

Divorce in Singapore

THE ESSENTIALS



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Disclaimer

- The flow charts represent the typical processes only. For each divorce case, depending on the facts and circumstances, the Judge has full discretion to direct the best possible course of action at any point in time.
- This publication is produced for general information only.
- FJC disclaims any and all liabilities in connection with the contents of this publication.
- Always seek legal advice when in doubt.



Introduction

If you are considering a divorce...

This booklet details typical divorce proceedings to help you better understand the processes involved. You and **your spouse will go through the uncontested (simplified)** route if you both agree on the divorce, and ancillary matters such as custody of child(ren), maintenance and the division of matrimonial assets and access. All other applications will go through the contested route.

The Family Justice Courts (FJC) and its partners provide assistance and support in resolving family disputes with a **focus on mediation and counselling to reduce conflict** and acrimony, which can impact the child(ren) negatively. Parents should cooperate to minimise the possible stress and work out a plausible plan for the future.

Before filing for divorce...

STEP 1 Ensure your marriage qualifies for divorce under Singapore Law

Are you...





A Singaporean citizen or have lived in Singapore for the past 3 years?



Married for at least 3 years or have obtained Leave of Court to file for divorce before 3 years?



STEP 2 Establish the grounds for divorce

	<u>What does it mean?</u>	<u>When can I file for divorce?</u>	<u>What proof must I produce?</u>
Adultery 	If your spouse cheats on you by having sexual relations outside of marriage, and you find it intolerable to live with him/her.	You may file for divorce on this fact as soon as infidelity is known.	Evidence of the act (or intention of) including videos, photographs, SMS/ email exchanges, etc.
Unreasonable behaviour 	If your spouse inflicts physical or mental abuse, or has behaved in a manner that you cannot reasonably be expected to live with him/her.	You may file for divorce on this fact as soon as an incident has taken place.	Evidence of any act, active or passive; or failure to act, of your spouse.
Desertion 	If your spouse has left you against your wishes and completely rejected the marital relationship.	You have to wait for 2 years.	Evidence of deserting spouse's intention, and physical separation.
Separation 	If you and your spouse have been living separately at different addresses, or at the same address but maintaining different households.	You have to wait for 3 years if your spouse agrees to the divorce (uncontested), or 4 years otherwise.	Evidence of the intention of both parties to be apart and end the right to companionship and marital association.
Mutual agreement	If you and your spouse agree that the marriage has irretrievably broken down.	You may file for divorce as soon as you and your spouse agree that the marriage has irretrievably broken down.	A written agreement in the relevant Form of the Practice Directions.

STEP 3 File for divorce...

- **Uncontested divorce**
- **Contested divorce**

Note

- If you are married under Muslim Law, you must **file for divorce in the Syariah Court Singapore.**
- If you have any children under 21 years old, you will be required to attend the Mandatory Co-Parenting Programme (CPP) conducted by an MSF-funded Social Service Agency before filing for divorce.
- You will be issued with a **Certificate of Completion** at the end of the CPP. This Certificate must be filed together with the Writ of Divorce or the Counterclaim (if you are a Defendant).



Uncontested Divorce Process

If you and your spouse can reach an agreement on the divorce and all ancillary matters – such as custody and access of child(ren), maintenance and the division of matrimonial assets – before filing of the Writ, the uncontested (simplified) route would be applicable to you.

Before application You will need to consider the following:

1 The reason the marriage has irretrievably broken down:

- Adultery;
- Unreasonable behaviour;
- Desertion;
- Separation; or
- Mutual agreement



2 Child(ren)'s wellbeing:



- Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care of the child(ren) on a daily basis)
- Access (i.e. how often the parent sees the child(ren))
- Maintenance (i.e. how much to contribute towards the child(ren)'s expenses)

3 Wife's maintenance:



- Nominal maintenance;
- A specific sum per month and whether it is for a fixed period of time;
- One-time lump sum maintenance; or
- No maintenance

4 Assets distribution:



- Which assets to be divided (e.g. house)
- How the asset(s) – CPF monies, monies in bank accounts, etc. – will be divided

5 Costs of proceedings (borne by one party or shared between both)



6 Any other issues:



You and your spouse may wish to attend counselling and/or any of the support programmes available at the Strengthening Families Programme@FSC (FAM@FSC) / Divorce Support Specialist or seek legal advice from a divorce lawyer or at the legal clinics situated at the Legal Aid Bureau (LAB) or the Community Justice Centre (CJC).

