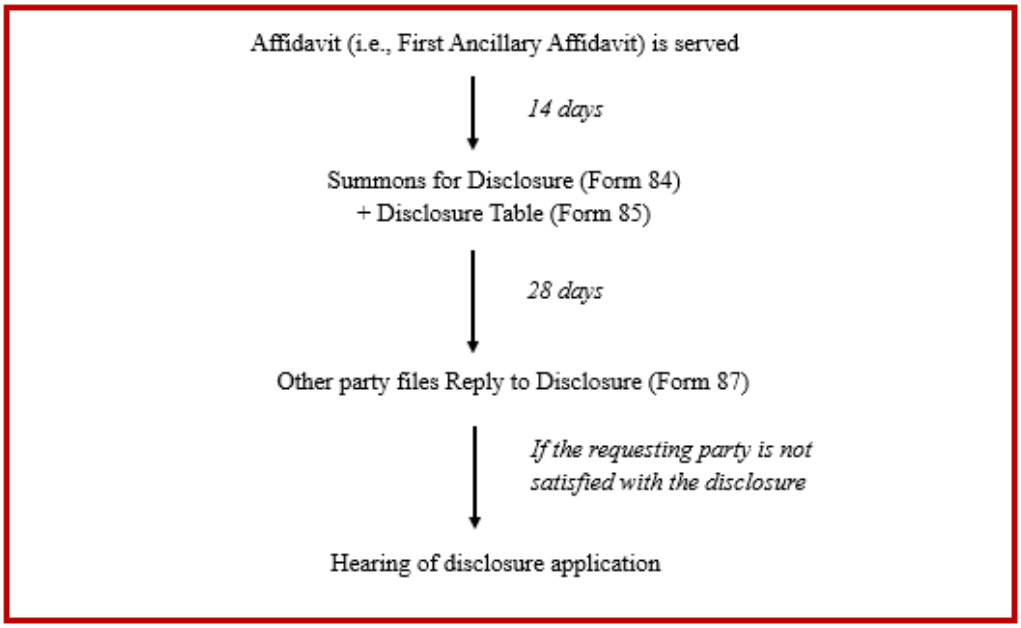
6.2 Each affidavit must contain all documents which a party will be relying on to substantiate that party's case, or which are referred to in that party's affidavit. When filing the 1st AA, each party must attach a copy of the documents set out at Table 16-1 of **Form 15**. If a party is unable to provide these documents, that party must explain the lack of documents in Table 16-2 of **Form 15**.

6.3 If a party fails to disclose any document or information required, the Court may make any order that it thinks just, including an order that an adverse inference be drawn against the party who failed to make the disclosure. This typically means that if the Court finds at the ancillary matters hearing that one party has not provided satisfactory reasons for failing to disclose the relevant document or information, the Court may attribute a higher value to the asset pool, or award to the other party a larger share of the matrimonial assets.

7. Disclosure

7.1 If a party is of the view that the other party has not provided sufficient documents and/or information in his or her 1st AA, that party may request that the Court makes an order for disclosure against the other party.

7.2 The procedure for seeking disclosure is as follows:



7.3 At CCs, the Court may also give timelines which differ from the prescribed timelines in the FJ(G)R 2024, where this is necessary for effective case management. The Court may ask the parties for the documents and information they wish to seek and give an indication of whether such items requested would be material for the disposal of the ancillary matters. The Court may also, using its judge-led powers, order any party to disclose information within that party's possession or control or within that party's knowledge, even where there is no application made.

7.4 A party's request for an order for disclosure must be made by filing a Summons for Disclosure (using **Form 84** of the FJC PD 2024) annexing a Disclosure Table (using **Form 85** of the FJC PD 2024). The Disclosure Table should properly identify the documents or information requested and contain the requesting party's reasons for seeking disclosure. The requesting party may also file a Disclosure Affidavit (using **Form 86** of the FJC PD 2024) to provide evidence to support that party's summons.

7.5 A party's request for documents or information must properly identify the documents or information requested. The documents or information requested must be a document which the requesting party will be relying on, documents or information which a party

knows or ought reasonably to know is adverse to that party's case, or documents or information which parties have previously agreed to disclose or been ordered to disclose. The requesting party should not be requesting for documents that are in that party's own possession or control, or information that is within that party's knowledge.

