

THERAPEUTIC JUSTICE

THE RIGHT MINDSET
FOR FAMILY JUSTICE



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Disclaimer

- This publication is produced for general information only.
- Always seek legal advice from a lawyer when in doubt.



Introduction

Therapeutic Justice (TJ) is a fresh approach to family justice where the parties keep an open mind and work together to cultivate the best solutions for the benefit of all family members. This booklet uses the concept of gardening to show the TJ approach, which respects the law and due process, and gets to the root of any underlying family issues. The family members (e.g., parents, children), court personnel (e.g., judges, lawyers) and specialists in the community (e.g., therapists, mental health professionals) come together as gardeners to seed solutions, nurture relationships and pave the way for a smooth journey through the divorce or reconciliation.

What is Therapeutic Justice (TJ)?

Therapeutic Justice (TJ) is a fresh approach to family justice that is rooted in problem-solving for the family, rather than fault-finding between parties.

The aim is to help parties adopt the right mindset, in order to resolve issues with sustainable solutions and start their journey of healing for themselves and their family.

The TJ approach acknowledges that family disputes are different from other legal disputes, and should not go through an adversarial model of justice.

Why family disputes need a different approach

Family cases require sorting out private family affairs.

Anger and hurt can be overwhelming and affect judgement. These emotions may linger even after a case is concluded in court.

Many family disputes involve non-legal concerns. A change in family ties and responsibilities often comes with financial stress, disruptions and conflict.

As a result of conflict between parents, children suffer. Social science research shows that being under constant stress and anxiety, and feelings of guilt or abandonment, affects the healthy development of young children.



Why a shift is needed

The aim of TJ is to grow and maximise beneficial outcomes for all parties.



The focus is not on assigning blame. It is to help parties take responsibility for finding long term solutions for their problem – through collaboration, rather than conflict.



Thus, to benefit from TJ, the parties should have the right mindset: to seek solutions for their dispute and make progress towards healing and resolution for the future.



With a mindset shift within the Family Justice Community and among parties, the hope is that throughout the entire process, family disputes can be resolved amicably even when litigation is required.

What to avoid during the proceedings



Avoid focusing on past wrongs. Focus on solutioning going forward.



Avoid using an aggressive and quarrelsome tone as this may heighten emotions and worsen issues between the parties.

How TJ will benefit you and your family

A court process guided by TJ that respects the law and due process, will help families move forward in the fairest way possible. Families will receive the relevant tools and resources to help them move on, heal and not continue fighting in court.

All court actors including judges, counsellors, mediators and lawyers play an important part in helping parties reduce the potential damage from family disputes. However, this approach would

only be effective if the parties keep an open mind and take the lead in focusing on problem-solving rather than on past hurts.

The aim should always be to mutually reach workable and sustainable solutions for themselves and their children.

This shift towards TJ is not just aspirational but necessary so that parties can preserve healthier familial relationships, even in situations of disharmony and breakdown.



Counsellor



Mediator



Lawyer



Judge



What to expect

With a TJ approach, parties can expect the court to adopt a judge-led, problem-solving and multi-disciplinary approach to resolving disputes holistically. The Court will identify appropriate therapeutic referrals to help resolve the root causes of family conflict.

For example, Sam and Sally have two children, a boy and girl. They are going through divorce but cannot agree on the grounds for it. They also differ over the children's care arrangements, maintenance and division of assets.



At FJC, they may be asked to go through:

1

Assessment and counselling by a Court Family Specialist from the Counselling and Psychological Services to identify the parents' intention around divorce and build consensus for the children's care.



2

Mediation facilitated by Court Mediators to determine whether both parties agree to divorce or wish to reconcile, or whether the divorce will be contested (with issues to resolve). If the parties choose to divorce, where possible, parties will be encouraged to resolve all issues – financial as well as children issues.



3

Adjudication through a problem-solving lens if the parties cannot resolve their issues at mediation. The court and lawyers will adopt a problem-solving approach to help the family reach sustainable outcomes whilst ensuring that the case will not be dragged on by irrelevant assertions and unreasonable positions that are fuelled by excessive emotions.



Families which need longer term support may be referred to counselling services and other therapeutic interventions with community agencies or private sector experts. This may take place during or after court proceedings. These professionals can work on co-parenting issues and help the children and parties cope with conflict.

Walking a path of healing

To shift from hurting to healing, both parents need to have a change of mindset. Start with self-awareness, consider what is within your control, and explore all options to address concerns rather than demand change from the other parent.

Common Issues Faced by Parents

A fear of being cut off from the child or the other parent being overprotective of the child.

Lack of trust.

Mixing personal hurt and anger with the interest of the child.

A fear of the child being “brainwashed” by the other parent.

Inadequate role-modelling.

A vicious cycle of blame and hurt deepening the divide between the parents and the child.

How to help children caught in the middle:

- Understand the objective needs and perspective of the child in between.
- Understand that any solution must address the concerns of both parents and what is best for the child.
- Work with the other parent on viable solutions to problems and reassure the child that all will be well in the longer term.



Suggested Approaches

Keep an open mind and offer to meet the concerns of the other parent. Be patient and allow interventions to sprout working solutions.

Cultivate trust by allowing new arrangements time to work.

Be self-aware – acknowledge the emotions and de-escalate.

Do not jump to conclusions. Work with professionals during interventions.

Start your own healing journey by sowing the right mindset and priorities – become someone the child can look up to and respect.

Develop a new perspective – appreciate the strengths of the other parent and seed opportunities to grow goodwill and trust.



