

MEDIATION HANDBOOK

Family Justice Courts



Family Dispute Resolution Division

Family Justice Courts

May 2021

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FOREWORD

Making justice accessible to families and youth through effective counselling, mediation and adjudication.

Mediation is one of the core pillars in our family justice system. The Family Justice Courts has been taking steps to make the family justice process less contentious and more co-operative, as we move away from the common law adversarial system of justice.

This Mediation Handbook contains information, guidance and best practices for all court users (mainly the parties but also useful as a refresher for lawyers) who come to the Court for mediation. It gathers the experiences and practices of Family Court mediators, some of whom are former lawyers.

I hope you will find this Handbook a useful resource tool, as you journey through the court process.

Kenneth Yap
Registrar
Family Justice Courts of Singapore

INTRODUCTION

Formation of Family Justice Courts and Family Dispute Resolution Division

Prior to March 1, 1995, the High Court dealt with divorce cases and family related matters. On March 1, 1995, the Family Court (as part of the Subordinate Courts of Singapore) was established and took over the handling of all divorce and family related matters from the High Court. Court-based mediation and counselling were introduced in 1996. These were part of the overall case-flow management in the Family Court, to provide a holistic framework to the resolution of cases.

In 2006, the Family Relations Centre (FRC) was established, and consolidated the work of the family judge-mediators and external private ad-hoc mediators into a dedicated mediation department in the Family Court.

Later in 2011, court-based mediation took a major step forward when the Family Court set up the Child Focused Resolution Centre (CFRC). Counselling and mediation became mandatory for parties wanting to divorce and who had at least one minor child to the marriage.

On 1 October 2014, the Family Justice Courts (FJC) was established. FJC was no longer a part of the Subordinate Courts (itself renamed as the State Courts in 2012), but a standalone court with its own jurisdiction and appellant processes. At the same time, FRC and CFRC merged to form the Family Dispute Resolution (FDR) Division of FJC.

Mediation in FJC

The Women's Charter provides that the court may give consideration to the "possibility of a harmonious resolution of the matter".

The court can, with the consent of the parties, refer them to mediation, or direct them for counselling. The Women's Charter also makes it compulsory for parties, who have minor children at the time of the divorce application, to undergo counselling and/or mediation¹. The Family Justice Act further empowers the court to order parties for mediation in other appropriate cases².

¹ Section 50(3A) of the Women's Charter (Cap 353)

² Section 26(9) of the Family Justice Act (Act 27 of 2014)

Mediation has been successful in allowing parties to come to a resolution of their divorce without the need to litigate it (i.e. fight it out in court). It allows parties to come to the table, sit down, and agree on the various issues. Over the past few years, 7 out of 10 cases mediated in Court have been fully settled. A further 1-2 in 10 cases are at least partially settled after mediation, thus reducing the scope of litigation.

In relation to spousal and child support, the Maintenance Mediation Chambers (MMC) was formed in 2007 with the same intention of helping couples resolve their maintenance disputes amicably.

Objectives of the Mediation Handbook

This Handbook focuses on the lay court user, but also serves as best practice guide for lawyers. It gives an insight on how mediation is conducted in FJC and prepares you as a court user before attending a mediation session in FJC. It also explores the preparatory work requirements, and provides useful advice for your attendance and conduct at the mediation sessions.

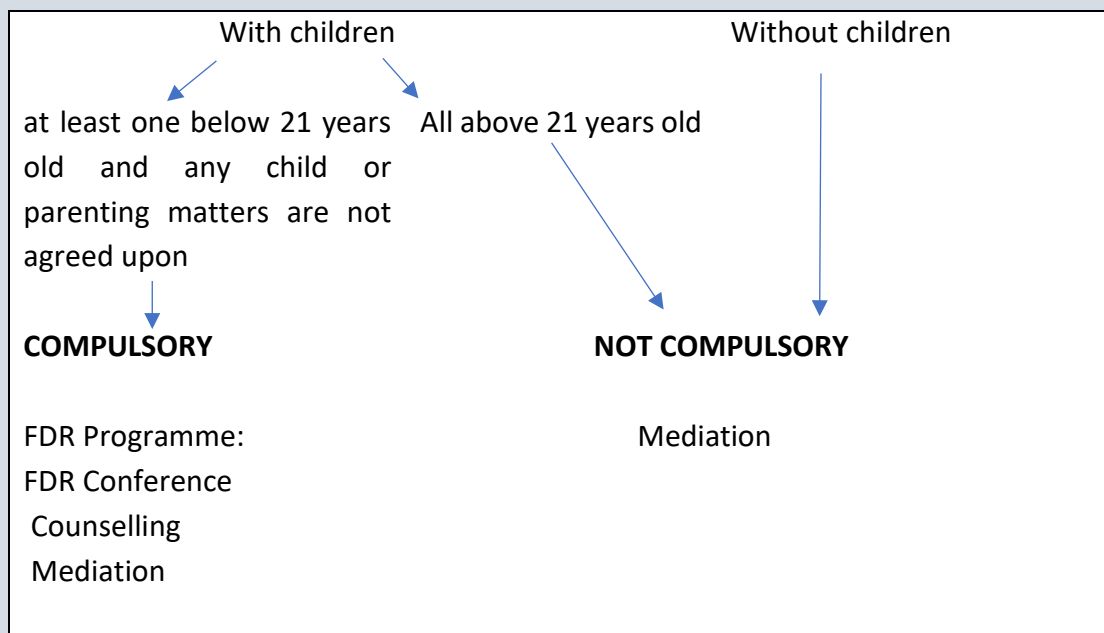
The Handbook offers practical tips, dos and don'ts at FDR conferences and mediation sessions, and the Court's expectations of the conduct of the mediation sessions. It is a useful tool to assist you, the court user, in the mediation to achieve the purpose of identifying core issues and resolving these issues amicably.

This Handbook concentrates primarily on the mediation processes for divorce and other family related disputes dealt with at FJC. We have also included a section on mediation at the MMC.

Please note that this Handbook should be read in conjunction with the Family Justice Rules and the Practice Directions, and where any discrepancies exist, the latter two documents shall take precedence.

MEDIATION PROCESS IN FJC

Is attending mediation compulsory in FJC?



Families with at least one child below 21 years old

If both of you have not agreed on any child or parenting matter concerning your minor children, you and your spouse are required to undergo mandatory counselling and mediation at FJC as part of the divorce proceedings. This is known as the “Family Dispute Resolution FDR Programme”.

