

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 simplified track if (1) you both agree on the divorce; or (2) you both agree on the divorce and all ancillary matters such as the division of matrimonial assets, maintenance, and the custody, care and control and access of your child(ren). All other applications will go through the normal track.

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.

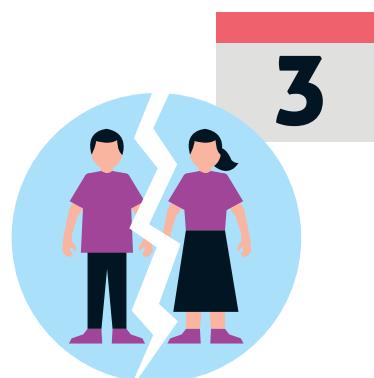
Before filing for divorce...

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?

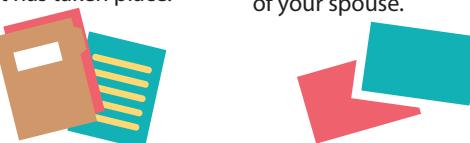
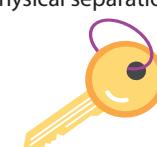


Married for at least 3 years or have obtained permission from court to file for divorce before 3 years?



STEP 2

Establish the facts to rely on in support of a 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...

- on a simplified track
- on a normal track

Note

- If you are married under Syariah 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 (See page 16 for details).
- You will be issued with a Certificate of Completion at the end of the CPP. This certificate must be filed together with the Originating Application for Divorce or the cross-application (if you are a respondent).



Matrimonial application for divorce on a simplified track

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 care arrangements:



- Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care of the child(ren) on a daily basis; the parent the child(ren) live with)
- Access (i.e. how often the parent who does not have care and control sees the child(ren))
- Maintenance (i.e. how much to contribute towards the child(ren)'s expenses)

3 Wife's or incapacitated husband'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

If you and your spouse can agree on the divorce before the filing of the Originating Application for Divorce, the simplified track would be applicable to you.

4 Assets distribution:



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

5 Costs of proceedings:

- Paid by one party;
- Shared between both parties; or
- Each party bears own costs



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 (FAM) Centres 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:

- Originating Application for Divorce ("OAD") [Form No. 2A] (to include bankruptcy searches on both spouses, copy of marriage certificate)
- Certificate of Completion of CPP from both parties (if you have child(ren) below 21 years of age)
- Spouse's Consent to Simplified Proceedings (if applicable) (within section 9B of OAD)
- Applicant's Affirmation for Simplified Proceedings (including request for hearing date) (within section 9A of OAD)

The documents above may be found at <https://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:

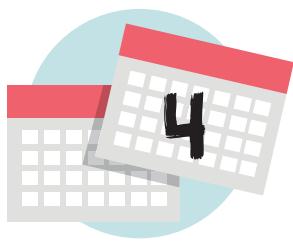
CrimsonLogic Service Bureau

1 Havelock Square
Level 2, State Courts
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



During the simplified divorce proceedings



1

If the divorce papers are in order, a hearing date will be given within 4 to 6 weeks of filing the matrimonial application for divorce. 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

The Court will grant an Interim Judgment if it is satisfied that parties' marriage has broken down irretrievably. If there is an agreement on the ancillary matters, the court may record the agreement as a consent order. You may then extract the Interim Judgment at CrimsonLogic Service Bureau. Where there is no agreement on the ancillary matters, refer to section on "Ancillary Matters Process".

3

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

After the simplified divorce proceedings



4

If a consent order on the ancillary matters is recorded, 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 maintenance is paid 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 a FAM Centre. 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 Centre 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.

Matrimonial application for divorce on a normal track

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 care arrangements:



- Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care of the child(ren) on a daily basis; the parent the child(ren) live with)
- Access (i.e. how often the parent who does not have care and control sees the child(ren))
- Maintenance (i.e. how much to contribute towards the child(ren)'s expenses)

3 Wife's or incapacitated husband'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

If you and your spouse are unable to reach an agreement on the divorce before the filing of the Originating Application for Divorce, the normal track would be applicable.

4 Assets distribution:



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

5 Costs of proceedings:

- Paid by one party;
- Shared between both parties; or
- Each party bears own costs



6 Amicable resolution of disputes

(parties to give sufficient consideration to resolving their disputes amicably before commencing or during the course of the matrimonial application for divorce)



You and your spouse may wish to consider attending counselling and/or any of the support programmes available at the FAM Centre. If you have any child(ren) under 21 years old, you will be required to attend the CPP conducted by an MSF-funded Social Service Agency. Given the level of complexity and numerous divorce papers 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:

- Originating Application for Divorce [Form No. 2A] (to include bankruptcy searches on both spouses, copy of marriage certificate, copy of child(ren)'s birth certificates, if applicable)
- Certificate of Completion of CPP (if you have child(ren) below 21 years of age)
- Notice to contest [Form No. 4]

The documents above may be found at <https://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).

