

MEDIATION AND COUNSELLING

in the Family Justice Courts

THE ESSENTIALS



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Disclaimer

- The flow charts represent the typical processes only. For each divorce case, depending on the facts and circumstances, the Judge has full discretion to direct the best possible course of action at any point in time.
- This publication is produced for general information only.
- FJC disclaims any and all liabilities in connection with the contents of this publication.
- Always seek legal advice when in doubt.



Introduction

The Family Justice Courts (FJC) has adopted a variety of dispute resolution processes to assist families undergoing legal proceedings relating to divorce, separation and children matters at FJC.

Family disputes during such proceedings are typically emotionally charged. If they have to go through adjudication, the process is likely to be costly and stressful. Parties involved in these proceedings, such as parents and grandparents, will have on-going relationships as family members and the process of litigation may not resolve all issues concerning the relationships of everyone involved.

Hence, FJC uses mediation and counselling at the earliest opportunity for families to resolve their relational and legal disputes in such proceedings.

This brochure provides a guide for the mediation and counselling processes that are conducted by the Family Dispute Resolution (FDR) Division of the FJC.

What is Mediation and Counselling at the Family Justice Courts?



Parents undergoing divorce proceedings in Singapore, with at least one child aged 21 and below, are required to attend mediation and counselling at FDR. This is where parties and their lawyers meet with a Court-appointed mediator for mediation and a Court Family Specialist (CFS) from the Counselling and Psychological Services (CAPS) for counselling to resolve any disagreement over their divorce and related matters such as children's living arrangements, maintenance and division of matrimonial property/assets.

For all other cases, parties may voluntarily request for mediation and/or counselling or where the court is of the view that mediation and/or counselling would be beneficial, direct parties to attend such sessions with a view of resolving the disputes amicably.

Why use Mediation and Counselling at the Family Dispute Resolution Division?

The mediation and counselling processes at FDR for divorce, separation and child matters offer opportunities for parties to mutually discuss in a respectful and safe environment, and where possible, come to an agreement on, the following issues:



CUSTODY

Who has the responsibility to make the major decisions of the child(ren)'s life.



CARE AND CONTROL

Who takes care of the child(ren) on a daily basis.



ACCESS

How often the party not having care and control sees the child(ren).



MAINTENANCE

How much each party contributes towards the ex-spouse and/or child(ren)'s living expenses.



MATRIMONIAL PROPERTY AND/OR ASSETS

How all properties/assets acquired during marriage can be divided between ex-spouses.

Why use Mediation and Counselling at the Family Dispute Resolution Division? (cont'd)

BENEFITS OF MEDIATION AND COUNSELLING AT FDR



Parties can learn to settle their disputes through discussion and negotiation as co-parents, rather than as adversaries in a legal battle.



Parties can learn about the impact of divorce on children and focus on the needs of their children in their discussion on parenting plans.



Parties and children can receive therapeutic support and referrals to community resources.



Mediation and counselling sessions within FJC are non-chargeable. For cases where the dispute is only financial and substantial assets are involved, the Court may refer the case for private mediation outside of FJC, for which market rates will apply.

Confidentiality:

- All information and matters discussed during mediation and counselling are confidential. Should a case go for hearing, anything parties say or any document they provide during mediation and counselling cannot be used as evidence. The Judge they see during the hearing will be different from the Judge-Mediator they see during the mediation process.

Overview of how Cases Referred for Mediation and Counselling are Managed by FDR

STAGE 1: THE FAMILY DISPUTE RESOLUTION CONFERENCE

Setting the agenda for mediation and counselling

What happens at the Family Dispute Resolution Conference?

Parties with disagreements, together with any lawyers they have, meet a Judge and a CFS.

The Judge and the CFS will clarify the issues of disagreement and set the agenda for mediation and counselling.

The Judge will fix a mediation or co-mediation session.

STAGE 2: COUNSELLING

At the end of the conference, the parties will attend their first session with the CFS, who will follow up with subsequent counselling sessions where necessary.

STAGE 3: MEDIATION/CO-MEDIATION

Mediation/co-mediation where parties and their respective lawyers meet with the Mediator to discuss about the disputed issues.

STAGE 4: CONCLUSION OF MEDIATION

If there is an agreement, a consent order is drafted and be recorded by a Judge.

If there is no agreement, parties will be referred to a Judge for directions on preparations for a hearing.