7.6 Any request for disclosure of documents must be reasonable, and the requesting party must show how the disclosure of these documents or information is material to the Court's determination of the ancillary matters, and not merely lead the requesting party on a train of inquiry to other documents or information. For example:

a) Seeking disclosure of monthly bank statements from the start of a 20-year marriage may not be reasonable unless there are specific reasons for requiring the bank statements.

b) Seeking disclosure of receipts and invoices from the other party to support that party's statement saying that that party paid for the family's expenses. If the other party claims to have paid for the family expenses, he or she is to produce the documents to support his or her own claim. Otherwise, the party may make the necessary submissions at the hearing, that the other party has no evidence to support his or her claim.

c) Asking for the reasons for a small expense charged to a credit card. This may be unreasonable and immaterial because the amount is small, if there are other more important ancillary issues.

7.7 After receiving the summons for disclosure, the disclosing party is to state whether the disclosing party agrees or objects to the disclosure requested, and file and serve an affidavit setting out the documents or information that he or she agrees to disclose. If the disclosing party objects to disclosing any document or information sought, he or she must specify the reasons for the objection. The disclosing party is typically directed to file and serve the Reply to Disclosure: The Responding Party's Table (using **Form 87** of the FJC PD 2024) to provide that party's response, and documents or information.

7.8 Where an order has been made by the Court for a party to produce documents and/or information, that party is to file and serve an affidavit setting out the documents or information ordered. If that party fails to comply with the orders, the Court may make any order that it thinks just, including an order that:

a) That party may be liable for committal in breaching the order of Court;

b) That party may not be able to rely on/exhibit those documents subsequently except with the Court's permission; and/or

c) The Court may draw an adverse inference against that party.

8. Hearing of Ancillary Matters

8.1 When the case is ready for hearing, the parties or their solicitors will be directed to file and exchange written submissions, which are essentially a summary of each party's case and their legal arguments. Written submissions assist the judge in the hearing of the ancillary matters. The Court will also direct a binding summary to be filed. This sets out each party's position in relation to the contested ancillary issues.

8.2 The Court will then fix the case for hearing, which will be held in chambers. If parties are represented by solicitors, the solicitors instead of the parties will attend. Oral submissions can be made at the hearing based only on the evidence in affidavits that have been filed.

8.3 Depending on the value of the pool of matrimonial assets and complexity of issues, the ancillary matters may be fixed for hearing in the HCFD. For matters heard in the HCFD, parties will have to prepare the Binding Summary of Positions (using **Form 17A** of the FJC PD 2024).

8.4 If parties wish to cross-examine any witnesses during the ancillary matters hearing, an application will have to be filed, prior to the case being fixed for hearing, supported by an affidavit giving the reasons why cross examination is required.

8.5 After both parties have finished their submissions and all questions from the Court have been addressed, the Court will make an order for the ancillary matters. The order can be delivered orally, or through court correspondence sent to parties or their solicitors, on the day of the hearing or a date after the hearing.

9. Orders that may be made[66] at the Hearing of the Ancillary Matters

9.1 The Court will generally make, where applicable, orders in relation to the children's arrangements, division of matrimonial assets, maintenance of the wife and children.

9.2 Examples of orders relating to the children's arrangements: Refer to earlier chapter on **Interim Applications for Children Orders (Custody, Care and Control and Access) – Sample Orders**.

9.3 Examples of orders relating to the maintenance of the wife and/or children:

a) A shall pay the sum of $x per month as monthly maintenance for the children of the marriage/B with effect from [date] and thereafter on the [number] day of each subsequent month. Payment shall be paid into B's bank account, XYZ Bank Account Number 123456.
b) A shall pay a lump sum maintenance of $x for B, to be paid by [date].