How to apply

Once you and your spouse have reached an agreement, prepare the following documents and sign them where necessary:

- Writ of Divorce (Form 3)
 - Statement of Claim (Form 6)
 - Statement of Particulars (Form 8) (to include bankruptcy searches on both spouses and copy of marriage certificate)
 - Request for Setting Down Action for Trial (Form 29)
 - Spouse's consent to Simplified Uncontested Divorce Proceedings (Form 193*)
 - Spouse's consent to grant Judgment on 3 Years' Separation (if proceeding is based on 3 years' separation) (Form 192*)
 - Draft Interim Judgment signed by both parties (Form 30*)
 - Affidavit of Evidence in Chief (Form 201*)
 - Certificate of Completion of CPP from both parties (if you have child(ren) below 21 years of age)
- The documents above may be found at www.judiciary.gov.sg/forms
- * Documents must be signed before a Commissioner for Oaths (if the person signing it is in Singapore) or before a Notary Public or Consular at the Singapore Embassy (if the person signing it is overseas).*

How to file

To begin the divorce proceedings, ensure all necessary documents have been signed and submit them to the FJC at:

CrimsonLogic Service Bureau

State Courts
1 Havelock Square, Level 2
Singapore 059724
Tel. No.: 6538 9507

Operating Hours

Mon to Fri: 8:30am to 5pm
Sat: 9:30am to 12pm
Sun and Public Holidays: Closed



During the uncontested divorce proceedings



1

If the documents are in order, a hearing date will be given within **4 to 6 weeks of filing the documents**. You and your spouse are usually not required to attend the hearing – usually conducted in Chambers – and no member of the public is allowed to attend the hearing.



2

If the Court grants the divorce at the hearing on the terms agreed between you and your spouse, you will then have to apply at CrimsonLogic Service Bureau to extract the Interim Judgment.



3

Once the Interim Judgment or the conclusion of the ancillary matters has been extracted, you and your spouse will have to wait for 3 months after the grant of the Interim Judgment or the conclusion of the ancillary matters to apply to **extract the Certificate of Final Judgment (Divorce)** at CrimsonLogic Service Bureau to finalise and complete the divorce process.

After the uncontested divorce proceedings



4

Once the Certificate of Final Judgment (Divorce) has been extracted, you will need to ensure that you adhere to the agreement between you and your spouse by, for instance, selling the flat and ensuring that you pay/receive maintenance as agreed between you and your spouse.



5

You and/or your child(ren), if any, may be directed to attend a support programme conducted by FAM@FSC / DSSA. If not directed by the court, you and/or your child(ren), if any, may also wish to attend counselling and/or any of the support programmes available at the FAM@FSC / DSSA for families affected by divorce. A non-exhaustive list of support programmes and the respective agencies can be found at page 16 of this booklet.

Contested Divorce Process

If you and your spouse are unable to reach an agreement on the divorce and all ancillary matters – such as custody of child(ren), maintenance and the division of matrimonial assets and access – before filing of the Writ, the contested route would be applicable.