Families with no children, or with children above 21 years old

Both of you are not required to undergo counselling and/or mediation at FJC. However, you may request for mediation to be convened to resolve the divorce or financial issues. The Court may also direct you and your spouse to go for mediation and/or counselling.

FDR Programme

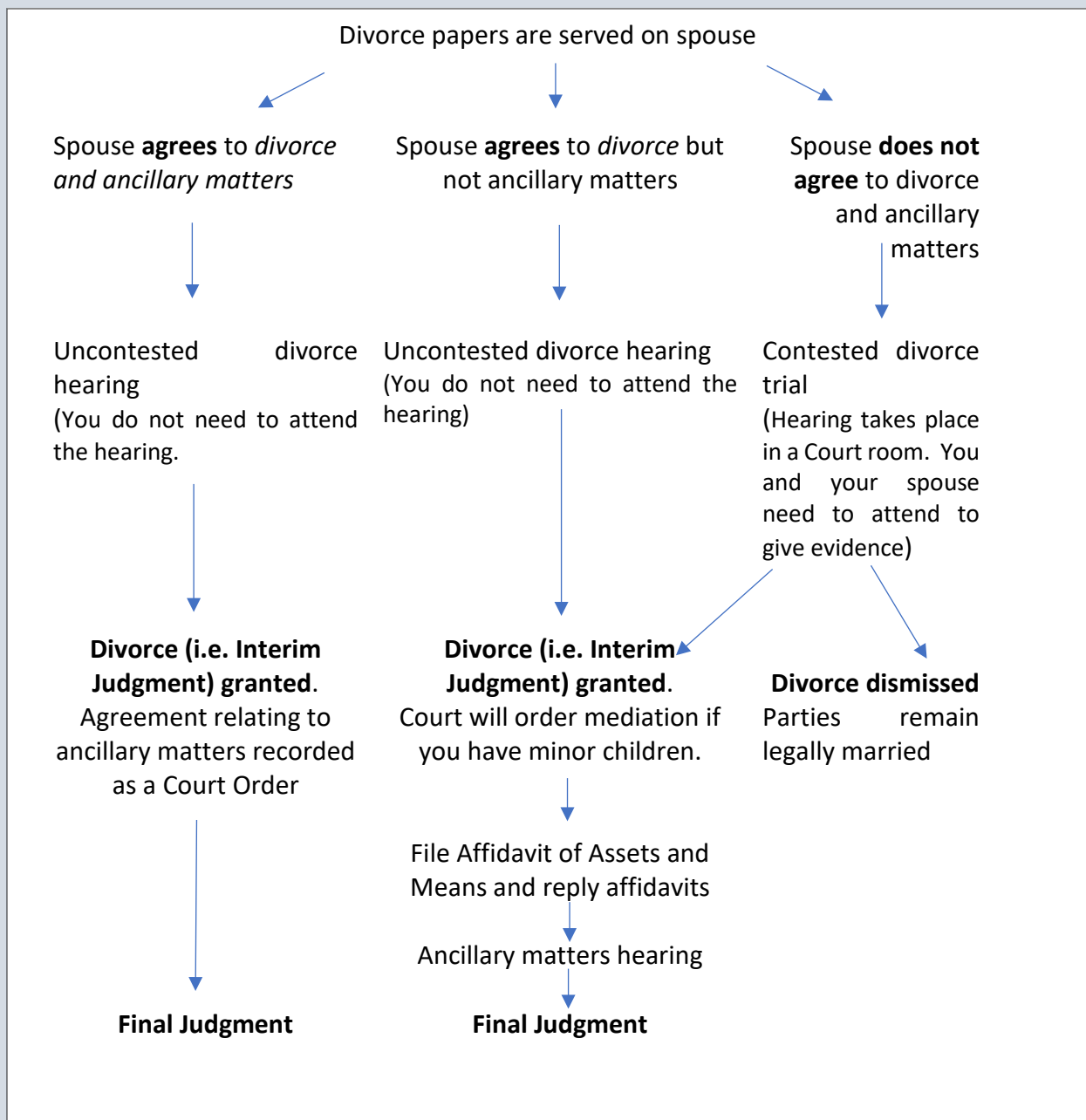
FDR Programme is the mandatory counselling and mediation programme which you and your spouse have to attend at FJC if any child or parenting matter concerning your children are in dispute.