9.4 Examples of orders for the sale or transfer of the matrimonial property and other matrimonial assets:

a) The matrimonial property known as [address] shall be sold in the open market within [time] and the nett proceeds of sale, after deducting the outstanding

[66] These examples are not intended to restrict or reflect the full range of orders the Court may make.

mortgage loan and the costs and expenses of the sale, shall be divided in the proportion of x% to A and y% to B. From each party's share of the nett proceeds of sale, each party shall reimburse to their respective Central Provident Fund account all monies utilised towards the purchase of the matrimonial property plus accrued interest. If there are insufficient cash proceeds from one party's share to refund his/her CPF monies with accrued interest, that party is to top up the shortfall in cash.

b) (i) The matrimonial property known as [address] shall be sold in the open market within [time] and the nett proceeds of sale, after deducting the outstanding mortgage loan, refunding to both parties' respective Central Provident Fund accounts all monies utilised towards the purchase of the matrimonial property plus accrued interest, and the costs and expenses of the sale, shall be divided in the proportion x% to A and y% to B.

(ii) A shall be entitled to $[ ] of B's CPF monies pursuant to section 112 of the Women's Charter 1961 (the "Ordered Amount").

(iii) After the making of the refund into B's CPF account(s) of the required CPF monies from the sale proceeds of the matrimonial property, the Central Provident Fund Board (the "Board") shall transfer from the monies standing to the credit of B in his CPF Ordinary Account, the Ordered Amount to A's CPF Ordinary Account.

(iv) The Board shall only transfer the amount specified in this order after the Board has been notified of the sale of the matrimonial property and the refunds have been credited in B's CPF account(s).

c) A shall transfer (other than by way of sale), his share, title and interest in the matrimonial property known as [address] to B within [time], upon B paying to A x% of the nett value. The nett value is to be determined by an open market valuation prepared by a jointly appointed valuer less the outstanding mortgage loan. From A's share of the nett value, A shall reimburse to his Central Provident Fund account all monies utilised towards the purchase of the matrimonial home plus accrued interest. B shall bear the costs and expenses of the transfer.

d) A shall transfer (other than by way of sale), his share, title and interest in the matrimonial property known as [address] to B within [time], upon B paying to A $x, being only part of the required Central Provident Fund refund. B shall bear the costs and expenses of the transfer.

e) A shall transfer (other than by way of sale), his share, title and interest in the matrimonial property known as [address] to B within [time], with no consideration and no refund to A's Central Provident Fund account. B shall bear the costs and expenses of the transfer.

f) Each party to retain assets in their respective sole names.

g) A shall pay the sum of $x to B being his share of the matrimonial assets by [date].

9.5 The CPF Board requires specific wordings for orders relating to the monies in parties' CPF accounts (see paragraph 9.4(b)(ii) above as an example) and the suggested clauses can be found on the CPF Board website. Please refer to the earlier Chapter 5 on the **CPF Toolkit**.

10. Bankruptcy Proceedings

10.1 If a party is adjudged bankrupt before the hearing of the ancillary matters and both parties agree on the remaining ancillary matters, the bankrupt party must seek the views of the Official Assignee on the terms of the DARO. If both parties cannot agree on the ancillary matters, the non-bankrupt spouse who is seeking a share of the assets of the bankrupt spouse (or joint assets which are co-owned by the bankrupt spouse) would have to defer the resolution of the ancillary matters until the bankruptcy order is annulled. This is because once a party is adjudged a bankrupt, his or her assets vest in the Official Assignee, subject to certain exceptions provided in the CPF Act 1953 and the HDA 1953.

8. High Court Family Division – Pre-Trial Conferences, Ancillary Matters and Appeal Hearings

Edmund Chew, Gay Hui Yi[*]

1. Overview

A. Introduction

1.1 PTCs are conducted for HCFD matters which include:

a) contested ancillary matters involving assets with a gross value at or above S$5 million under Part 10 of the WC 1961;

b) appeals from the Family Courts and Youth Courts and applications of a procedural nature in those appeals; and

c) probate and letters of administration applications where the gross value of the estate exceeds S$5 million in value.

1.2 This Handbook covers only key case management aspects of (i) contested ancillary matters involving assets with a gross value at or above S$5 million and (ii) appeals from the Family Courts and applications of procedural nature.

B. Attendance at PTCs

1.3 If parties are represented, their respective solicitors will attend the PTC on their behalf. The principal solicitor having conduct of the case should personally attend the PTC. Solicitors attending the PTC are expected to familiarise themselves with the basic facts of the case and their client's instructions. They should provide the following information:

[*] District Judges, Family Justice Courts

a) the issues on appeal;

b) whether there are any necessary interlocutory applications to be made;

c) the time required for the appeal hearing;

d) whether any HCFD judge had previously dealt with applications and/or appeals relating to the same parties;

e) whether there are related High Court proceedings; and

f) parties' available dates for hearing.