The Counselling Process

Court Family Specialists (CFS) who are qualified and experienced mental health professionals will provide confidential counselling for parents, and where appropriate, their child(ren). These sessions seek to help parents:

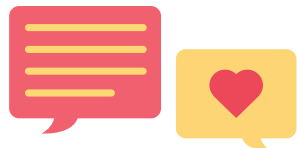
- Identify significant issues that are important to the family and child(ren).
- Resolve underlying conflicts.
- Develop skills to manage difficult and painful emotions.
- Communicate effectively with the other parent in relation to the needs of their child(ren).
- Build a consensus on the interim and future care arrangements for their child(ren).

WHAT TO EXPECT?



Only parties involved in a divorce are required to attend, meaning spouses and their child(ren). Parties and children may be seen individually or jointly depending on the needs of the case. Lawyers are not required to attend.

Where appropriate, the CFS may request to meet with parties' child(ren). The CFS will meet with the child(ren) separately to understand the child(ren)'s experience of their parents' separation and disputes, and assess the needs of the child(ren).



At a separate session, the CFS will feed back sensitively on the needs of the child(ren) to the parents, and further assist parents to make appropriate decisions in consideration of these needs.

STEP 1

The Intake and Assessment Session



- The first counselling session is known as the Intake and Assessment Session.
- The CFS will assess and ascertain what is important for each party, their plans for the future, their concerns and interests, and how their child(ren) may be affected by the divorce.
- During this session, the CFS may meet parties individually to find out more about their personal, family and mental health history.

STEP 2

Further Counselling Sessions



- The CFS may then arrange for one or more follow-up counselling sessions with the parties to further work on resolving their differences, and to reach an agreement on what would be best for their child(ren)'s living and care arrangements.

STEP 3

Drafting of Agreement/Updating the Mediator



- If parties reach an agreement on living arrangements and other issues during counselling, they can record a draft agreement that is witnessed by the CFS.
- If a party is represented by legal counsel, they can bring the draft agreement to their lawyer.
- The lawyer can confirm this draft agreement with the Mediator during mediation to assist with drafting a consent order based on the agreement.
- Whether there is a draft agreement or not, the CFS will update the Mediator on discussions held during counselling.
- Any outstanding disagreements will be handled during mediation (see page 9).

The Counselling Process (cont'd)

FURTHER SUPPORT



- The CFS will work with parties and their child(ren) to explore and find out if further support is necessary after counselling.
- With the consent of everyone, the CFS can refer all parties to appropriate community and social service agencies, such as the Strengthening Families Programme (FAM) Centres.
- The FAM Centres provide longer term counselling on co-parenting and children issues, supervised visitation and exchanges, as well as other programmes to support families undergoing divorce.
- With parties' consent, the CFS may also contact and work with any mental health professionals that parties and their child(ren) have been meeting with, to better understand and provide more support for the family.
- If the parties and their child(ren) are assessed to be at imminent risk of harm, the CFS will also alert the relevant agencies and persons (e.g. other family members) to keep the family safe.

The Mediation Process

After counselling sessions with the CFS, parties will proceed with mediation to settle any unresolved divorce or ancillary matters.

Mediation offers a safe and supportive environment in which parties can communicate openly. It is conducted with the help of a neutral third party called a Mediator, who may be a specially appointed Judge-Mediator, a staff of FJC or a volunteer legal professional.



Note:

- The person who acts as the Mediator at this stage will not be present as a mediator or in any other role, if the case proceeds for a hearing.
- You can attend a mediation session with or without a lawyer. However, a lawyer can evaluate the strengths and weaknesses of your case and advise you on whether the proposals raised during the mediation are reasonable and/or acceptable.

Tips on attending mediation

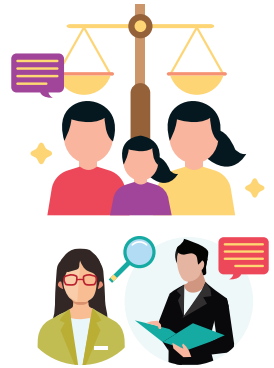
- Before you attend mediation, make sure you are ready to listen. Be open to the views of the other party, without pushing your own too strongly.
- Put your child(ren)'s interest first. When discussing issues with the other party, remember to come up with a solution that works best for your child(ren).
- Get legal advice. Divorce and separation procedures can be complex and a lawyer can guide you through them.

WHAT TO EXPECT?

- After getting updates from the counselling sessions, the Mediator will speak to parties and any lawyers they have to discuss the legal aspects of their case.
- With the Mediator, parties will be encouraged to understand each other's perspective and explore ways to resolve issues relating to their child(ren) and any other disputes.
- During the mediation session, the Mediator could speak to the lawyers and parties in joint sessions or in private sessions separately.
- If the Mediator finds that there are complex legal and emotional issues to resolve in a case, they might call for co-mediation, where the CFS steps in as an additional mediator.
- During co-mediation, the Mediator and the CFS may also hold sessions with the parties' child(ren).