Before application You will need to consider the following:

1 The reason the marriage has irretrievably broken down:



- Adultery;
- Unreasonable behaviour;
- Desertion;
- Separation; or
- Mutual agreement

2 Child(ren)'s wellbeing:



- Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care of the child(ren) on a daily basis)
- Access (i.e. how often the parent sees the child(ren))
- Maintenance (i.e. how much to contribute towards the child(ren)'s expenses)

3 Wife's maintenance:



- Nominal maintenance;
- A specific sum per month and whether it is for a fixed period of time;
- One-time lump sum maintenance; or
- No maintenance

4 Assets distribution:



- Which assets to be divided (e.g. house)
- How the asset(s) – CPF monies, monies in bank accounts, etc. – will be divided

5 Costs of proceedings (borne by one party or shared between both)



6 Any other issues:



You and your spouse may wish to consider attending counselling and/or any of the support programmes available at the FAM@FSC / DSSA. If you have any child(ren) below 21 years old, you will be required to attend the CPP conducted by the MSF. Given the level of complexity and numerous documents that have to be filed in a contested divorce, you may wish to seek legal advice from a lawyer, or at the legal clinics situated at the LAB or the CJC.

How to apply

Once you have decided what your views are in relation to custody, care and control and access of the child(ren), maintenance, division of assets and costs, prepare the following documents and sign them where necessary:

- Writ of Divorce (Form 3)
 - Statement of Claim (Form 6)
 - Statement of Particulars (Form 8) (to include bankruptcy searches on both spouses and copy of marriage certificate)
 - Plaintiff's Proposed Parenting Plan Form (Forms 11 and 24), if there is child(ren) below 21 years of age
 - Plaintiff's Proposed Matrimonial Property Plan Form (Forms 14 and 26), only for HDB flats
 - Memorandum of Appearance (Form 18)
 - Acknowledgment of Service (Form 17)
 - Certificate of Completion of CPP (if you have child(ren) below 21 years of age)
- The documents above may be found at www.judiciary.gov.sg/forms
- * Documents must be signed before a Commissioner for Oaths (if the person signing it is in Singapore) or before a Notary Public or Consular at the Singapore Embassy (if the person signing it is overseas).*

How to file

To begin the divorce proceedings, ensure all necessary documents have been signed and submit them to the FJC at:

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Sun and Public Holidays: Closed



During the contested divorce proceedings

A divorce case number will be assigned to your divorce application. The documents listed **must then be delivered personally** by an authorised process server to your spouse.



Contested divorce

Once the documents above have been delivered to your spouse, if he/she is not agreeable to the divorce, your spouse must file:

- a **Memorandum of Appearance (MOA)** within 8 days of receiving your documents, and
- a **Defence** (or a **Defence and Counterclaim**) within 14 days after the deadline for your spouse to file his/her MOA.

If your spouse files a Defence (or a Defence and Counterclaim), you have 14 days to file your Reply (or Reply and Defence to Counterclaim) if you wish to do so.

If you have filed a Reply and Defence to Counterclaim, your spouse has 14 days to file a Reply to the Defence to Counterclaim.

Can change from contested to uncontested divorce



Setting Down

The Court will then direct that you/your spouse apply for the divorce case to be scheduled for a hearing. This is known as "**Setting Down**", and is done by filing the following documents:

- Request for Setting Down Action for Trial (Form 28)

The documents above may be found at www.judiciary.gov.sg/forms

Case Conference

The Court will then notify parties or your lawyers, if any, of the date to attend in Court for a Case Conference.

A Case Conference is a court session where the Judge will give directions on how to best manage your divorce case moving forward.

The Court may, for example, direct:

- that you/your spouse to attend mediation and counselling (to facilitate an amicable settlement on the issues that you and your spouse disagree on); or
- that you and your spouse and your child(ren), under 21 years of age, attend mediation and counselling at the Family Dispute Resolution Division (FDR Division) of the Family Justice Courts, especially if the stress from the divorce affects your child(ren) negatively.



Status Conference:

The Court may schedule a status conference for parties to update the Court on the status of the divorce proceedings, when the divorce application has not been set down following the filing of the Writ of Divorce.

Uncontested divorce



Once the documents listed have been delivered to your spouse, he/she is agreeable to the divorce or informs the Court (using a MOA) that they are agreeable to the divorce, the divorce can be scheduled for an **Uncontested Hearing**.

