



Divorce

in Singapore

Processes at a Glance



This leaflet details typical divorce proceedings to help you better understand what's 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. All other cases will go through the Contested (default) route. 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.

STAGE ONE

Step 1

Ensure your marriage qualifies for divorce under Singapore Law

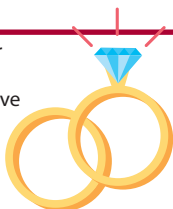
Are you...

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










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Married for at least 3 years or have obtained Leave of Court?



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 ground 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 be reasonably expected to live with him/her.	You may file for divorce on this ground 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 and apart, or together 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 marriage 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 PROCESS

You must...

- ✓ Agree with your spouse that the marriage has irretrievably broken down, and on all ancillary matters.
- ✓ Attend CPP by MSF if you have children below 21 years old.
- ✓ Submit necessary documents with FJC through Service Bureau (address at back of leaflet).

CONTESTED DIVORCE PROCESS

You must...

- ✓ Attend CPP by MSF if you have children below 21 years old.
- ✓ Submit necessary documents with FJC through Service Bureau (address at back of leaflet).
- ✓ Serve the filed documents on your spouse.

What happens next?

Court hearing date will be given. The attendance of both parties is not required.



Court grants divorce



Interim Judgment



Extract Certificate of Final Judgment



Proceedings generally conclude after 4 months

Spouse intends to contest?

Yes

Files (1) MOA within 8 days from date of service; and (2) Defence and/or Counterclaim within 14 days after MOA filing time expires.

If the Defendant files a Defence (or Defence and Counterclaim), the Plaintiff has 14 days to file his/her Reply and/or Defence to Counterclaim if necessary. If Plaintiff has filed a Reply and Defence to Counterclaim, Defendant has 14 days to file a Reply to Counterclaim.

Party to file Request to set down on contested divorce basis

Case Conference – Judge may direct parties to attend Mediation and Counselling

Settled?

Yes

Proceed as Uncontested

No

File Affidavit

Contested Divorce Hearing

No

Files MOA to indicate non-contest

No MOA filed within timeline

Files MOA to contest but no Defence filed within timeline

Case to set down for uncontested hearing

Uncontested Divorce Hearing

Interim Judgment



Ancillary Matters Process



Proceedings generally take up to 18 months to conclude

STAGE TWO

The second stage of a contested divorce process deals with the division of matrimonial assets, maintenance of spouse and child(ren), as well as access, care and custody of the child(ren).

ANCILLARY MATTERS PROCESS

After Interim Judgment has been granted*

**Mediation can take place before Interim Judgment is granted*

Are all Ancillary Matters agreed upon?

Yes

File Draft Consent Order signed by both parties



Court records Consent Order for Ancillary Matters



No

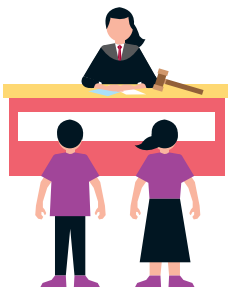
Those with child(ren) below 21 years old must attend mandatory Counselling and Mediation at the FDR Division.

File Affidavit

Ancillary Matters will be fixed for Hearing

Ancillary Matters Hearing

Order of Court



After 3 months from Interim Judgment, extract Certificate of Final Judgment or upon settlement of the ancillary matters, whichever is later.



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.

Consent Order: A legal document that confirms the division of matrimonial assets in a divorce.

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

CPP: Mandatory Co-Parenting Programme

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 three months.

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.

To file your signed documents, visit:

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: 9:30am to 12pm
Sun and Public Holidays: Closed

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.
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