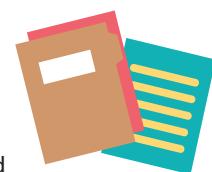
How to file

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

CrimsonLogic Service Bureau

1 Havelock Square
Level 2, State Courts
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



Divorce to proceed on an uncontested or contested basis



A divorce case number will be assigned to your application. The divorce papers must then be served on your spouse (a) personally by an authorised process server, by your lawyers or their employee, or by yourself (if you are self-represented); or (b) in a manner agreed between the parties.



Request for Trial / Hearing Date

To inform the court that your case is ready to be heard, you or your spouse must file a request for a trial or hearing date [Form No. 6]. This document may be found at <https://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.



Other scenarios:

Scenario 1: You and your spouse agree to the divorce proceeding on an uncontested basis on the Originating Application for Divorce, the cross-application, or both.

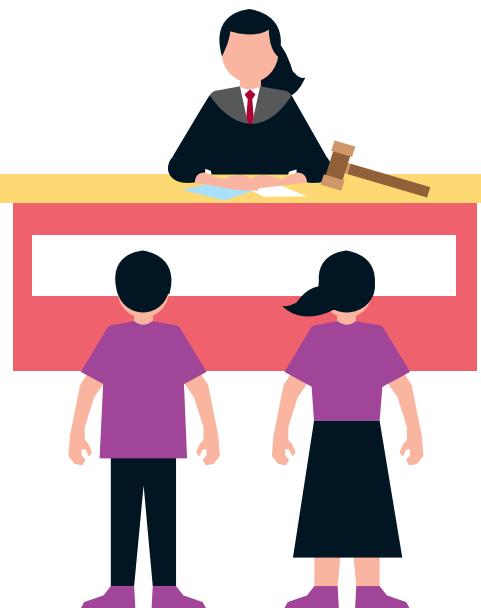
Scenario 2: Your spouse does not file his/her NTC within 14 days after being served with the matrimonial application for divorce.

Scenario 3: Your spouse does not file his/her reply within 28 days after being served with the matrimonial application for divorce.

During the contested divorce proceedings (cont'd)

Case Conference (cont'd)

The court will direct parties to file affidavits, including the Affidavit of Evidence-in-Chief (Contested) [Form No. 20]. 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 the divorce, proceed as **Uncontested**.



Request for an Uncontested Dissolution Hearing

To proceed on an uncontested basis, either of the following documents must have been filed:

- NTC signed by your spouse (respondent), confirming he/she is not contesting
- Acknowledgment of service signed by your spouse (respondent)
- Affidavit of service filed by you or on your behalf

You can request for the application to be heard on an uncontested basis by filing the following documents:

- Request for a hearing date [Form No. 6]
- Affidavit for Uncontested Dissolution Hearing [Form No. 7]

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 cross-application instead of or in addition to the Originating Application for Divorce.*

Contested Hearing

You and your spouse (and your witnesses, 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, if they have not been agreed upon. These include the custody, care and control, and access of your child(ren), maintenance, division of your assets (including your HDB flat, if any) and costs.