Other scenarios:

Scenario 1: If your spouse (Defendant) did not file the MOA before the deadline, the divorce can be scheduled for an **Uncontested Hearing**.

Scenario 2: If your spouse (Defendant) filed the MOA indicating intention to defend the action, but does not file a Defence before the deadline, the divorce can be scheduled for an **Uncontested Hearing**.



During the contested divorce proceedings (cont'd)

Case Conference (cont'd)

The Court will direct parties to file Affidavits. The Affidavits are to be signed before a Commissioner for Oaths in Singapore or a Notary Public or consular in the Singapore embassy (if party is overseas).



If, at any time during the **Contested** process, you and your spouse manage to agree on all ancillary matters, proceed as **Uncontested**.

Setting Down

You will have to apply for your divorce case to be heard by the Court. This is known as "Setting Down".

Before setting down, either of the following 3 documents must have been filed:

- MOA signed by spouse (Defendant), confirming he/she is not contesting
- Acknowledgment of service signed by spouse (Defendant)
- Affidavit of service signed by Plaintiff

Matter can be set down by filing the following documents:

- Request for Setting Down Action for Trial (Form 28)
- Request for Dispensation of Parties' Attendance at the Uncontested Divorce Hearing (Form 203)
- Plaintiff's AEIC

The documents above may be found at <https://www.judiciary.gov.sg/forms>

** Slightly different procedures and Forms may be involved if you and your spouse agree to proceed on the Counterclaim instead of or in addition to the divorce application.*

Contested Hearing

You and your spouse (and your lawyers, if any) will have to attend the hearing and are expected to take the stand and present evidence.

If the Court grants the divorce at the hearing, you will then have to apply at CrimsonLogic Service Bureau to extract the Interim Judgment.

Ancillary Matters

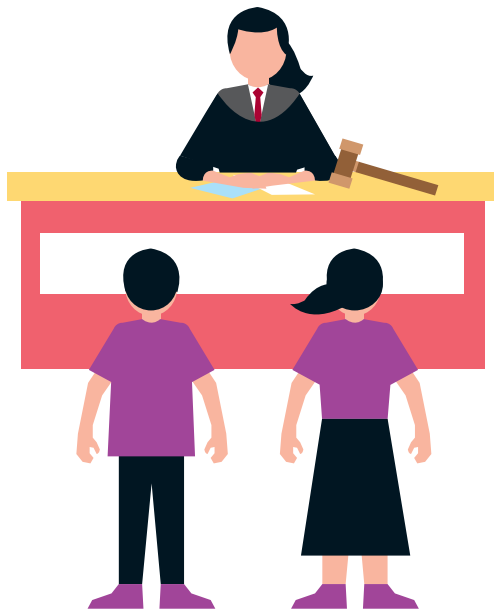
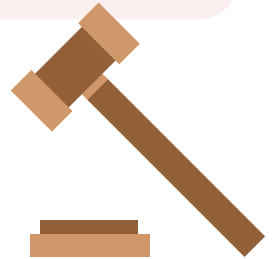
Once the Interim Judgment has been extracted, the Court will schedule further Case Conferences on the Ancillary Matters (i.e., on the custody, care and control, and access of your child(ren), maintenance, division of your assets (including your HDB flat, if any, and costs), if they have not been agreed upon.

Ancillary Matters Process (refer to section on "Ancillary Matters process")