This Programme consists of one or a combination of the following: -

- a) FDR Conference
- b) Counselling
- c) Mediation

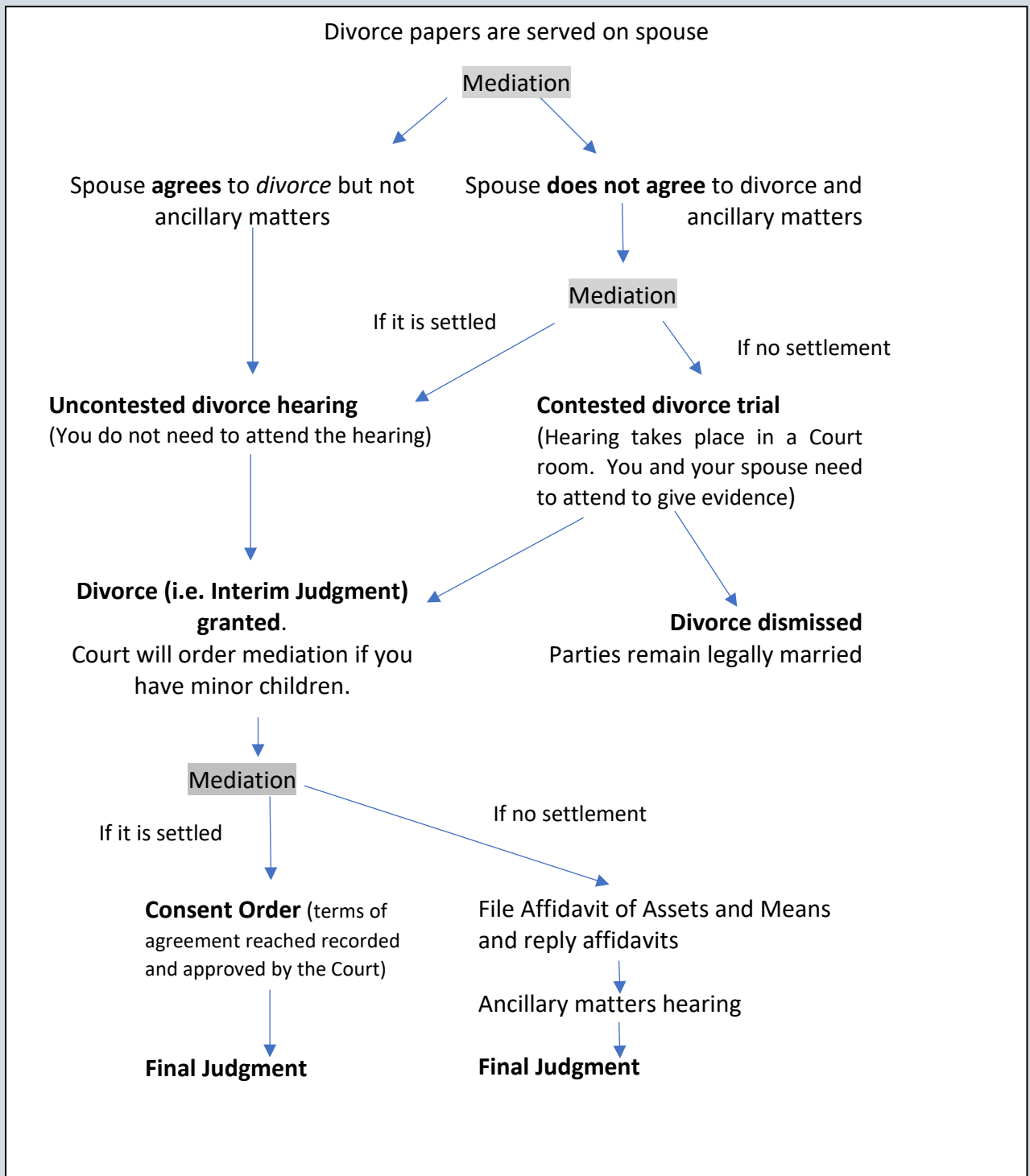
When does mediation take place?

In a typical divorce proceeding, the case flow is as follows: -



Mediations may take place at any time during the divorce proceedings. Typically:

- a) Mediation will take place shortly before or shortly after it is clear that your spouse is not agreeable to the divorce.
- b) If your spouse agrees to the divorce but not the ancillary matters, mediation will take place shortly after the Interim Judgment has been granted, before you file the Affidavit of Assets and Means.



How is a mediation convened?

1. **By request.** You can write in to the court for a mediation to be convened if you and your spouse are agreeable. Alternatively, you can request for a mediation when you or your lawyer attend the court Case Conferences.
2. **By Registrar's Notice.** If any child or parenting matter is still in dispute and both of you have not previously attended the FDR Programme, the Court will send you a Registrar's Notice, informing you and your spouse of the date to attend the FDR Programme. If you are represented, the Registrar's Notice will be sent to your lawyer and your lawyer will inform you of the details.
3. **Court-directed.** Before any case is fixed for a trial or a hearing in chambers, you or your lawyers are expected to attend Case Conferences. During the Case Conferences, there will often be a discussion on the various disputed issues and specific directions (i.e. court instructions) will be given based on what is required so that the case can proceed for the Ancillary Matters hearing as expeditiously and as cost-effectively as possible. One of the directions the Court may make is for you and your spouse to attend mediation.

If any child or parenting matters has not been resolved and both of you have not previously attended the FDR Programme, the Court will fix the case for counselling and mediation.

If both of you have no children, or if the children are above 21 years old, and the Court is of the view that you and your spouse should try to resolve matters amicably, the Court can also fix the case for mediation³.

³ If the value of the pool of the matrimonial assets is more than S\$2m and there are no disputed children's issues, then parties will be directed to attend mediation at the Singapore Mediation Centre or private mediation

PREPARATION FOR MEDIATION

Be prepared

For Lawyers. You should explain to your client the mediation process and get full instructions on the various issues. Encourage clients to keep an open mind and come with a flexible approach, to hear the other person and be heard, to explore options and to take ownership of their own future and that of their children.

For Parties not represented by lawyers. Keep an open mind and try to adopt a give-and-take approach. Be prepared to consider other options and proposals instead of sticking to what you want. If need be, get legal advice so that you know what your legal position is on the various issues.

Comply with all court directions. If directions had been given for you to exchange documents or proposals with your spouse, please ensure that this is done. If court directions are not complied with, it may result in the postponement of the mediation sessions and will lead to the proceedings being prolonged.

Obtain the necessary documents. If maintenance and division of assets are in dispute, it is good to obtain these documents beforehand: -

For Maintenance

- a) Latest income tax returns, pay slips, and other evidence of income of parties;
- b) Detailed list of your monthly expenses and that of your children (if any) together with supporting documents;

For Division of Matrimonial Property/Assets

- a) Estimated value of property based on recent transactions reflected in the websites of the Housing and Development Board (for public housing) or the Urban Renewal Authority (for private housing);
- b) Latest Central Provident Fund statement showing your contribution made towards the purchase of any property;
- c) Document showing your spouse's and your contributions in cash towards the purchase of the property;
- d) Latest bank or Housing and Development Board account statement reflecting the outstanding loan on the property.

- e) List of your other assets (e.g. monies in bank accounts, CPF accounts, shares, insurance), and the relevant documents to show the value of these assets

Be realistic

Lawyers must prepare your clients for a mediated outcome which is realistic, achievable, and gives peace of mind. You need to advise your clients to have a range of expectations, as has been set by case precedents.

Reach out

You and/or your lawyers can reach out to the other party before the mediation, to make proposals and/or even negotiate.

By being proactive in the negotiations and if both of you have the same mindset of wanting a resolution, the matter can be resolved even before the mediation.

Sometimes, communicating with other party before the mediation allows both to know the different positions on the various issues, and can narrow the areas of dispute and the mediation can then focus on those areas. This can save time and you can concentrate on discussing the more pertinent issues at the mediation.

Issues to consider

Divorce

- Is there a chance that the marriage can be salvaged?
- Do both of you agree that the marriage has broken down?
- Can you consider amending the details given in the Statement of Particulars and/or Counterclaim so that your spouse can consent to the divorce proceeding on an uncontested basis?