Note:

- It may take more than one mediation session for a settlement to be successfully reached.



THE MEDIATION PROCESS CAN BE HELPFUL FOR:

A) DIVORCE

This is to resolve issues relating to the divorce itself:

- Whether the divorce will be contested.
- What evidence parties present.
- Whether the ground for divorce is based on the application and/or cross-application.

B) ANCILLARY MATTERS

This is to resolve issues that take place after the divorce:

- Future care arrangements for parties' child(ren).
- Provision of spousal and child(ren) maintenance.
- How the matrimonial home will be divided.
- How matrimonial assets will be distributed.
- How much maintenance is to be provided for the child(ren) and/or ex-spouse.

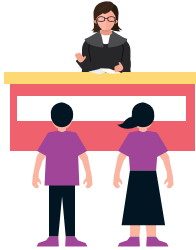
Note:

- At the divorce mediation session, you may indicate to the Mediator that you are interested in reconciling with your spouse. If your spouse is willing to consider this possibility, the Court may propose for both parties to attend counselling.

What Happens After Mediation?

If both parties **can** come to an agreement during mediation or co-mediation, *they will reach a...*

... RESOLUTION



The terms parties agree on for the divorce can be recorded by a Judge as an Order of Court.



Once recorded, parties are required by law to abide by the agreed terms.



If there is a major change in future circumstances for both parties, they may apply to vary the terms of the order if there is no agreement.

If both parties **cannot** come to an agreement during mediation or co-mediation, *they will have to go for a...*

... HEARING



The Court will give necessary directions for parties to prepare for the legal proceedings.



For more on this and other processes involved in divorce, refer to FJC's *Divorce in Singapore: The Essentials* brochure.

Tips on Co-parenting During and After Divorce

In the process of a separation, children are often impacted both emotionally and psychologically. They may feel anxious and sad about the change. It is important for you and the other parent to take steps to protect the well-being of your child(ren).

- 1 Sit down with your child(ren) and give a simple explanation about the divorce, without blaming anyone. Tell him/her that he/she will be cared for and loved by you and the other parent, even after separation.
- 2 Cooperate with the other parent in raising your child(ren), no matter how you feel about each other. This enables your child(ren) to spend time with and receive care from both parents.
- 3 Work together with the other parent by sharing responsibility for your child(ren)'s well-being.
- 4 Respect the other parent's privacy and develop a friendly way of communicating about problems relating to your child(ren).
- 5 When you and the other parent are angry, avoid blaming each other or your child(ren).
- 6 You and the other parent should avoid talking negatively about each other to your child(ren).
- 7 Avoid threatening to send your child(ren) to live with the other parent.
- 8 Assure your child(ren) that he/she is not to be blamed. Encourage your child(ren) to talk about his/her feelings; give him/her permission to continue to love and see both parents.
- 9 Prepare your child(ren) for life changes caused by divorce.

Useful Contacts

Should you require assistance during the divorce process, the following support programmes and agencies may help.

Do you need counselling services or the Mandatory Co-Parenting Programme (CPP)?

Contact: Strengthening Families Programme (FAM) Centres.

<https://www.msf.gov.sg/our-services/directories#famtab>



Are you looking for preliminary legal advice for your situation?

Contact: Legal Clinics

Walk-in Legal Clinic @ Community Justice Centre

1 Havelock Square, Basement 1
State Courts
Singapore 059724
Tel.: 6557 4100

Community Legal Clinics by Pro Bono SG

Call the Hotline: 1800 776 2666 to make an appointment at one of the following locations:

- North West District
(Near Woodlands MRT Station)
900 South Woodlands Drive, #06-13,
Woodlands Civic Centre, Singapore 730900
Operating Hours: Mon (7.30pm to 9.30pm)
- South East District
(7 minutes walk from Paya Lebar MRT Station)
Geylang Wisma Serai, 1 Engku Aman Turn,
#03-02, Singapore 408528
Operating Hours: Tues (7pm to 9pm)

- South West District
(Near Jurong East MRT Station)
The JTC Summit, 8 Jurong Town Hall Road,
#26-06, Singapore 609434
Operating Hours: Wed (7pm to 9pm)
- Central Singapore District
(Near Toa Payoh MRT Station)
490 Toa Payoh Lorong 6, #07-11,
HDB Hub via Biz Three Lift Lobby 1,
Singapore 310490
Operating Hours: Thurs (7pm to 9pm)

Contact: Lawyers in private practice

A list of lawyers in private practice may be found at:
<https://eservices.mlaw.gov.sg/Isra/search-lawyer-or-law-firm/>



Do you need legal representation but can't afford to hire your own lawyer?

