

## WHAT FACTORS DOES THE COURT CONSIDER IN MAKING A MAINTENANCE ORDER?

The Court will consider all the circumstances of the case including:

- Parties' financial needs;
- Parties' income earning capacity (if any), property and other financial resources;
- Whether the party has any physical or mental disability ;
- Contributions made by each to the family welfare, including looking after the home or caring for the family, and the conduct of the parties;
- Standard of living enjoyed before the neglect or refusal; and
- In the case of a child, the manner in which he/she was being, and in which the parties to the marriage expected him/her, to be educated or trained.

## WHAT WILL THE MAINTENANCE ORDER STATE

A Maintenance Order will state:

- The amount of maintenance to be paid;
- When it is to be paid;
- To whom it is to be paid; and
- The method of payment (whether payment is made to the *Complainant* directly or deposited into the *Complainant's* bank account). Payment to a bank account is preferred as there will be evidence of payment.

A Maintenance Order must be obeyed unless and until it is rescinded (or cancelled), suspended or varied.

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May 17

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



## MAINTENANCE

**What you need to know about maintenance applications**

## WHO MAY APPLY FOR MAINTENANCE?

- Married women whose husbands neglect or refuse to provide reasonable maintenance may apply;
- Children, regardless of legitimacy, who cannot provide for themselves may also apply through the guardian or person with actual custody of the child; or
- Married incapacitated husbands who are unable to maintain themselves and whose wives neglect or refuse to provide reasonable maintenance may apply.

## HOW DO I APPLY FOR MAINTENANCE?

To apply for maintenance, you have to swear or affirm a complaint before a judge that you have not been provided any maintenance or that the amount of maintenance provided is not enough for you and/or your child's needs. You will have to apply in person at the Family Justice Courts. Women may also file the application at the Singapore Council for Women's Organisations (SCWO).

When you apply for a maintenance, you are known as the *Complainant* and the person whom you wish to get maintenance from is known as the *Respondent*.

## MUST I BRING ANY DOCUMENT WITH ME?

Yes. Please bring the following document(s) with you, where relevant:

- Your identity card;
- Copy of your marriage certificate;
- Copy of the birth certificate(s) of the child or children;
- Copy of Court Order(s) (e.g. custody order) that has/have been made which is/are relevant to the application; and
- For incapacitated husband, the requisite medical report.

## WHAT HAPPENS IN THE FAMILY REGISTRY?

- You are required to fill in the particulars required in the standard application form. There are Chinese, Malay and Tamil Interpreters to assist you.
- You must swear or affirm your complaint before a judge.
- If sufficient grounds are disclosed, a summons will be issued against the *Respondent*. You pay only a nominal sum of S\$1.00 for the issuance of the summons.
  - A letter will be sent to the *Respondent* for him/her to accept the summons at the Family Courts on a stipulated date and time,

- If the *Respondent* fails to accept the summons at the Family Courts, the Court's process server will serve the summons on the *Respondent* at his/her home or workplace. The *Respondent* will be notified to attend Court on the stipulated day. This normally takes place two to three weeks after the complaint is filed.

## WHAT HAPPENS IN COURT?

- On the stipulated day, parties will attend mediation unless exempted by the Court. If settlement is reached, a consent order will be recorded before a judge in Chambers. If there is no settlement, parties will attend before the judge in Family Court 1 for a Court mention where the judge will give directions to prepare parties for the eventual trial.
- At the Court mention, you may be asked by the judge to confirm again the following:
  - How much maintenance you are claiming; and
  - For whom the maintenance is needed.
- If the *Respondent* agrees to your claim, the judge will make a Consent Order that the *Respondent* make the payments as agreed. If *Respondent* disagrees, the judge will direct parties to prepare three sets of the required documents for which one set is to be given to the judge and the other to the other party at the next Court mention.
- At the next mention, the judge will fix a hearing date when the case is ready for hearing.

- If you intend to call a witness for the hearing, please ensure the hearing date given is also suitable for the witness.
- Please bring your set of required documents and your witness, if any, for the hearing.
- Maintenance cases are heard before a judge in Court with only the parties present unless permission is given by the judge for other persons to be present.
- At the trial, parties will be required to present their own cases if they have no lawyers to represent them. You, the *Complainant*, will present your case to the judge first and can be questioned by the *Respondent* on what you had presented. Thereafter, your witness, if any, will do the same. After your last witness had given evidence, the *Respondent* will present his/her case after which you will be allowed to question the *Respondent*. Thereafter, the *Respondent's* witness, if any, will do the same.
- After all the evidence had been presented by both parties, the parties may be allowed to address the judge on their case. The judge will give a decision at the end of the hearing by either making an order for maintenance to be paid or dismissing the application.

If you choose to engage a lawyer for the hearing, you should do so as early as possible.

If you are unable to afford a lawyer, you can seek assistance from the Legal Aid Bureau. However, before deciding on whether you need a lawyer, you can approach the Community Justice Centre (CJC) located at Level 3, Family Justice Courts for more information. Alternatively, if you wish to seek free legal advice, you may apply to CJC's legal clinic at Level 1, State Courts.