Examples of rewording:

A refuses to contribute towards the family's expenses → *B feels that A did not sufficiently contribute towards the family's expenses*

A was very secretive and did not inform B about his whereabouts whenever A came home late → *B felt worried about A's safety whenever A returned home late without letting B know his whereabouts.*

A was holding hands and acting intimately with X → *B feels that A was acting inappropriately with X.*

Children's arrangements

- Can both of you agree to make major decisions involving the children together?
- What are the future care arrangements for the children after the divorce?
- Where should the children stay on a day-to-day basis?
- How can you or your spouse spend time with the children?

Maintenance of children and Ex-Wife

- As an ex-wife, do you have any income or financial resources to pay for your own expenses?
- As an ex-husband, are you incapacitated physically or mentally?
- If you are not working, are you able to find a job? What types of jobs can you take on, and how much will your income be?
- What is average amount you spend per month?
- What are the average expenses of the children per month?
- Are the expenses of the children within both parents' means?
- How much can you contribute towards the children's expenses?

Division of Matrimonial Home

- Are there any restrictions in relation to the sale of your flat? Has the minimum occupation period expired? Do I have to pay a resale levy?
- Are you able to take a loan to buy over your spouse's share of the property?
- Are you able to afford the monthly mortgage if you were to take a loan to buy over your spouse's share of the property?
- If the matrimonial home is sold, what are your housing plans after the sale?

FDR CONFERENCES

Who conducts FDR Conferences?

FDR Conferences are conducted by an Assistant Registrar / District Judge of FJC. These are short court sessions to update the court of the status of your case, and to receive directions or instructions from the court as to what to do next to prepare for the mediation session.

A Court Family Specialist (CFS) may also be present at the FDR Conference. The CFS is a specially appointed court mental health professional with expertise in child welfare and family related matters.

Who attends FDR Conferences?

You and your lawyers (if you have appointed a lawyer to represent you) must attend the FDR Conference if you have minor children and there are child or parenting matters that are in dispute.

What happens at FDR Conferences?

The Assistant Registrar / District Judge and the CFS may ask in-depth questions about the case and its issues. This is so that the Court and the CFS can understand the issues in dispute and set the agenda for the mediation and counselling, as well as narrow any differences that both of you may have.

If the case is proceeding for a mediation, the Assistant Registrar/ District Judge will also fix a date for the mediation to take place.

Examples of questions that the Court may ask at a FDR Conference: -

- a) If the divorce is contested, the Court may ask for your views on the state of your marriage. If both of you are in principle agreeable to a divorce, the Court may provide suggestions on how the divorce could proceed on an uncontested basis.
- b) If there are child or parenting matters in dispute, the Court may ask for your proposals on these matters.
- c) What are the matrimonial property and assets to be divided? What are their values and are there outstanding loans? What are your respective contributions to the

acquisition of the assets? Do you want to sell the property, or you wish to keep the property? What do you propose in dividing the property and assets?

The Court may also give directions (i.e. instructions) to do the following: -

- a) Exchange financial documents relating to the property, assets and both your financial positions.
- b) Exchange proposals on the amendments to be made to the divorce pleadings (i.e. the Statement of Particulars and the Counterclaim) so that the divorce can proceed on an uncontested basis.
- c) Exchange proposals on the ancillary matters.

If both of you have been able to come to a resolution of all or some of the issues before the FDR Conference, the Court can also give one or more of these directions (i.e. instructions) or orders, for example: -

- a) Withdrawal of the divorce proceedings (if both of you agree not to proceed with the divorce)
- b) Leave (i.e. permission) to amend the divorce pleadings
- c) Leave to withdraw specific pleadings
- d) Case is to be set down (i.e. prepared for a hearing) on an uncontested basis (so that a court date can be given for the uncontested divorce hearing)
- e) If Interim Judgment has already been granted at the time of the FDR Conference, and parties have reached an agreement on the ancillary matters which is contained in a document known as "Draft Consent Order", the Court can approve the terms of agreement reached and grant an Order-in-Terms of the Draft Consent Order (i.e. the agreement is made into a formal Order of Court).

A FDR Conference usually lasts about 30 minutes. After the Conference, the CFS will separately meet with parties for the Counselling part of the FDR Programme. The Counselling part of the FDR Programme is further explained in [the chapter below](#).

What if one or both parties do not attend the FDR Conference?

Once the date of the FDR Conference has been given by the Court, you must attend the Conference.

If you are unable to attend the Conference for a good reason, you must obtain the agreement of your spouse and/or the lawyer of your spouse for the Conference to be refixed (i.e. postponed). If the agreement has been obtained, you or your lawyer can write to Court to make a request for the Conference to be refixed and give the Court a list of possible dates for

the Conference to be refixed to. You must write as early as possible so there is enough time to process and approve your request. If you write in too late or at the last minute, your request may not be granted, and the Conference date will remain. If you do not hear from the court before the Conference date, you will still be expected to attend the Conference.

If your spouse does not attend the Conference, the Court may give the necessary directions for the case to proceed to hearing.

COUNSELLING

Who is a Court Family Specialist (CFS)?

Court Family Specialists are specially appointed court mental health professionals with expertise in child welfare and family related matters.

Why Counselling?

It offers parents a less adversarial option to resolve your disputes regarding the children matters without bringing the issues to litigation. With the support of the CFS, you can work out details of your parenting plan at the counselling sessions. Plans that are designed for the children by their own parents through a joint agreement are more likely to meet the needs of the children.

Counselling in divorce cases adopts a child-centric approach. Child Focused counselling provides the emotional support, address underlying concerns of parties, facilitate a commitment to action and assist with immediate decision making. The process helps you focus on the current and future needs of your child and explore a workable parenting plan that would be beneficial to your child.

Counselling can also support you as you continue your relationship with each other to co-parent your children. It can help you identify new ways of working with each other, especially your communication regarding your children or the arrangements for them. Counselling also seeks to help you and your spouse as parents understand better the needs of your children, and gain insights into the benefits of harmonious co-parenting.

Counselling Process

Intake and assessment Session

Immediately after the FDR Conference, you will have an Intake and Assessment session with the CFS where safety and risk assessments are made, more information about the children will be gathered, and to address any immediate concerns. The CFS will begin to better understand what is important to both parties, your plans, underlying concerns and interests, and how your children may be affected by the parental conflict or divorce. The CFS will also fix follow-up counselling sessions.

If you have at least one child under the age of 14 years, a CFS is automatically assigned to your case. If your children are all above 14 years old, the Assistant Registrar/District Judge will decide if a CFS should be assigned to your case.

