Personal Protection Order and other protective orders

under the Women's Charter 1961

THE ESSENTIALS

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Disclaimer

- The flow chart in this booklet represents the typical process only. For each case, depending on the facts and circumstances, the Judge has full discretion to direct the most appropriate course of action.
- This publication is produced for general information only. It covers a Personal Protection Order and other protective orders under the Women's Charter 1961 only, and not Orders under the Vulnerable Adults Act 2018 or the Protection from Harassment Act 2014.
- Please seek independent legal advice when in doubt.

Introduction

If you are considering applying for a Personal Protection Order (PPO) or any other type of protective order under the Women's Charter 1961, this booklet will guide you, the **Applicant**, on how you can apply for one for yourself and/or a family member who is below 18 years old.

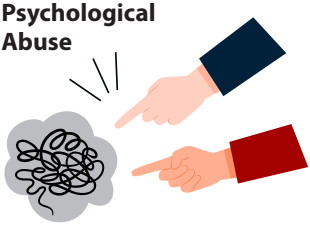
If you have been served with a Summons for a PPO or any other protective order, this booklet will also guide you, the **Respondent**, on how to respond.

The Family Justice Courts (FJC) and the relevant partner agencies provide assistance and support in dealing with family violence.

Family Violence

What is "Family Violence"?

"Family Violence" can be any of the following acts of abuse committed against a family member:

Physical Abuse	Causing or threatening personal injury or physical pain; threatening death or injury; or wrongfully confining or restraining a person against that person's will.
Sexual Abuse	Forcing or attempting to force a person to engage in sexual activity.
Emotional and Psychological Abuse 	Tormenting, intimidating, harassing or distressing a person, or doing any act(s) that cause or reasonably be expected to cause mental harm, including suicidal thoughts or self-harm.

Who is considered a family member?

- Spouse or ex-spouse;
- Child, including an adopted child or step-child;
- Parents;
- Parents-in-law;
- Brothers or sisters;
- Any other relative through marriage or adoption and regarded as a family member under the circumstances, or
- Any other person with incapacity, ill health or old age and regarded as a family member under the circumstances.

Who can apply for protection from family violence?

1. If the person to be protected:
   a. is 18 years and above and is not mentally incapacitated - by him/herself;
   b. is below 18 years old – by his/her family member, guardian or carer;
   c. is certified to be mentally incapacitated – by his/her family member, donee or deputy, or carer;
   d. is below 18 years old but is married or previously married – by him/herself through a Litigation Representative.
2. By a Protector, a person appointed by the Director-General of Social Welfare.

Types of Orders

These are the following orders which may be applied for by an Applicant or a Protector.

Types of Orders an Applicant may apply for:

Personal Protection Order (PPO)	Not to use family violence against the Applicant or the family member concerned.	**Further Information about a Personal Protection Order:** • Issued when the Court is satisfied that the Respondent has committed or is likely to commit family violence, and the protection order is necessary for the protection or personal safety of the family member(s) concerned. • May also require the Respondent not to incite or assist any other person to commit family violence against the family member concerned. • A PPO may be applied with or without other types of protective orders (i.e., DEO and the others). • Orders made may be subject to specified conditions and exceptions by the Court. • Breach of the Order is a criminal offence.
Expedited Order		
Expedited Order (EO)	A temporary order to protect the Applicant or the family member(s) concerned pending the hearing of application for the PPO or any protective orders.	**Further Information about an Expedited Order:** • Issued if Court is satisfied there is danger of the Respondent committing family violence while the application is pending. • Can be applied for when applying for a PPO. • Expedited Order can also be applied for when applicant is applying for a DEO, SAO or NCO. • Orders made may be subject to specified conditions and exceptions • Breach of an Expedited Order is a criminal offence.