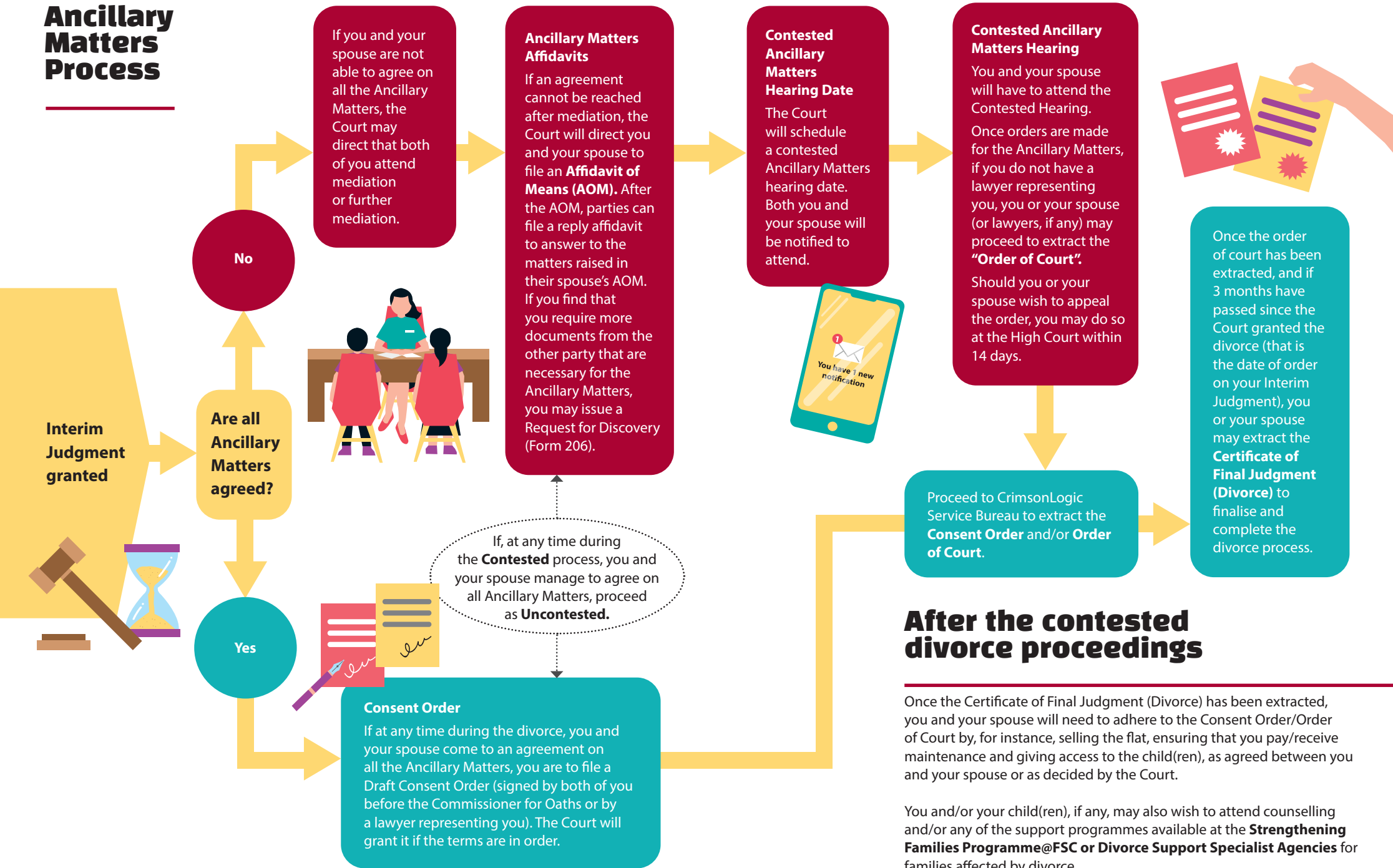
Uncontested Hearing

This is a private hearing. You and your spouse (and your lawyers, if any) do not have to attend the hearing.

If all the papers are in order and the Court grants the divorce at the hearing, you can then apply at CrimsonLogic Service Bureau to extract the Interim Judgment.



Ancillary Matters Process



Useful Contacts

Should you require assistance during the divorce process, the following support programmes and agencies may help.

Do you need counselling services or the Mandatory Co-Parenting Programme (CPP)?

Court users may refer to MSF's website for the updated list of agencies and contact information:

<https://www.msf.gov.sg/our-services/directories#famtab>

Are you looking for preliminary legal advice for your situation?