Further counselling sessions

After the Intake and Assessment, the CFS may then arrange for one or more follow up counselling sessions with parties to further work on resolving your child or parenting differences and to help you reach an agreement on what would be best for your children's living and care arrangements. If you do have a lawyer, you are encouraged to discuss the outcome of the counselling session with your lawyer.

Duration of session

A typical counselling session will take approximately two hours.

How are counselling sessions conducted?

The CFS may meet parties together or individually, either face to face or through video conferencing. The CFS will adhere to all safe-distancing measures, should they still be in place.

Confidentiality

Counselling allows both of you as parents to openly share views and discuss various options freely because counselling is confidential and will not affect parties' legal rights if the case proceeds for a hearing. When the CFS meets with you individually, these sessions are also confidential in that the CFS cannot share what is discussed with your spouse without your permission. However, should the CFS assess that there is an imminent risk of harm to you or others, or there are allegations of serious child abuse, the CFS has the obligation to inform others to ensure the safety of lives.

Who attends Counselling?

Only your spouse and you are involved in the counselling sessions. Lawyers are not allowed to sit in at the counselling sessions.

In appropriate cases, CFS can request to meet with your children who are 7 years old and above, as part of the Child Inclusive Counselling Process.

Child Inclusive Counselling involves both parents and children in the process. The CFS, who is specially trained in Child Inclusive matters will meet with the children separately to assess and understand the children's experience of the separation of and disputes between their parents. At a separate session, the CFS will feedback sensitively on the needs of the children to the parents, and further assist parents to make appropriate decisions in consideration of these needs. Children are referred for Child Inclusive Counselling based on recommendation by the CFS.

What if there is an agreement reached after counselling?

If there is an agreement, you can record a draft agreement witnessed by the CFS. If you are represented by lawyers, you should bring back the draft agreement to consult your lawyers. The lawyers can assist with the drafting a consent order based on the agreement and then, parties can confirm the terms of the agreement with the Mediator at the mediation.

Regardless of whether there is a draft agreement, CFS will update the Mediator on discussions held during counselling. This is so that the Mediator can follow up with the parties and continue with the discussions at mediation to resolve any outstanding disagreements. Generally, the CFS will not be required to attend the mediation session unless there is a need or request for it.

Further support

The CFS will work with you and your children to explore and determine if further support is necessary after counselling in FJC. With your consent, the CFS can make the referrals to appropriate community and social agencies such as the Family Service Centres or Divorce Support Specialist Agencies (DSSA) to continue the support for families. The DSSAs provide longer term counselling on co-parenting and children issues, supervised visitation and exchanges, as well as other family support programmes for families undergoing divorce.

With your consent, CFS may also contact and work with any mental health professionals that you and your children have been meeting, to better understand and provide more support for the family.

If parents and children are assessed to be at imminent risk of harm, CFS will also alert the relevant agencies and persons (e.g. other family members) to help ensure safety for the family.

MEDIATION

Who is a Mediator?

Mediators at FJC are specially appointed Judges (Judge-Mediators), or staff Specialist Family Mediators specializing in divorce mediation (collectively referred to as Mediators).

Sometimes, if there are complex or deep-seated emotional issues, a co-mediation may be conducted by a Mediator and a CFS.

Why Mediation?

Mediation allows parties to address the issues holistically and work together to find solutions to resolve the issues related to the children and other ancillary matters.

The benefits are many, but to name a few: -

- a) **Communication.** It provides a safe, more informal and conducive platform for parties to communicate safely with one another. It also allows you to speak directly and candidly to the Mediator.
- b) **Reduce conflict and impact on the children.** It helps to reduce the conflict and decrease the level of tension and acrimony between parties. It lessens the impact of a hearing or a trial, be it emotional or psychological. As a result, it reduces the harm caused to the children (if any) of the marriage, who directly or indirectly, are affected by the tensions between the parents.
- c) **Empowers.** In a hearing or trial, the ultimate decision lies with a third-party stranger, i.e., the judge. Mediation empowers the parties to arrive at a solution acceptable to both of you. You, as parents, are in the best position to know what is in the best interest of your child. Where parents work together towards an outcome during mediation, they are generally more accepting of the final agreement. You will also be more likely to make the outcome work in the longer term, as opposed to when a judgment is imposed on you.
- d) **Creativity.** At mediation, parties are encouraged to think out of the box and find solutions which are acceptable to both. These solutions may sometimes not be the usual or typical orders which the Court makes if the matter proceeds for a hearing or a trial. For example, at the ancillary matters hearing, the Court can only divide the matrimonial assets between the parties and no third parties (including the children of

the marriage) will be given a share of the assets. However, at mediations, parties can agree for part of the assets to be given to the children.

- e) **Reduce costs and time.** If the matter can be resolved at mediation, the legal costs and fees charged by lawyers incurred by parties will be substantially reduced as compared to going for a contested trial or hearing. Often, mediation also reduces the length of time needed to resolve a divorce. The faster the case is settled, the quicker you can get on with your life, and so can your children.

Who attends Mediation?

You and your lawyers (if you have appointed lawyers) must attend the Mediation.

Sometimes, if the Mediator is of the view that speaking to a third party (example the grandparents or children) will assist in the process, the Mediator may direct that the third party attend the next mediation session.

Mediation Process

Number of sessions and Duration of sessions

The number of sessions and the duration of each session will vary depending on the requirements of the case. Most cases would be completed in two sessions or less. Single or limited issues might take less time. Exceptionally complex or sensitive cases may take longer and will be specially managed.

The number of sessions depends on various factors. including: -

- a) Readiness of parties and lawyers
- b) Commitment to the process
- c) Level of conflict and trust between the parties
- d) Complexity of issues and status of legal proceedings

Each session will take approximately one-and-a-half to three hours.

How are mediations sessions conducted?

The Mediator will first meet with you and your lawyers to understand the issues of the case. This is what is known as a "Joint session".

Subsequently, the Mediator may talk to you (with or without your lawyers) individually or just the lawyers. This is what is known as a “Private Caucus”. Private Caucuses allow the Mediator to speak to you privately as there could be matters which you are not comfortable in saying in the Joint Session.

Mediation sessions are conducted either face to face or through video conferencing. The Mediator will adhere to all safe-distancing measures, should they still be in place.