Other Protection Orders

Domestic Exclusion Order (DEO)	Excludes or restricts the Respondent from entering the Applicant's or protected family member's home or part of it.
Stay Away Order (SAO)	Prohibits the Respondent from entering and remaining in an area outside of the family member(s)' home or any other place frequented.
No Contact Order (NCO)	Prohibits the Respondent from visiting or communicating with the family member(s) concerned.
Counselling Order (CGO)	Requires the Applicant, Respondent, their children or any family member, to attend counselling or any other programme as directed by a Protector. A CGO can be made for a specified period not exceeding 36 months.
Mandatory Treatment Order (MTO)	Requires the Respondent to undergo psychiatric treatment. An MTO can be made for a specified period not exceeding 36 months.

Further Information about other protection orders:

- For the other types of protective orders, the Court must also be satisfied that such order is necessary for the protection or personal safety of the family member(s) concerned.
- If a PPO has been issued previously, the Applicant may apply for any of the other protective orders without the need to apply for a fresh PPO.
- If a PPO has been issued for a child below 18 years, the child may subsequently apply for additional orders, or to vary, suspend or revoke the existing order(s) when the child is 18 years and above.
- Orders made may be subject to specified conditions and exceptions by the Court.
- Breach of the Order is a criminal offence

Note:

Any information relating to the identification of persons being protected under a protection order, expedited order, or emergency order cannot be published or broadcast without consent. Such publication or broadcast may constitute a criminal offence, and the Court may order such publication or broadcast to be removed or ceased.

Types of Orders a Protector may apply for

In addition to the orders an Applicant may apply for, a Protector may also apply for the following orders:

Electronic Monitoring Order (EMO)	Requires a Respondent to be placed under one or more prescribed electronic monitoring arrangements to monitor the Respondent's whereabouts.	• A PPO must have been issued against the Respondent. • Breach of the order is a criminal offence.
Assessment Order (AO)	• Requires a person at-risk of family violence to be assessed by the Protector or qualified assessor • Directs another person to produce the person at-risk for an assessment.	• Such an application is made to ascertain if the person has experienced, is experiencing or is at risk of family violence. • Breach or obstruction of a direction by the other person is a criminal offence
Removal Order (RO)	Requires a Protector to remove the relevant family member(s) who is protected under a PPO from his/her home or any other place.	• A PPO must have been issued against the Respondent. • Issued if court is satisfied order is necessary for the protection or personal safety of the family member concerned. • Generally accompanied by a Care Order or Supervision Order.

Emergency Order (EYO)	Order issued by a Protector if there is a danger that the Respondent will commit family violence against a family member in the next 14 days.	• Generally valid only for 14 days • May include an emergency domestic exclusion order, stay away order, or no contact order. • Made if Protector is satisfied that such order is necessary for the protection of the family member under the relevant circumstances of the case. • May require Respondent not to incite or assist any other person to commit family violence against the family member concerned. • Breach of the order is a criminal offence.

Note:

Any information relating to the identification of persons being protected under a protection order, expedited order, or emergency order cannot be published or broadcast without consent. Such publication or broadcast may constitute a criminal offence, and the Court may order such publication or broadcast to be removed or ceased.

Overview of the Court Process*

APPLICATION

A

Applicant files PPO application at the Family Protection Centre (FPC) of the FJC or at any Protection Specialist Centre (PSC).

Upon filing, the Applicant will be attended to by the Duty Judge who may issue a PPO Summons (with or without an EO).

SUMMONS

A R

A case will be scheduled for a Court session called a Mention for both Applicant and Respondent to attend.

The Respondent will be served with a Summons (with or without an EO).

A R

A R

A ····▸ For Applicant

R ····▸ For Respondent

*For purposes of the overview, the applicant is applying for a PPO.
However, he/she may also apply for additional orders as well as an Expedited Order.*

Importance of Court Attendance

- If the Applicant does not attend the Court session(s) as directed, his/her case may be struck off.
- If the Respondent does not attend the Court session(s) as directed, the Court may issue a Warrant of Arrest against him/her or direct that the case could proceed in his/her absence.

COURT MENTION

COURT HEARING

Respondent Consents

A R

PPO is granted to the Applicant. Court may also make a Counselling Order on its own initiative (even if it is not applied for by the Applicant) and direct the parties to return to Court about 6 months later for a review.

The matter ends here without a need for a court hearing.