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

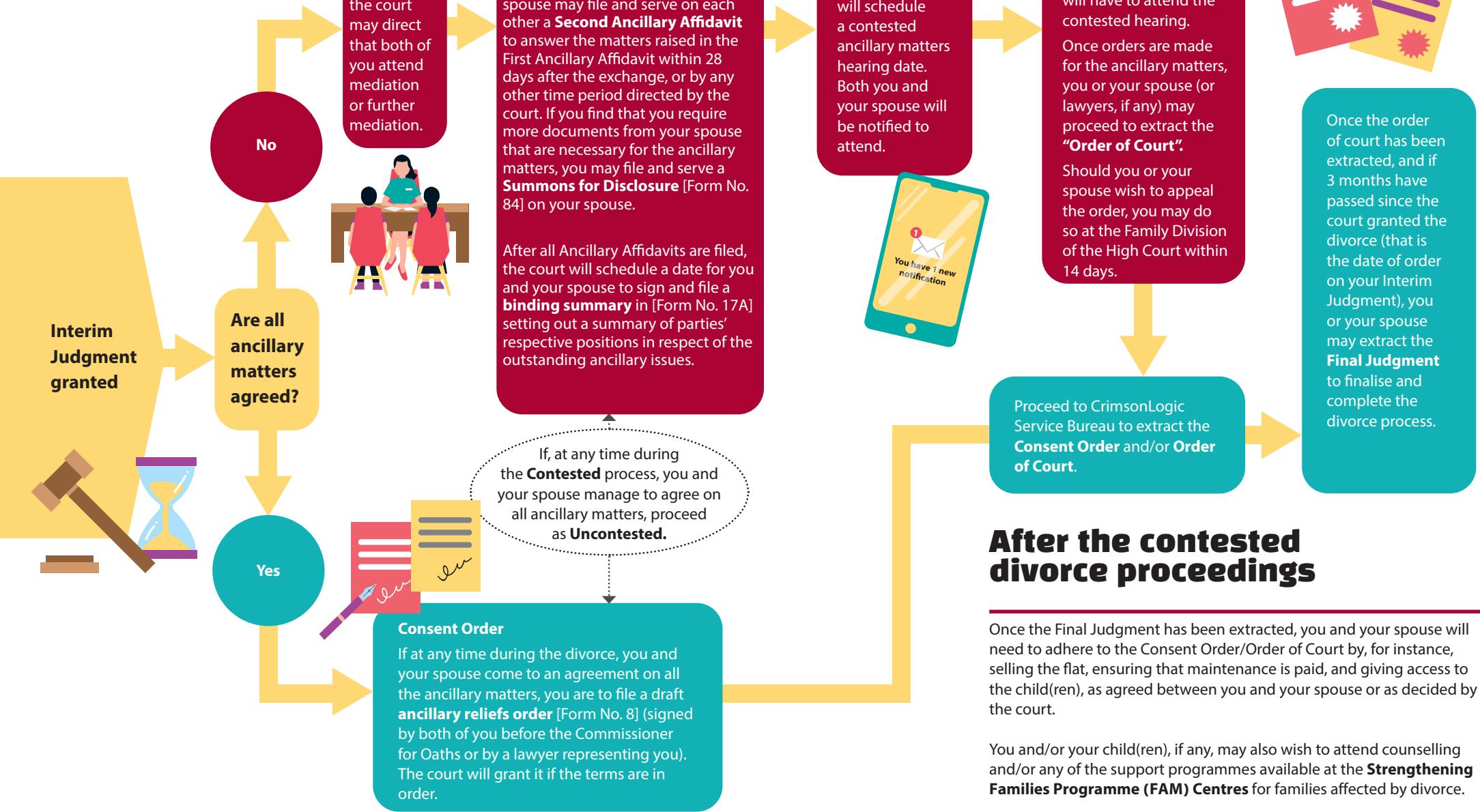


Uncontested Dissolution Hearing

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)?

Contact: Strengthening Families Programme@Family Service Centres (FAM@FSCs)

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, Basement 1
State Courts
Singapore 059724
Tel: 6557 4100

Community Legal Clinics by Pro Bono SG
Call the Hotline: 1800 776 2666 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 (7.30pm to 9.30pm)

- South East District (Near Paya Lebar MRT Station)
Geylang Wisma Serai, 1 Engku Aman Turn, #03-02, Singapore 408528
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/lsla/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 divorce papers yourself?

Contact: CrimsonLogic Service Bureau

1 Havelock Square
Level 2, State Courts
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, Basement 1 State Courts, 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/Incapacitated husband:

- 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 shared between both parties.
- Each party to bear own cost.

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

- Originating Application for Divorce ("OAD") [Form No. 2A]
- Marriage Certificate (to be annexed to OAD)
- Bankruptcy records (to be annexed to OAD)
- Child(ren)'s birth certificate(s) (to be annexed to OAD)

Checklist for divorce proceedings (cont'd)

FOR MATRIMONIAL APPLICATION FOR DIVORCE ON A SIMPLIFIED TRACK

- Spouse's Consent to Simplified Proceedings (including consent to draft ancillary relief orders, if any) (within section 9B of OAD)
- Spouse's Consent to Grant Judgment on 3 Years Separation (if applicable) (within section 9B of OAD)
- Draft Ancillary Reliefs Order [Form No. 8] (if not filed with OAD)
- Applicant's Affirmation for Simplified Proceedings (including request for hearing date) (within section 9A of OAD)
- Certificate of Completion for the Mandatory Co-Parenting Programme (CPP) from both parties, if you have child(ren) under 21 years of age (to be annexed to OAD)

FOR MATRIMONIAL APPLICATION FOR DIVORCE ON A NORMAL TRACK

- Notice to contest [Form No. 4]
- Acknowledgement of service (respondent) [Form No. 77]
- Certificate of Completion for the Mandatory Co-Parenting Programme (CPP), if you have child(ren) under 21 years of age (to be annexed to OAD)

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.

Applicant: The spouse filing the matrimonial application for divorce

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

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

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

Cross-application: A statement presented by the respondent alleging facts in support of divorce based on the respondent's allegations

FDR Division: Family Dispute Resolution Division

FJC: Family Justice Courts

Interim Judgment: A provisional order for divorce that will be finalised after 3 months or after ancillary matters are resolved.

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

MSF: Ministry of Social and Family Development

NTC: Notice to contest

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

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

Reply: The statement presented by the respondent, rebutting the applicant's allegations.

Reply to cross-application: The statement presented by the applicant to rebut the respondent's allegations in the cross-application

Respondent: The spouse being served with the matrimonial application for divorce

SOPO: Binding Summary of Positions