Confidentiality and Without Prejudice

Mediation allows both parents to openly share views and discuss various options freely because Mediation is confidential and will not affect parties’ legal rights if the case proceeds for a hearing. When the Mediator meets with parties individually during the Private Caucus, these sessions are also confidential in that the Mediator will not share what is discussed with your spouse without your permission.

Any offers or negotiations made during the Mediation is without prejudice. This means that if the matter proceeds for a trial or hearing, neither you nor your spouse are allowed to disclose what was offered or discussed at the Mediation to the Judge dealing with the trial or the hearing.

The Mediator will also not speak or discuss the case with the Judge dealing with the trial or the hearing if the matter cannot be resolved. Therefore, the Judge is not influenced or affected by what was discussed at the mediations when he or she makes a decision.

Conduct of parties at mediations

Listen actively. You should hear out your spouse to find out his or her underlying concerns.

Be open. You should take an open and flexible approach. Focus on solutions which addresses both your concerns and not focus on what you want.

Have a Problem-Solving Mindset. Explore various solutions together, to find a common answer which will address everyone’s concerns.

Be facilitative. Try to open the communication lines between the parties during the mediation. In joint sessions, be mindful of the words used, do not say things which will inflame the other party. Also, do not turn the mediation into a hearing by listing out the

arguments in your favour. These can be kept to the Private Caucus when your spouse will not be privy to what is said to the Mediator.

Be genuine. Do not use the mediation process to gather information or evidence to be used later at the trial. Use the mediation process in a genuine manner, with the intention to resolve matters. Do not make offers which are so unreasonable that it shows lack of goodwill and genuineness in the process.

Be prepared. Follow the directions or instructions given by the Assistant Registrar / District Judge at the FDR Conferences or by the Mediator at previous mediation sessions. If there are documents to be exchanged, please ensure that these are given. If there are information to be provided or proposals to be made, please ensure that all these are done before the Mediation.

AFTER MEDIATION

What if there is an agreement reached after mediation?

Cases where Interim Judgment has been granted.

The terms of agreement will have to be put down in writing in a document known as a “Draft Consent Order”. A template of the Draft Consent Order is shown in [Annex A](#). If both parties are represented by lawyers, the lawyers will have to sign on the Draft Consent Order. If you are not represented, then you will have to personally sign the Draft Consent Order.

The Judge-Mediator will then grant an Order-in-Terms of the Draft Consent Order. This means that all the terms set out in the Draft Consent Order will be recorded as an Order of Court.

If the Mediator is a staff Family Mediator, the Draft Consent Order will be presented to a District Judge who will then speak to parties and confirm that the document reflects the agreement they have reached. The District Judge, if satisfied, will grant an Order-in-Terms.

Cases where Interim Judgment has not been granted.

If parties have agreed to make amendments to the Statement of Claim, Statement of Particulars and/or Counterclaim, the Mediator will give parties permission to make the amendments, and timelines to file the amended documents in Court. The amendments are reflected by underlining the additional words or phrases and striking through the words and phrases to be deleted. An example of an Amended Statement of Particulars is shown at [Annex B](#).

The agreement in relation to the ancillary matters will have to be put down in writing in a document known as a “Draft Interim Judgment”. A template of the Draft Interim Judgment is shown in [Annex C](#). If both parties are represented by lawyers, the lawyers will have to sign on the Draft Interim Judgment. If either or both parties are not represented, then both of you will have to sign on the Draft Interim Judgment.

Documents will have to be filed so that the Court can fix a date for the divorce to be granted. These documents, known as the “Set Down Documents” are as follows: -

1. If the divorce is proceeding on the statement of claim, then the Plaintiff (i.e. the person who started the divorce proceedings) has to prepare the [Affidavit of Evidence in Chief](#)

and sign it before a Commissioner for Oaths before filing (Form 201 in Appendix A of the Practice Directions)

2. If the divorce is proceeding on the counterclaim, then the Defendant (i.e. the spouse) must file the [Affidavit of Evidence in Chief](#) and sign it before a Commissioner for Oaths before filing (Form 202 in Appendix A of the Practice Directions)
3. [Draft Consent Order/ Draft Interim Judgment](#)
4. [Request to set down](#) (Form 203 in Appendix A of the Practice Directions)

These documents are collectively found in [Annex C](#)

The Mediator will also set a date for a Status Conference. If the Set Down Documents have not been filed within the timeline given, parties must attend the Status Conference, to explain the delay.

[What if there is a partial agreement or no agreement reached after mediation?](#)

If there has been a partial agreement reached at the mediation, those agreed terms will be put down in a Draft Consent Order, and the procedure will be the same as that stated in the section "[What if there is an agreement reached after mediation?](#)"

For all other issues where there is still no agreement after the final mediation, the Mediator will have to give directions on the next steps and will fix a date for parties to attend a Case Conference, to proceed for a contested trial/hearing.

MEDIATIONS AT MAINTENANCE MEDIATION CHAMBERS (MMC)

What matters are mediated at MMC?

MMC assists parties where there has been a maintenance application (i.e. commonly called Maintenance Summons)

Examples of matters which are dealt with at MMC:

- a) Application for maintenance for wife and/or children where parties are not undergoing divorce proceedings;
- b) Application for maintenance for child where the parties are not married to one another;
- c) Where there had been a previous maintenance order made, one party now wishes to vary the maintenance ordered;
- d) Where there had been a previous maintenance order made, but the maintenance has not been paid, and one party now wishes the Court to enforce the order.

Who are the Mediators at MMC?