1.4 Stating that they are not the solicitor in charge of the case in response to questions posed by the Court will not suffice and the PTC may be stood down for instructions to be taken or for the principal solicitor having conduct of the case to attend.

1.5 If parties are self-represented, they will attend the PTC personally. If a party requires an interpreter, they are to write to the Court to request an interpreter once they are notified of the PTC.

2. Dealing with Ancillary Matters bound for HCFD

A. Introduction

2.1 The HCFD deals with cases where the contested ancillary matters involve assets valued at or above S$5 million, based on the **gross** value of the pool of matrimonial assets. Such cases are generally transferred to the HCFD for hearing after all affidavits have been filed and interlocutory applications have been dealt with.

2.2 PTCs are conducted by an AR of the Family Courts, before the case is transferred to the HCFD for hearing of the ancillary matters. PTCs are conducted for the court to give the

appropriate directions as to the steps to be taken to dispose of, or to resolve, the ancillary matters in as expeditious a manner as possible. All interlocutory applications are also dealt with by the AR.

2.3 Upon confirmation that there are no further affidavits to be filed and no outstanding interlocutory applications and the case and the case is ready to proceed for hearing of the ancillary matters, the case will be transferred to the HCFD and a hearing date will be fixed before a HCFD Judge.

B. Common Issues Raised at PTCs

2.4 **Contested Divorce** – When taking directions for the filing of Affidavits of Evidence-in-Chief (commonly referred to as "AEIC"), solicitors and/or parties must assist the AR by providing the relevant information such as the number of witnesses, whether there are overseas witnesses, the need for translation of documents etc. When hearing dates are being fixed for the contested divorce trial, solicitors and/or parties should inform the AR if interpreters are required for the parties and estimate the time required for hearing.

2.5 **Outstanding ancillary matters** – Solicitors and/or parties must identify the outstanding ancillary matters and be able to address the AR on the parties' respective positions, so that the most appropriate directions may be given for robust case management.

2.6 **Mediation** – It is part of robust case management to assess if parties have considered alternative dispute resolution methods at various points in the ancillary process. Solicitors and/or parties should therefore explore the possibility of amicable settlement, whether via correspondence or through mediation. In cases where the children are below 21 years of age, the parties have to go through mandatory court counselling and mediation. For cases where there are no contested children issues, the parties would be directed to attend private mediation.

2.7 **Children issues** – If custody, care and control, and/or access are disputed, solicitors and/or parties must inform the AR of the age(s) of the child(ren). It is also useful to specify if the point of contention is really one of custody, care and control, or access. Where there are children below 21 years of age, the Court will direct the parties to go for mandatory court counselling and mediation, if this has not been done. In general, the decision to order any Child Report (e.g. CER or AER) or appointment of CR, if necessary, will be left to the HCFD Judge hearing the ancillary matters. See Chapter 4.1 on **Mediation** for more details.

2.8 **Matrimonial assets** – After the filing of the 1st AAs, solicitors and/or parties should have an understanding of the entire pool of matrimonial assets, and be prepared to address the AR on the following issues:

a) **Gross value of the pool of matrimonial assets** – Solicitors and/or parties must inform the AR the estimated gross value of the pool of matrimonial assets. It is not sufficient to simply assert that the total gross value is more than S$5 million, without specifying the indicative value.

b) **Immovable properties, companies and businesses** – Solicitors and/or parties must specify the number of immoveable properties, companies and/or businesses, and whether there is an agreement on the value. If there is a dispute on the value of any asset, solicitors and/or parties should explore the possibility of jointly appointing a valuer, if necessary. The issue of valuation must be addressed at the earliest opportunity as the valuation exercise (whether joint or separate valuations) will take some time. The AR will regularly ask for an update on the status of the valuation exercise.

c) **Third party issues** – Solicitors and/or parties should inform the AR if there are any matrimonial assets which are in the name of a third party, or in which a third party may have a claim. If there is no agreement between the parties and the third party as to the third party's interest in the asset, the AR may direct that a separate civil suit to determine the third party's interest in the asset be filed in the High Court. It is important to alert the Court early so that directions can be given,

especially since the determination of the third-party interest will have an impact on the ancillary matters.

