

GUIDELINES ON FAMILY NEUTRAL EVALUATION (FNE)

(For cases referred from FDR Mediation)

1. Recommendation for FNE

- 1.1 If the Mediator having conduct of the mediation considers a divorce case with contested financial issues to be suitable for FNE, the parties will be informed of the same. The parties will usually be given 1 week to consider whether they wish to submit their financial issues for FNE.
- 1.2 If both parties agree to submit their financial issues for FNE, the parties are to file in eLitigation, within 1 week from the date of the last mediation (or such longer period as may be permitted by the Court), the following: -
- (a) a duly signed **Joint Consent Form**¹; and
 - (b) a **Other Hearing Related Request (OHRR)**² to update the Court and to seek fresh directions for FNE.
- 1.3 FNE commences upon the filings referred to in paragraph 1.2. A Preliminary Conference for the FNE will be convened about 2 weeks thereafter. In the interim, parties may be directed to do the following (unless they have already filed their Affidavits of Assets and Means): -
- (a) exchange a list of assets, liabilities, means and expenses (together with all relevant supporting documents) within 1 week (if not done so previously); and
 - (b) submit to Court by email (FJC_FDRMd4@judiciary.gov.sg) their respective **Statements for FNE**³ together with all relevant supporting documents at least 3 working days before the Preliminary Conference.
- 1.4 For the exchange of information and documents referred to in paragraph 1.3, this should be no different from what parties would have been required to provide in their Affidavits of Assets and Means and which are relevant to the financial issues referred for FNE.

2. Preliminary Conference

- 2.1 Unless directed otherwise, all parties and their lawyers shall attend the Preliminary Conference which will be conducted by the Evaluator.
- 2.2 At the Preliminary Conference, based on the parties' **Statements for FNE** (referred to in paragraph 1.3) or their Affidavits of Assets and Means (as the case may be) , the Evaluator will discuss, the following matters with the parties and their lawyers: -

¹ The Joint Consent Form is at Annex A

² This is a specific form available in the eLitigation system

³ The format for the Plaintiff's or Defendant's Statement for FNE is at Annex A

- (a) the disputed issues that are being referred for FNE;
- (b) whether the FNE will be undertaken on a binding or non-binding basis;
- (c) the date for the FNE Session; and
- (d) any other matters that will facilitate the quick and economical conduct of the neutral evaluation.

2.3 The Evaluator may give all necessary directions for the just and expeditious disposal of the case, including: -

- (a) the submission of the parties' **Joint Statement for FNE**⁴ to Court by email (FJC_FDRMd4@judiciary.gov.sg) at least 3 working days before the FNE Session;
- (b) if necessary, the submission of their respective **Written Submissions** including case authorities by email (FJC_FDRMd4@judiciary.gov.sg); and
- (c) if the FNE is to be binding, the filing of the parties' **Agreement for Binding FNE**⁵ in eLitigation.

3. FNE Session

3.1 Unless otherwise directed, all parties shall attend the FNE Session in person together with their lawyers. The FNE Session will usually be fixed for half a day.

3.2 At the FNE Session, the parties and their lawyers will be given approximately 30 minutes to present their respective positions and supporting evidence to one another and the Evaluator. Rules of evidence do not apply in this process. Cross-examination will generally not take place. The Evaluator may, at any time during the FNE Session, ask questions to probe or clarify any submission or evidence presented by the parties. After all presentations and clarifications have been made, the Evaluator will give an evaluation of the merits of each party's case and the likely outcome if it goes to trial.

3.3 If the parties agreed to a binding FNE, they will be required to record a consent order on the basis of the Evaluator's evaluation of the case. If the FNE was conducted on a non-binding basis, parties will be expected to use the Evaluator's evaluation in their negotiations towards a settlement of their dispute.

3.4 The whole FNE process from the time the parties confirm their participation by submitting their Joint Consent Form up to the end of the FNE Session (when the Evaluator delivers his/her evaluation) will take up to 8 weeks approximately.

⁴ The format for the Joint Statement for FNE is at Annex A

⁵ The format for the Agreement for Binding FNE is at Annex A





4. Post-FNE Case Conference

- 4.1 After the FNE ends with the delivery of the Evaluator's evaluation, a Case Conference will be fixed about 1 week thereafter for the purposes of case management. Unless otherwise directed, all parties shall attend the Post-FNE Conference together with their lawyers.
- 4.2 If the parties are able to arrive at a settlement, a consent order shall be recorded at the Post-FNE Conference by the Evaluator or any other Judge sitting as a Judge in Chambers upon confirmation of the terms of settlement by the parties and/or their counsel. In the event that the parties are unable to resolve their dispute, the Evaluator will give such directions as he/she thinks fit, for the just, expeditious and economical disposal of the cause or matter.

5. Confidentiality

- 5.1 Subject to paragraph 5.2, the following shall be confidential and treated as "without prejudice" and shall not be disclosed to (or used as evidence in proceedings before) the Court dealing with any of the ancillary matters of the parties or in any other proceedings:
- (a) all communications made by the parties and the Evaluator during the FNE, including the Evaluator's evaluation, and
 - (b) all documents and materials prepared, submitted and/or exchanged in the course of and for the FNE.
- 5.2 For the avoidance of doubt, the following shall *not* be confidential:
- (a) consent orders of court;
 - (b) the parties' Agreement for Binding FNE (if any);
 - (c) the Evaluator's written evaluation (only when parties have agreed to a binding FNE);
 - (c) directions given by the Evaluator/Judge after the conclusion of the FNE for the purpose of case management (including directions for the filing and exchange of affidavits), and
 - (d) documents and materials prepared, submitted and/or exchanged in the course of and for the FNE that would in any event have been discoverable in other proceedings.

Annex A

S/N	Description	Form
1	<p>Joint Consent Form</p> <p>Note:</p> <ol style="list-style-type: none"> If parties agree to have a non-binding FNE for their contested financial issues, parties will be required to sign and efile the attached Joint Consent Form. 	 1. Joint Consent Form (Mar2023).docx
2	<p>Plaintiff/ Defendant’s Statement for FNE</p> <p>Note:</p> <ol style="list-style-type: none"> Before the Preliminary Conference, parties shall submit and exchange their respective Statements for FNE in the attached format. However, these Statements for FNE may not be required if parties have e-filed and exchanged their Affidavits of Assets and Means prior to the Preliminary Conference. 	 2. Parties' Statement (Mar2023).docx
3	<p>Joint Statement for FNE</p> <p>Note:</p> <ol style="list-style-type: none"> At the Preliminary Conference, the Evaluator will inform parties as to whether the submission of a Joint Statement is required. The Joint Statement may be in the attached format (or such other format as may be permitted by the Evaluator). 	 3. Joint Statement (Mar2023).docx
4	<p>Agreement for Binding FNE</p> <p>Note:</p> <ol style="list-style-type: none"> By default, FNE is conducted on a non-binding basis. If parties wish to have a binding FNE for their contested financial issues, parties are required to e-file their Agreement for Binding FNE (in the attached format) as per timelines set by the Evaluator. 	 4. Agreement for Binding FNE (Mar2023).docx