FAMILY NEUTRAL EVALUATION (FNE) INFORMATION SHEET

(This section is to be read by Parties)

1. What are my Alternative Dispute Resolution (ADR) options?

The Family Justice Courts (FJC) exercise pro-active management of all cases before it. Parties who have children (< 21 years old) and who have not agreed on any child or parenting matter are required to attend mediation and counselling at FJC as part of their divorce proceedings. For other cases, parties may request for mediation to be convened to resolve their divorce or financial issues, or the Court may also direct parties to undergo mediation and / counselling.

Effective 15 October 2021, FJC may also inform divorcing parties in suitable cases to consider referring their financial issues for neutral evaluation under its Family Neutral Evaluation (FNE) Programme. Participation is entirely voluntary. A case may qualify for FNE if all the following criteria are satisfied: -

- (a) at least one party is represented by counsel;
- (b) there are no disputes or no issues between the parties relating to custody, care and control, and access of children;
- (c) the gross value of the matrimonial assets < S$5 million;
- (d) there are no ownership disputes over third party interests in the alleged matrimonial assets; and
- (e) the issues in dispute concern <u>only</u> the following financial ancillary matters:
  - (i) division of matrimonial assets;
  - (ii) spousal maintenance (wife/incapacitated husband), and / or
  - (iii) maintenance for children.

Parties may also consider mediation, neutral evaluation or other ADR processes offered under schemes managed by the Law Society of Singapore and the Singapore Mediation Centre. These are ADR options presently available to parties, before and also after they have commenced proceedings at FJC.

2. What is the difference between Mediation and Neutral Evaluation?

Mediation is an ADR process designed to enable the parties to communicate openly with each other, explore options for themselves and reach for themselves a mutually acceptable solution. The whole process is facilitated by a mediator. FJC's Mediators are Judges, staff Family Mediators, or volunteer legal professionals trained in family mediation.

For more information, please refer to the brochure on Mediation and Counselling in the Family Justice Courts, as well as the Mediation Handbook which are available online at www.judiciary.gov.sg/family/mediation-counselling-in-family-justice-courts.

Neutral Evaluation is an ADR process by which parties can obtain an early, objective assessment on the merits of their case from a neutral third party with subject matter expertise (the Evaluator). The assessment is based on evidence and law. FJC's Evaluators are serving or retired Judges with family law experience and expertise.

During the Neutral Evaluation, the parties and their respective lawyers will be present. They will each present their case and evidence to the Evaluator. The usual procedural and evidential rules in a trial will not be applied strictly. After considering all the evidence and legal arguments presented by both parties, the Evaluator will give an evaluation on the relative merits of their case and their likelihood of success at trial. The evaluation will be non-binding (unless both parties agree in writing at the outset for it to be binding on them). Even if non-binding, the parties may use the objective evaluation by the experienced Evaluator as a reality check and a basis for achieving a negotiated settlement. The non-binding evaluation will be strictly confidential and will not be shared with the Court hearing the case if there is no resolution and the disputed matters proceed for adjudication.

For more information on the Family Neutral Evaluation, please refer to: www.judiciary.gov.sg/family/family-neutral-evaluation-(pilot)

3.   Which ADR option should I choose?

You should choose the ADR option that best addresses your needs. To guide you on the various options, we have set out in a table below, the general features of Mediation, Neutral Evaluation, and Litigation. If you are legally represented, please ask your lawyers for advice on the various options.

Feature	Neutral Evaluation	Mediation	Litigation
What is it?	An Evaluator • hears and evaluates evidence and legal arguments • offers objective evaluation and best estimate of outcome if case proceeds to trial/hearing	A Mediator • facilitates a resolution • finds common ground • facilitates the generation of options • does not give advice	A Family Judge makes a decision based on evidence and the law
Principal Focus	Evidence & law	Interest-based Consensus	Evidence & law
Principal Purpose	Rationality & efficiency	Innovation & settlement	Decision & finality
Key features	• Less costly • Fast • Confidential & without prejudice (where it is a non-binding evaluation) • Benefit of an opinion by a subject-matter expert on your likely chances of success • Control over outcome	• Less costly • Fast • Confidential & without prejudice • Can achieve win-win solutions • Preserves relationships • Maximum control over outcome	• Adjudication of the case by a Judge • Avenues of appeal • Most costly • Time-consuming
Role of Neutral Third Party	Evaluator of merits	Process Guide	Evaluator of merits Neutral decision-maker

	Enhances communication between the parties		Communication is limited to affidavits and lawyers' correspondence
Participation by parties	Variable, but mostly lawyers	Variable, but larger role for parties	Lawyers, parties' role as witnesses
Format	Joint sessions only Evaluator does not hold any private sessions with each party	Joint & private sessions	Joint hearing

Do note that Family Neutral Evaluation is <u>not</u> meant to be used as a "fishing" exercise to test the other side's case or just to find out more information with no intention of resolving the matter amicably.