d) **CPF Standard Order** – In some cases, the other party is absent or unrepresented and does not seem in a position to obtain his or her CPF statements (e.g. if he or she is presently serving a prison term). If there is a matrimonial home or other immovable property in dispute and the absent or unrepresented party had used CPF monies to contribute towards that property, or if there is claim on the CPF monies of that absent or unrepresented party, the AR may make an order for the CPF Board to disclose information regarding the absent or unrepresented party's CPF monies. This is to ensure that the relevant information is before the HCFD Judge hearing the ancillary matters.

2.9 **Disclosure** – Under Part 9 of the FJ(G)R 2024, any party seeking disclosure must file a Summons for Disclosure within 14 days after the date on which the 1st AA was served on that party. Solicitors and/or parties should consider whether an application for disclosure is indeed necessary, given that the 1st AA has already prescribed the scope of mandatory disclosure required of parties. Pursuant to Part 9, rule 3 of the FJ(G)R 2024, a party must disclose all documents prescribed in the form, without any order for disclosure being made. If a party does not disclose such documents, the person must specify in his or her affidavit the reasons for not disclosing. If a party is making an application for disclosure at a belated stage, that party should expect cost orders to be made against him or her and the Court may even refuse to allow further applications to be made, unless there is a very good reason for the delay.

2.10 **Filing more than two ancillary affidavits** – Parties are generally allowed to file only two ancillary affidavits each. If parties wish to file further affidavits, they are required to seek the permission of Court. In making such applications for further affidavits, parties must identify the paragraphs of the other party's 2nd AA which he or she wishes to reply to, and annex a copy of the proposed draft further affidavit in his or her application for permission.

2.11 **Ancillary matters settled** – If all the ancillary matters have been agreed between the parties, a DARO must be filed. Solicitors and/or parties can then file a request to Court seeking an order in terms of the DARO without being required to attend Court. Solicitors and/or parties must ensure that the DARO complies with the requirements as set out in paragraph 129 of the FJC PD 2024. Solicitors and/or parties may also wish to refer to the Family Orders Guide available on the Judiciary's website for the drafting of the clauses[67].

2.12 **Fixing ancillary matters hearing** – Parties must file their written submissions and a joint Binding Summary of Positions (using **Form 17A** of the FJC PD 2024) before the ancillary matters hearing. These are subject to the page limits as specified in the FJC PD 2024 or as directed by the AR. There may be a final PTC prior to the hearing to ensure that the filing directions have been complied with. Each party must also prepare hard copies of the Binding Summary, Bundle of Affidavits, Written Submissions and Bundle of Authorities to be tendered to the Supreme Court.

2.13 **Assessment of time required for hearing** – Solicitors and/or parties should inform the AR of the required time for the hearing. If the required hearing time exceeds a full day, solicitors and/or parties should be prepared to explain why the case would require more time. If any related case with the same parties had previously been heard by a HCFD Judge, solicitors and/or parties should also highlight this to the AR when the hearing date is being fixed.

C. Conduct of Ancillary Matters Hearing

2.14 **Location and mode** – The hearing may be conducted in-person in the Supreme Court at 1 Supreme Court Lane Singapore 178879 or via video conferencing platform (currently, Zoom).

[67] See the Judiciary website for more information: https://www.judiciary.gov.sg/news-and-resources/court-guides

2.15 **Documents to bring** – Solicitors and/or parties should bring their own copies of the affidavits, submissions, Joint summary, Bundles of Authorities, Core Bundle (if available) for reference during the hearing.

2.16 **Addressing the Court** – As the hearing is conducted in chambers, solicitors do not need to wear their court robe and solicitors and parties can remain seated when they address the Court.

2.17 **Part-Heard Matters** – If a matter is part-heard, the HCFD Registry will send out a Registrar's Notice with the further hearing dates.

2.18 **Further submissions** – The HCFD Judge may direct further submissions to be filed by both parties on specific issues. Solicitors and/or parties should not file further documents unless permission has been sought from and granted by the Judge.