Respondent Does Not Consent

A R

PPO is not granted and the Court will direct both the Applicant and the Respondent to prepare the necessary documents and adjourn the case.

The case is fixed for hearing if all documents are ready.

A R

Both Applicant and Respondent will present their case and evidence to the Court who will either grant the PPO or dismiss the application.

If You are Applying for a PPO (for Applicant)

Seek help if any act of family violence is inflicted on you

- If you are hurt or injured, seek immediate medical attention.
- If necessary, make a police report.
- If required, contact a Family Service Centre or a PSC for further assistance, including obtaining an Emergency Order if necessary.
- Decide if you wish to apply for a PPO.

STEP 1:

Application Stage

WHERE TO FILE

Online

Via the Integrated Family Application Management System (iFAMS) at **https://ifams.gov.sg:**

- Visit the FPC or any PSC* to complete the application.

Or in person

- At the FPC; or
- At any of the PSCs*

The most up-to-date list of PSCs may be found at* **https://www.msf.gov.sg

HOW TO FILE

- You will need your identity card or passport for identification.
- What you will need to provide in the application form:
  - Latest and past incident of family violence including the date and time, place, brief details, type of violence and injuries sustained.
  - The nature of your relationship with the Respondent.
  - Details of family members involved in the incident(s).
  - What you want from the Court (i.e., PPO only, or PPO with DEO / SAO / NCO / MTO, etc.).
  - Attach police or medical report(s) to your application, if any.

ATTENDANCE BEFORE DUTY JUDGE

- A Judge will review your application and documents submitted. Upon doing so, he/she may require you to appear before him/her to ask you further question or clarification on your application. This can be done through video conference at a PSC.
- After considering your application, the Judge may:
  - Accept** or dismiss your application.
  - Issue an EO.

*** If you change your mind thereafter, you may withdraw your application at the next court appearance.*

Note:

- If an EO is issued, it is served on the Respondent, by the next working day at the earliest, upon acceptance of your application.
- It expires after 28 days but may be extended by the Court.

If You are Applying for a PPO (for Applicant) (cont'd)

STEP 2:

Summons Stage

ISSUANCE OF SUMMONS

If your application is approved, the Judge will issue a Summons with or without an EO:

- You will be scheduled for a Court session called a "Mention". Both you and the Respondent will have to attend. On that day, the Respondent will state if he/she consents to the application.
- A Court Family Specialist (i.e., a counsellor) may refer you to support services, if required.
- If the Court session is to be conducted remotely (e.g. via "Zoom"), you will be informed accordingly.

SERVICE OF SUMMONS

The Court will serve a Summons on the Respondent:

- A Summons is a Court document directing the Respondent to attend Court.
- This Summons will be served at the address you provided.
- If an EO is issued, it will also be served with the Summons.

STEP 3 :

Court Mention Stage

Arrive punctually on the date indicated in the Mention Date slip.

If you are unable to attend:

- Visit the **iFAMS website** to make a formal request to have your session changed to another date, accompanied by supporting document(s).

If granted, the Court will set a new date for the Mention. Otherwise, you are required to attend the Mention as scheduled.

- If you, the Applicant, do not attend this session, your case may be struck off.
- If you still wish to proceed with the application, you will need to apply for the application to be reinstated. The Court will decide if you have valid reasons for your absence to reinstatement. A fee of $10 is payable to process the application for reinstatement.

If the Respondent does not attend the session, the Court may issue a Warrant of Arrest against him/her or direct that the

Additional Assistance

Consider if you require any additional assistance pertaining to your case. More information can be found on page 20 of this booklet.

case could proceed in his/her absence. A fee of $10 is payable if you wish to apply for its cancellation.

If you no longer wish to pursue the case at this stage, you may consider withdrawing the application.

If both you and the Respondent are present, the Court may refer both of you to a Court Family Specialist.

Step 3A: Respondent consents

The Court will proceed to issue a PPO or other protective orders after it is satisfied that it is necessary for your protection or personal safety.

In addition to a PPO, the Court may also make a Counselling Order on its own initiative (even if it is not applied for by the Applicant) and direct the parties to return to Court about 6 months later for a review.