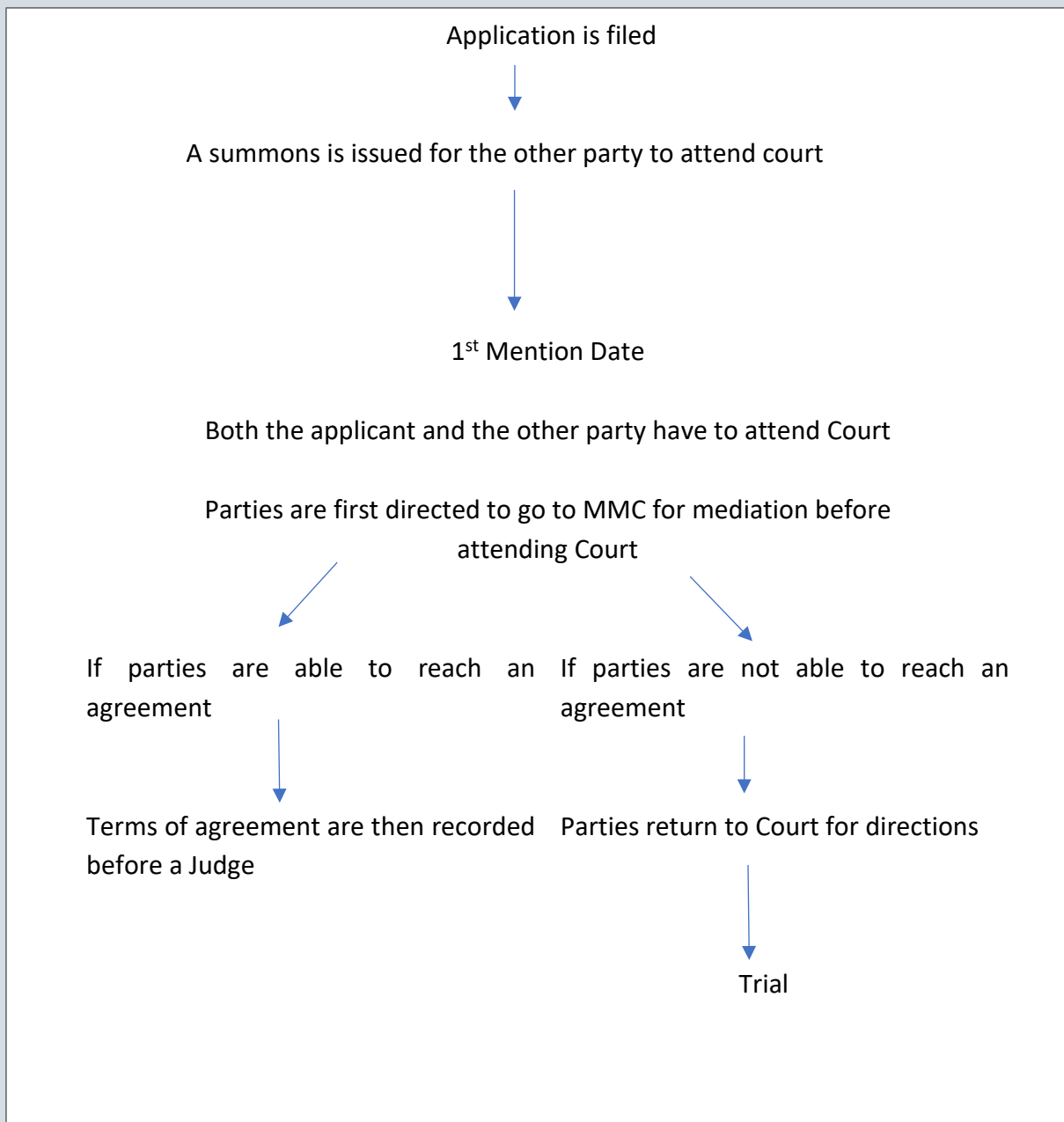
The mediators at MMC are staff Family Mediators specializing in maintenance matters. The mediator helps you explore your underlying interests and needs and assists you in making a mutually acceptable and informed decision.

Who attends the mediations at MMC?

You must attend the mediations at MMC. If you are represented, your lawyer is permitted to attend as well.

When does mediation at MMC take place?

The usual case flow in a Maintenance Summons:



As can be seen from the case flow, usually, at the first court mention date of the Maintenance Summons, you will be required to attend mediation at MMC. Sometimes, you are required to turn up on a separate day for the mediation.

What happens after the mediation at MMC?

If you and the other party are able to reach an agreement, the terms of the agreement will be recorded before the Judge as a consent order and become binding on both of you.

If of you are not been able to reach an agreement, a second mediation date may be given for parties to consider options/proposals and to prepare documents. If there is no change in positions at the second session, the case will be transferred to the Court to obtain directions (i.e. instructions) to prepare for the trial.

Annex A

(Order of Court)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Date of Order:

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

ORDER OF COURT

1. Nature of Hearing (in Open Court/Chambers*)
Ancillary Matters*/Summons* No./Nos.: [*to state number*]

2. Parties Present at the Hearing
[*Choose one or more of the following*]
 - (a) Plaintiff*
 - (b) Plaintiff's Counsel*
 - (c) Defendant*
 - (d) Defendant's Counsel*
 - (e) Other Party [*to specify*]*

3. Orders Made (By Consent*)

*Delete where inapplicable.

Annex B

Statement of particulars

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Suit No. D 1234/20XX)

Between

AAAA

(NRIC No. S1234567A)

... Plaintiff

And

BBBB

(NRIC No. S7654321B)

... Defendant

Statement of Particulars (Amendment No.1)

1. The particulars of Paragraph 6 of the Statement of Claim are set out below:-
 - a) The Plaintiff and the Defendant (“the Parties”) solemnized and registered their marriage on 1 January 19xx at the Registry of Singapore Marriage Registry. There are no children to the marriage.
 - b) Since the two years ago, the Defendant started returning home at night drunk. He refused to let the Plaintiff know where he had been or what time he would return home. ~~When he came home, he disturbed everyone in the family, making a lot of noise and caused a scene.~~ This caused the Plaintiff anguish as she was concerned about his safety was very disgusted with him.
 - c) The Plaintiff through her friends, also found out that the Defendant was unfaithful ~~having many illicit relationships with many women.~~ She was very upset by his behavior.
 - d) The Defendant did not bother to communicate with the Plaintiff on any matters and communication broke down.

- e) There were frequent quarrels between the Parties, and the Plaintiff was very tired of the constant bickering with the Defendant. The Defendant was very stubborn and refused to listen to what Plaintiff had to say.
2. The following documents are annexed herein as Exhibit 1:
- a. Marriage Certificate;
 - b. Bankruptcy Searches; and
 - c. Certificate of Completion.
3. Bankruptcy status:
- a) The Plaintiff confirms that she is not an undischarged bankrupt. The Plaintiff confirms that there are no pending bankruptcy proceedings filed against her.
 - b) The Plaintiff has caused a search on the Defendant and confirms that the Defendant is not an undischarged bankrupt. Enclosed are copies of the search marked as "Exhibit -1".
4. The Plaintiff has not sought professional help with respect to reconciliation with the Defendant.