Walking a path of healing (cont'd)

Finding healing for the parents:

Common Issues Faced by Parents	Suggested Approaches
<p>Thinking that it is possible to resolve all family disputes on your own.</p>	<p>Recognise that family disputes arise for many reasons and a collaborative effort is required to resolve issues.</p>
<p>Having expectations of outcomes that are not within your control (e.g., how the other party should behave, or that the children will respond to you in the same way as before).</p>	<p>Recognise that you can only do your best with matters within your control. Do not demand change from the other parent.</p>
<p>Keeping a blame and fault-finding mindset.</p>	<p>Adopt a problem-solving approach and resolve to move from past hurts to focus on the future. Keep an open mindset and be willing to adapt.</p>
<p>Having concerns over financial burdens and living arrangements.</p>	<p>Have reasonable expectations and consider everyone's interests, especially the children's and not just your own.</p>
<p>Focusing on past hurts and anger at the other parent.</p>	<p>Be focused on exploring options and solutions that contribute to resolving issues. When both parents are calm and committed to problem-solving, ill feelings between the parents can be reduced and each family member can start on their journey of healing for the family.</p>



Practical advice

What parties should not do

Tips for when a family dispute reaches a point where it requires litigation:



1

Do not file unnecessary applications. This will only increase costs and deplete savings, shrink the size of the matrimonial assets, complicate matters further and possibly generate even more conflict.



2

Do not use the court proceedings to vent your frustrations and do not point out the worst of the other spouse, such as digging up personally hurtful things from many years past.



3

Do not send or ask your lawyer to send inflammatory letters, emails or messages to each other or to the other parent's lawyer, and hinder any chances of cooperation.



4

Do not force the children to choose between parents or burden them with your own issues. Children must be encouraged to respect both parents and understand that they are not the cause of divorce nor are they expected to take sides.



5

Do not give up your role as parents and let the children be the "parents" instead. By doing this, you will be depriving them of their childhood.

Useful information

Avenues to explore before considering starting action in court

Approach a Social Service Agency such as a **Family Service Centre (FSC)** or a **Divorce Support Specialist Agency (DSSA)** for social, financial and/or counselling support. To locate a FSC closest to your home, please go to: www.msf.gov.sg/our-services/directories



Approach a family lawyer or the **Legal Aid Bureau (LAB)** to seek legal advice on your family dispute and options available.

Consider settling the dispute without court intervention through the use of alternate dispute resolution mechanisms. For example, counselling, neutral evaluation, mediation and collaborative law practice, etc. Please approach your lawyer to explore which option is the most appropriate.

You may find the information on the following websites useful:

- www.msf.gov.sg/what-we-do/famatfsc/divorce-support



- www.mediation.com.sg/service/family-dispute



- www.lawsociety.org.sg/our-community/alternative-dispute-resolution



- familyassist.msf.gov.sg



What help is available to you after a case is completed in court?

Approach a DSSA or FSC for continued support in the carrying out of the Court Order if counselling and re-building of familial relationships are needed.

To locate a FSC closest to your home, please go to: www.msf.gov.sg/our-services/directories



Panel of Therapeutic Specialists (POTS)

The Panel of Therapeutic Specialists (POTS) comprises qualified mental health professionals from the private sector.

A pilot project has been launched in 2022, to provide paid specialised clinical and therapeutic interventions for individuals and families undergoing family proceedings.

For more information, please refer to www.judiciary.gov.sg/family



[www.judiciary.gov.sg/news-and-resources/news/news-details/justice-debbie-ong-opening-remarks-delivered-at-the-panel-of-therapeutic-specialists-\(pots\)-mou-signing-ceremony](http://www.judiciary.gov.sg/news-and-resources/news/news-details/justice-debbie-ong-opening-remarks-delivered-at-the-panel-of-therapeutic-specialists-(pots)-mou-signing-ceremony)



**Community Psychology Hub
Online Counselling**
www.cphonlinecounselling.sg



Useful information

DSSA support services

Mandatory Co-Parenting Programme

The Mandatory Co-Parenting Programme is a two-hour consultation session by counsellors from the DSSAs/FSCs for parents with minor children before they file for divorce. It is designed to encourage divorcing couples to make informed decisions that prioritise the well-being of children.

For more information, visit:

<https://familyassist.msf.gov.sg/content/proceeding-with-divorce/divorce-proceedings/mandatory-co-parenting-programme-cpp/>



Children in Between Programme

Free workshops run by family counsellors from the DSSAs/FSCs, for both parents and their children receive peer support in their respective groups to help build resilience for each member of the family. Contact a DSSA/FSC located near you to sign up.

Parenting PACT is a one-time consultation session for divorced parents with children who are 21 years old and below.

For more information about DSSA programmes, visit: www.familyassist.msf.gov.sg/content/resources/programmes



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.

Defendant: The spouse being served with divorce.

FJC: Family Justice Courts

Family Justice Community: Refers to the family judges, lawyers, counsellors, psychologists, mediators and policymakers.

Judge-led approach: An approach in which Judges will be empowered to take a much more proactive role in court proceedings and lawyers are expected to act as constructive problem-solvers, assisting the judge in arriving at a fair resolution.

Mediation: Neutral forum for parties to discuss and resolve their issues through agreement with the assistance of a trained facilitator.

MSF: Ministry of Social and Family Development

Multi-disciplinary approach: A holistic approach that addresses various root causes of a problem and considers multiple methods, including tapping community resources, to solve it.

**SG
Courts**



FAMILY JUSTICE COURTS
S I N G A P O R E