Contact: Legal Clinics

Walk-in Legal Clinic @ Community Justice Centre

1 Havelock Square, Level 1 State Courts Complex, Singapore 059724
Tel.: 6557 4100

Community Legal Clinics by Law Society Pro Bono Services

Call the Hotline: 6536 0650 to make an appointment at one of the following locations:

- North West District (Near Woodlands MRT Station)
900 South Woodlands Drive, #06-13
Woodlands Civic Centre, Singapore 730900
Operating Hours: Mon (7pm to 9pm)
- South East District (Near Paya Lebar MRT Station)
10 Eunos Road 8, #12-02
Singapore Post Centre, Singapore 408600
Operating Hours: Tues (7pm to 9pm)

- South West District (Near Jurong East MRT Station)
8 Jurong Town Hall Road, #26-06
The JTC Summit, Singapore 609434
Operating Hours: Wed (7pm to 9pm)
- Central Singapore District (Near Toa Payoh MRT Station)
490 Toa Payoh Lorong 6, #07-11
HDB Hub via Biz Three Lift Lobby 1, Singapore 310490
Operating Hours: Thurs (7pm to 9pm)

Contact: Lawyers in private practice

A list of lawyers in private practice may be found at:

<https://eservices.mlaw.gov.sg/lra/search-lawyer-or-law-firm>

Do you need legal representation but can't afford to hire your own lawyer?

Contact: Legal Aid Bureau

45 Maxwell Road, #07-11 The URA Centre (East Wing), Singapore 069118
Tel.: 1800-CALL-LAW (1800 2255 529)
Operating Hours
Mon to Fri: 8:30am to 5:30pm
Sat: Closed (Hotline available from 8:30am to 12:30pm)
Sun & Public Holidays: Closed

A person who wishes to apply for legal aid must satisfy the Means Test and the Merits Test. More information on the Means Test and the Merits Test is available on the Legal Aid Bureau's website at www.mlaw.gov.sg

The Legal Aid Bureau will be able to ascertain if you qualify for legal aid. You may thus wish to make an appointment to attend at the Legal Aid Bureau even if you are of the view that you do not qualify for legal aid based on your calculations and the information provided on the Legal Aid Bureau's website.

Are you acting in person and ready to file the documents yourself?

Contact: CrimsonLogic Service Bureau

State Courts
1 Havelock Square, Level 2
Singapore 059724
Tel. No.: 6538 9507
Operating Hours
Mon to Fri: 8:30am to 5pm
Sat: 8:30am to 12:30pm
Sun and Public Holidays: Closed

Are you acting in person but need some help with the court process?

Contact: Community Justice Centre (CJC)

Friends of Litigants in Persons (FLIPs)

FLIPs are volunteers who provide the unrepresented litigants with emotional support and practical guidance on basic court processes. However, they are not your lawyers and will not be able to give you any legal advice.

Primary Justice Project (PJP)

The PJP provides you with a lawyer who will give you basic legal advice and facilitate settlement of your dispute at a fixed fee. The lawyer will work with you to negotiate a settlement. He or she may also suggest other dispute resolution methods such as mediation.

More information may be obtained from the CJC located at the following locations:

- 1 Havelock Square, Level 1 State Courts Complex, Singapore 059724
- Level 3, Family Justice Courts

Tel.: 6557 4100

If you are planning a visit to these agencies, kindly call the respective numbers or check out their websites beforehand for updated operating hours.

Checklist for Divorce Proceedings

Before filing for a divorce, do consider the following.

Divorce

Nationality/ Domicile:	<input type="checkbox"/> Singapore Citizen	<input type="checkbox"/> Domiciled in Singapore	<input type="checkbox"/> Living in Singapore for past 3 years
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Have been married for at least 3 years from the date of registration of the marriage

Marriage has broken down because:

- Spouse's adultery
- Spouse's unreasonable behaviour
- Spouse's desertion for at least 2 years
- 3 years' separation and spouse consents to divorce
- 4 years' separation
- Mutual agreement

Child/Children

Custody: Sole Joint

Care and Control: Sole Other arrangements, to specify _____

Access: Reasonable Liberal Others: _____

Maintenance

Wife: Nominal maintenance of \$1

A specific sum per month: \$_____/month, if for a fixed period of time: _____

One-time lump sum maintenance: \$_____

No maintenance

Child/Children: A specific sum per month: \$_____/month

One party to solely maintain child/children

Others

Assets

HDB Flat:

You may wish to contact the HDB on your options regarding the flat and possible accommodations before, during and after your divorce.