2.19 **Delivery of Judgment** – After the completion of submissions by solicitors and/or parties, the HCFD Judge may give his or her decision on the day of hearing itself or direct that judgment be reserved. If judgment is reserved, a Registrar's Notice will be sent to parties to attend before the Judge for the delivery of judgment. In certain cases, the HCFD Judge may inform parties that the Judgment will be given via a Registrar's Notice and parties need not physically attend before the Judge.

3. Dealing with Appeals from the Family Courts

A. Introduction

3.1 Timelines for the filing and service of the Appellant's and Respondent's respective Case / Submissions, as well as filing and service of the other appeal-related documents such as the Record of Appeal, Core Bundle and Bundle of Authorities, are procedurally regulated by the FJ(G)R 2024 and the FJC PD 2024.

3.2 Generally, it is only after the filing of the Respondent's Case / Submissions or due date of the Respondent's Case/ Submissions that a PTC will be convened before an AR of the HCFD.

3.3 The PTC is conducted for the parties to update the Court on the status of the filing of the appeal-related documents, whether there are other pending interlocutory applications, and whether any issue(s) are agreed. The AR will then give directions regarding the steps to be taken to dispose of, or to resolve, the case in an expeditious manner, including the fixing of suitable dates for the hearing of the appeal(s).

B. Common Issues Raised at PTCs

3.4 **Extension of time for Record of Appeal and Appellant's Case / submissions** – For appeals under Part 19 Division 3 of the FJ(G)R 2024, the appeal is deemed withdrawn if the Appellant's submissions are not filed and served within the specified time set out in the FJ(G)R 2024. Similarly, for appeals under Part 19 Division 4 of the FJ(G)R 2024, the appeal is deemed withdrawn if the Appellant's Case, Core Bundle and Record of Appeal are not filed and served within the specified time set out in the FJ(G)R 2024. If the Appellant is already out of time, he or she will have to file an OA for Extension of Time (using **Form 1** of the FJC PD 2024) in the HCFD. If the timelines have not expired yet but the Appellant still requires an extension of time, a summons application (using the same **Form 1** but filing as a summons instead) should be filed in the HCFD instead.

3.5 **Extension of time for Respondent's Case / submissions** – If the Respondent requires an extension of time for the filing of the Respondent's Case / submissions, he or she should file a Summons for Extension of Time (using **Form 1** of the FJC PD 2024) in the HCFD.

3.6 **Only Appellant's Case / submissions filed** – Where only the Appellant has filed the Case / submissions and timelines have lapsed for the Respondent's Case / Submissions to be filed, the AR will fix the matter for hearing if (i) the Appellant wishes to proceed and (ii) there is no application filed by the Respondent for extension of time.

3.7 **Submitting further evidence** – Permission of Court is required if any party wants to submit new or further evidence on appeal. The summons for permission to adduce further evidence should be filed and served as soon as possible, and the affidavit in support should state, among other matters, why such further evidence could not have been obtained with reasonable diligence for use at the hearing at first instance. If there is unexplained delay in filing such an application, the applicant may be ordered to pay costs to the other party.

3.8 **Mediation** – Parties may indicate that they are attempting to resolve the appeal. An adjournment may be granted for this purpose but if further adjournments are being sought, parties should be prepared to explain to the AR regarding the progress of mediation, the actual proposals that have been discussed, the differences between parties' proposals and the likelihood of settlement.

3.9 **Settlement reached** – If a settlement is reached for the appeal or application in an appeal, where appropriate, parties should file a Consent (General) (using **Form 108A** of the FJC PD 2024), a Withdrawal of Appeal or Application in Appeal (using **Form 135** of the FJC PD 2024) or seek leave to withdraw the appeal or application. If one party is represented by a solicitor and the other party is self-represented, parties are to comply with paragraph 129 of the FJC PD 2024 on the requirement of an endorsement where a consent is signed by the SRP.

3.10 **Fixing of hearing dates** – Once parties confirm that the appeal is proceeding, the AR will fix the matter for hearing. Parties are to be prepared to describe the appeal issues accurately if asked, in order for sufficient time to be allocated for the hearing. Parties and solicitors are also to inform the AR of their available dates for the hearing, bearing in mind that hearings in the High Court generally take precedence over lower court matters. While awaiting the hearing, parties should start to prepare hard copies of their documents filed for submission to the Supreme Court. More details regarding the submission of hard copy documents will be provided to parties in a subsequent Registrar's Notice closer to the date of the hearing.