Contact: Legal Aid Bureau

45 Maxwell Road, #07-11, The URA Centre

(East Wing), Singapore 069118

Tel.: 1800-CALL-LAW (1800 2255 529)

Operating Hours

Mon to Fri: 8:30am to 5pm

Closed on weekends & public holidays

A person who wishes to apply for legal aid must satisfy the Means Test and the Merits Test. More information on the Means Test and the Merits Test is available on the Legal Aid Bureau's website at www.mlaw.gov.sg



The Legal Aid Bureau will be able to ascertain if you qualify for legal aid. You may thus wish to make an appointment to attend at the Legal Aid Bureau even if you are of the view that you do not qualify for legal aid based on your calculations and the information provided on the Legal Aid Bureau's website.

Are you acting in person and ready to file the documents yourself?

Contact: CrimsonLogic Service Bureau

1 Havelock Square, Level 2

State Courts

Singapore 059724

Telephone No.: 6538 9507

Operating Hours

Mon to Fri: 8:30am to 5pm

Sat: 8:30am to 12:30pm

Closed on Weekends & Public Holidays

Are you acting in person but need some help with the court process?

Contact: Community Justice Centre (CJC)

Friends of Litigants in Persons (FLIPs)

FLIPs are volunteers who provide the unrepresented litigants with emotional support and practical guidance on basic court processes. However, they are not your lawyers and will not be able to give you any legal advice.

Primary Justice Project (PJP)

The PJP provides you with a lawyer who will give you basic legal advice and facilitate settlement of your dispute at a fixed fee. The lawyer will work with you to negotiate a settlement. He or she may also suggest other dispute resolution methods such as mediation.

More information may be obtained from the CJC located at the following locations:

- 1 Havelock Square, Basement 1, State Courts Complex, Singapore 059724
 - Level 3, Family Justice Courts
- Tel.: 6557 4100

If you are planning a visit to these agencies, kindly call the respective numbers or check out their websites beforehand for updated operating hours.

Understanding the Guide

Affidavit: A formal written statement setting out the facts of your case

Ancillary Matters: Issues related to divorce, such as custody, care and control and access of children, maintenance of spouse and children or division of matrimonial assets

Applicant: The spouse filing the matrimonial application for divorce

Case Conference: A meeting of the parties and/or lawyers convened by the court to give directions on the progress of a case.

Certificate of Final Judgment: A certificate made by the Registrar of the court in which the judgment was given, under the seal of the court

CFRC: Child Focused Resolution Centre

CFS: Court Family Specialist, a mental health professional

CPP: Mandatory Co-Parenting Programme (formerly known as the Mandatory Parenting Programme or MPP)

Consent Order: A Court Order that is recorded with the agreement of parties in resolving any issues in contention with regard to ancillary and other matters

Co-parenting: Collaborative parenting between significant caregivers, with the objective of providing the necessary support and resources to meet the needs of the child

Cross-application: A statement presented by the respondent alleging facts in support of divorce based on the respondent's allegations.

DSSA: Divorce Specialist Support Agencies

FDR: The Family Dispute Resolution Division in the Family Justice Courts has trained, dedicated Judge and staff mediators and mental health professionals that handle mediation and counselling for matters requiring intervention as an alternative to adjudication by the court

FDR Conference: A meeting of the parties and/or lawyers convened by the FDR division to manage counselling and/or mediation or give directions for the further progress of a case.

FJC: Family Justice Courts

FSC: Family Service Centre

Interim Judgment:

A provisional order for divorce that will be finalised after 3 months or after ancillary matters are resolved.

Judge-Mediator: A Judge who conducts mediation.

Mediation: Intervention in a dispute in order to resolve it through the agreement of the parties

Mediator: A neutral third party in the mediation process, who may be a specially appointed judge, a staff of FJC or a volunteer legal professional

MSF: Ministry of Social and Family Development

Normal Divorce Track: Where the parties are unable to agree on the divorce before filing the matrimonial application for divorce

Order of Court: An instruction given by a court telling one what they can or cannot do

Parties: the different people

involved in divorce, separation and child matters, such as parents and grandparents etc

Permission of Court: Permission obtained from a court to take action, which would not be allowed otherwise

Reply: The statement presented by the Respondent, rebutting the Applicant's allegations.

Reply to cross-application: The statement presented by the Applicant to rebut the Respondent's allegations in the cross-application

Respondent: The spouse being served with the matrimonial application for divorce

Simplified Divorce Track: Where the parties both agree on the divorce before filing the matrimonial application for divorce.