- The flat will be surrendered to the HDB.
- The Agreement for Lease with the HDB will be terminated.
- The flat will be sold in the open market.
- The Husband/Wife's share will be sold/transferred to the Husband/Wife.
- Others: _____

Other Assets (to specify): _____

Costs

- \$_____ to be paid by _____ to _____.
- To be borne by parties equally.
- Each party to bear own cost.

Documents to prepare, sign and file with the Family Justice Courts (FJC):

- Marriage Certificate (to be annexed to Statement of Particulars)
- Bankruptcy records (to be annexed to Statement of Particulars)
- Writ for Divorce (Form 3)
- Statement of Claim (Form 6)
- Statement of Particulars (Form 8)

Checklist for divorce proceedings (cont'd)

FOR UNCONTESTED SIMPLIFIED DIVORCE PROCESS

- Spouse's Consent to Simplified Uncontested Divorce Proceedings (Form 193) (to be annexed to Statement of Particulars)
 - Spouse's Consent to Grant Judgment on 3 Years Separation (if applicable) (Form 192)
 - Draft Interim Judgment signed by both parties (Form 30) (to be annexed to Statement of Particulars)
 - Request for Setting Down Action for Trial (Form 29)
 - Affidavit of Evidence in Chief (Form 201)
 - Certificate of Completion for the Mandatory Co-Parenting Programme (CPP) from both parties, if you have child(ren) under 21 years of age
-

FOR CONTESTED DIVORCE PROCESS

- Plaintiff's Proposed Parenting Plan Form (Forms 11 and 24), only if you have children below 21 years of age
 - Plaintiff's Proposed Matrimonial Property Plan Form (Forms 14 and 26), only if you have a HDB flat
 - Memorandum of Appearance (Defendant) (Form 18)
 - Acknowledgment of Service (Defendant) (Form 17)
 - Certificate of Completion for the Mandatory Co-Parenting Programme (CPP) if you have child(ren) under 21 years of age
-

The documents above may be found at www.judiciary.gov.sg/forms

Understanding the guide

Affidavit: A formal written statement setting out the facts of your case

Ancillary Matters: Issues related to a divorce such as custody, care and control and access of child(ren), maintenance of spouse and child(ren) or division of matrimonial assets

FDR Division: Family Dispute Resolution Division

Certificate of Final Judgment:

A certificate made by the Registrar of the court in which the judgment was rendered, under the seal of said court

CPP: Mandatory Co-Parenting Programme (formerly known as Mandatory Parenting Programme or MPP)

Consent Order: A legal document that confirms the division of matrimonial assets, children and maintenance issues in a divorce

Counterclaim: A statement presented by the Defendant, alleging grounds for divorce based on the Defendant's allegations

Defence: The statement presented by the Defendant, rebutting the Plaintiff's allegations

Defence to Counterclaim: The statement presented by the Plaintiff to rebut the Defendant's

allegations in the Counterclaim
Defendant: The spouse being served with divorce

FJC: Family Justice Courts

Interim Judgment:

A provisional order for divorce that will be finalised after 3 months or after Ancillary Matters are resolved

Leave of Court: Permission obtained from a court to take action, which would not be allowed otherwise

Mediation: Intervention in a dispute in order to resolve it through the agreement of the parties

MOA: Memorandum of Appearance

MSF: Ministry of Social and Family Development

Order of Court: An instruction given by a court telling one what they can or cannot do

Plaintiff: The spouse applying for the divorce

Reply: The Plaintiff's response after the defendant has asserted a defence