C. Conduct of Appeal Hearings

3.11 **Location and mode** – HCFD hearings may be conducted in-person at the Supreme Court building at 1 Supreme Court Lane Singapore 178879 or via video conferencing platform (currently, Zoom).

3.12 **Documents to bring** – Solicitors and/or parties are to bring their own copies of the appeal documents such as the Record of Appeal, Appellant's Case / submissions, Respondent's Case / submissions, Bundle of Authorities, and Core Bundle for reference during the appeal hearing.

3.13 **Addressing the Court** – Solicitors are to refer to paragraph 116 of the FJC PD 2024 on the attire for solicitors appearing for the HCFD hearings. As the hearing is conducted in chambers, solicitors do not need to wear their court robe and solicitors and/or parties can remain seated when they address the Court.

3.14 **Part-heard matters** – If a matter is part-heard, the HCFD Registry will send out the Registrar's Notice to parties giving further hearing dates.

3.15 **Further submissions** – The HCFD Judge may direct the filing of further submissions from both parties on specific issues. Solicitors and/or parties should not file further documents unless permission has been sought from and granted by the Judge.

3.16 **Delivery of Judgment** – After the completion of submissions by solicitors and/or parties, the HCFD Judge may give his or her decision on the day of hearing itself, or direct that judgment be reserved. If judgment is reserved, a Registrar's Notice will be sent to parties to attend before the Judge for the delivery of judgment. In certain cases, the HCFD Judge may inform parties that the Judgment will be given via Registrar's Notice and parties need not attend before the Judge.

4. Dealing with Procedural Applications

A. Introduction

4.1 Applications which are procedural in nature such as service issues, timelines, and extensions of time are heard by the AR. Depending on the precise nature of the application in question, the procedure for such matters are generally regulated by the FJ(G)R 2024 and the FJC PD 2024.

4.2 PTCs may be conducted for the AR to ascertain the status of the proceedings, and to give directions regarding the steps to be taken to dispose of, or to resolve, the case in an expeditious manner. If the application is proceeding, the AR may give directions for reply affidavits and written submissions to be filed. If appropriate, the AR may hear the interlocutory application first so that the main matter can then be fixed for hearing before the HCFD Judge.

4.3 If parties are represented, their respective solicitors will attend the hearing on their behalf. The principal solicitor having conduct of the case is to personally attend the hearing. If parties are self-represented, they will attend the hearing personally. If a party requires an interpreter, they are to write to the Court to request for an interpreter once they are notified of the hearing.

B. Common Issues Raised at Hearing

4.4 **Adjournment** – Parties may seek an adjournment for the purposes of taking instructions and/or attempting private negotiations. For further adjournments (i.e. more than one adjournment), parties should be prepared to provide detailed reasons as to why further adjournments should be granted.

4.5 **Directions for affidavits** – In certain cases, the applications fixed for hearing may be recently served on the opposing solicitor or SRP. Parties should apply for directions for the filing of reply affidavits, if necessary. If the applicant seeks permission to file a

further affidavit, he or she should satisfy the AR of the need for this further affidavit. The AR may exercise his or her discretion and grant permission for the affidavit to be filed, with such other orders as he or she may deem fit and/or necessary. The applicant seeking permission to file a further affidavit should at least be able to specify the paragraphs which he or she wishes to reply to and the reasons for this. The AR may then direct that the reply affidavit be limited to responding only to those paragraphs and make provision for a final affidavit by the other party, which is similarly restricted. The AR may also direct that no further affidavits be filed without the Court's permission. The AR may also, in his or her discretion, direct that the party seeking to file a further affidavit file a summons application to obtain permission to file such affidavit.

4.6 **Agreement reached** – If the parties have reached an agreement on all issues, parties may file a Consent (General) (using **Form 108A** of the FJC PD 2024) and either request for an order in terms to be granted without having to attend at the hearing, or for an order in terms to be granted at the hearing. If one party is represented by a solicitor and the other party is self-represented, parties should comply with paragraph 129 of the FJC PD 2024 on the requirement of an endorsement where a consent is signed by the SRP.