~~Signature SGD~~

~~Name of the Plaintiff's Solicitors: ABC LLP~~

~~Date: 7.2.2020~~

Signature ABC LLP

Name of the Plaintiff's Solicitors: ABC LLP

Re-Dated: 7.8.2020

Annex C

Interim Judgment

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

INTERIM JUDGMENT

1. Particulars of Marriage to which this Interim Judgment Relates (the Marriage)

(a) Date and place of solemnization of marriage:

(b) Date and place of registration of marriage:

2. Interim Judgment Granted in Open Court/Chambers*

(a) Parties present: [*Choose one or more of the following*]

(i) Plaintiff*

(ii) Plaintiff's Counsel*

(iii) Defendant*

(iv) Defendant's Counsel*

(v) Other Party [*to specify*]*

(b) Pronouncement by the Judge:

(i) *That the Plaintiff has sufficiently proven the contents of the Statement of Claim;

*That the Defendant has sufficiently proven the contents of the Counterclaim;

*That the Plaintiff has sufficiently proven the contents of the Statement of Claim and that the Defendant has sufficiently proven the contents of the Counterclaim; and

(ii) that the Marriage is dissolved by reason that/is declared void by virtue of*:

[*To set out ground of divorce in the Statement of Claim/Counterclaim/Statement of Claim and Counterclaim* respectively*]

OR

That the Defendant be presumed dead and that the Marriage is dissolved* unless sufficient cause be shown to the court within [*to set out the number of weeks/months*] from the date of this Judgment why the said Judgment should not be made Final.

3. Further Orders Made (if applicable) (By Consent*)

[*To set out any further orders which were made at the hearing of the Interim Judgment, including consent orders on ancillary matters*]

*Delete where inapplicable.

Affidavit of Evidence-in-Chief (based on Statement of Claim)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

AFFIDAVIT OF EVIDENCE IN CHIEF

(FOR PLAINTIFF PROCEEDING ON THE STATEMENT OF CLAIM IN UNCONTESTED MATRIMONIAL PROCEEDINGS)

I, [state name, address and description of deponent], make oath/affirm* and say as follows:

1. I am the Plaintiff in this action.
2. Where the facts set out in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.
3. I crave leave of this Court to refer to the Statement of Claim and Statement of Particulars filed in this action.
4. I now confirm that the facts pleaded in the Statement of Claim and Statement of Particulars are true and correct.

Sworn/Affirmed)
In Singapore)
By [name])
On the day of xxxx)
Before me

A Commissioner for Oaths

Affidavit of Evidence-in-Chief (based on Counterclaim)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Writ No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

AFFIDAVIT OF EVIDENCE IN CHIEF

(FOR DEFENDANT PROCEEDING ON THE COUNTERCLAIM IN UNCONTESTED
MATRIMONIAL PROCEEDINGS)

I, [state name, address and description of deponent], make oath/affirm* and say as follows:

1. I am the Defendant in this action.
2. Where the facts set out in this affidavit are within my personal knowledge, they are true. Where they are not within my personal knowledge, they are true to the best of my knowledge, information and belief.
3. I crave leave of this Court to refer to the Counterclaim filed in this action.
4. I now confirm that the facts pleaded in the Counterclaim are true and correct.
5. Annexed hereto as "A" is a copy of the Marriage Certificate. (*only applicable if proceeding on the Counterclaim solely*)

Sworn/Affirmed)
In Singapore)
By [name])
On the day of xxxx)

Before me

A Commissioner for Oaths

Setting down papers

Date

To: Registrar
Family Justice Courts, Singapore

DIVORCE SUIT NO. _____ OF _____

TITLE AS IN ACTION

REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE UNCONTESTED DIVORCE HEARING

- 1 a) We act for the Plaintiff in the above proceedings. M/s _____ acts for the Defendant or Defendant acts in person*. We write to confirm that the above divorce will proceed on an uncontested basis as (*please tick all the applicable paragraphs*)
- (i) the Defendant has filed an Memorandum of Appearance indicating the Defendant is not contesting the divorce; or
 - (ii) an Order for Dispensation of Service on the Defendant was granted on _____; or
 - (iii) Acknowledgment of Service/Affidavit of Service* has been filed on _____ and Defendant did not enter appearance; or
 - (iv) Defendant had failed to file the Defence within the timelines stated in the Family Justice Rules; or
 - (v) both parties have agreed that the divorce will proceed on an uncontested basis on the Claim/and Counterclaim*. The Defence & Counterclaim/Reply and Defence to Counterclaim/Reply to Defence to Counterclaim* has/have been withdrawn on (*insert date*).

(to use the following paragraph if proceeding on the Counterclaim only)

- b) We act for the Defendant in the above proceedings. M/s _____ acts for the Plaintiff or Plaintiff acts in person*. We write to confirm that the above divorce shall proceed on an uncontested basis as:-
- (i) both parties have agreed that the divorce will proceed on an uncontested basis on the Counterclaim. The Statement of

Particulars/Defence/Reply and Defence to Counterclaim/Reply to Defence to Counterclaim* has/have been withdrawn on (*insert date*).; or

- (ii) the Plaintiff has failed to file the Defence to Counterclaim within the timelines stated in the Family Justice Rules

2 We confirm as follows:

(a) Grounds of Divorce:

- (i) adultery by Plaintiff and/or Defendant*
(ii) unreasonable behaviour by Plaintiff and/or Defendant*
(iii) 2 years' desertion by Plaintiff/Defendant*
(iv) 3 years' separation with consent
(v) 4 years' separation.

Ancillary Matters

- (b) (i) There are no ancillary matters to be adjourned to be heard in Chambers.
(ii) All of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date).
(iii) Some of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date) and Prayers (__) to (__) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
 - o ___ weeks to file and exchange the Affidavit of Assets and Means and a Case Conference to be fixed; or
 - o A mediation session as both parties have agreed to attend.
- (iv) The ancillary matters have not been agreed and Prayers (__) to (__) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
 - o ___ weeks to file and exchange the Affidavit of Assets and Means and a Case Conference to be fixed; or
 - o A mediation session as both parties have agreed to attend.

3 We confirm that parties will not be making any further applications (e.g. abridgment of time, cost, withdrawal or amendment of pleadings etc.).

- 4 Parties understand that the Court may not make the required orders as requested if any of the papers are not in order, in which case a further hearing (in open court or in chambers with counsels present) will be scheduled.

Signature

Name of Solicitor for the Plaintiff/Defendant*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person*

*Delete where inapplicable