Step 3B: Respondent does not consent

The matter will have to proceed for hearing. Before a hearing date is given, and on the 1st Mention date, you and the Respondent will be directed to prepare the relevant documents for the next Court Mention date.

They typically include:

- Police reports filed on the incidents, if any.
- Medical reports, in relation to the injuries sustained, if any.
- Other evidence, if any, e.g., photographs of your injuries, audio or video recordings (translated in English), and text messages between you and the Respondent.

Ensure that:

- Documents are compiled in a proper order, with page numbers.
- Documents/Evidence are in English. If you have non-English documents/ evidence, attach English translations from official translators.
- Three complete and identical sets of the documents are prepared for:

  1) The Court,

  2) Yourself, and

  3) The Respondent.
- The Court will direct one set to be filed in iFAMS and one other set to be given to the other party.

STEP 4:

Court Hearing Stage

Be punctual on the day of the Court hearing. If the Respondent is absent, the hearing may still proceed and a PPO or other protective orders may be ordered.

Alternatively, a Warrant of Arrest could be issued against the Respondent in which case the hearing would be adjourned pending his/her arrest.

If both parties are present, the Court will proceed to hear the case. The Court process is as follows:

- You, the Applicant, will present your case and your evidence. This is called *examination-in-chief*.
- The Respondent will get a chance to ask you questions on your case and evidence. This is called *cross-examination*.
- If either of you are represented, the parties' respective lawyers will conduct the *examination-in-chief* and the *cross-examination*.
- Your lawyer, if any, may also ask you further questions on the *re-examination*.
- The Respondent will present his/her case and evidence.
- You will get a chance to ask the Respondent questions on his/her case and evidence.
- If the Respondent is represented, his/her lawyer may ask the Respondent further questions on the *re-examination*.
- Each party may present to the Court a summary of his/her case. The Judge will then make a decision.

  The Court will order a PPO or other protective orders if satisfied that:

  - Family violence has been committed, or is likely to be committed; and that it is necessary for the protection or personal safety of the Applicant(s).
  - May make a Counselling Order for both or either party to attend counselling.

    More information can be found under "Counselling Order" on page 19.

  - Dismiss the case if the above is not satisfied.

If the Respondent **breaches the Order** that has been granted, that may constitute a criminal offence. Please contact the police to report the breach.

If You Receive a Summons for a PPO (for Respondent)

What is a Summons?

The Summons

A Summons is a Court Order which directs you to attend Court.

It will state the date and time for you and the Applicant to go to Court to give your response on the application. This date is referred to as a Mention date.

The Summons may be served:

- On you in person by the Court Process Server, or
- In your absence, an adult residing with you can accept the Summons, or it may be posted on a conspicuous part of your residence.

The Summons will be served with the EO if one is issued by the Judge. You can find out more about what an EO is on page 4.

As an EO is a temporary order (which is applicable for a PPO, DEO, SAO or NCO), should there be a breach of the EO, the Applicant may report the breach to the relevant enforcement agency.

Stages after Receiving a Summons for a PPO (for Respondent) (cont'd)

STEP 1:

Summons Stage

You can check the Summons for the date and time to attend Court for a session called a "Mention".

If you are unable to attend Court on the appointed date:

- Visit **iFAMS website** to make a formal request to have your session changed to another date, accompanied by supporting document(s).

  If granted, the Court will set a new date for the Mention. Otherwise, you are required to attend the Mention as scheduled.

- If you do not attend this session, the Court may:

  - Issue a Warrant of Arrest against you; or
  - Direct the case to proceed in your absence.

STEP 2 :

Court Mention Stage

Arrive punctually on the date indicated in the Mention Date slip.

- If the Applicant does not attend this session, the case may be struck off.
- If the Applicant no longer wishes to pursue the case at this stage, he/she can withdraw the application.
- If you admit to all or part of the allegations and consent to the PPO being granted, the Court will order that a PPO (and other orders any sought) be issued if satisfied that it is necessary for the protection and safety of the Applicant.
- The Court may also make an additional order for counselling for the Respondent or both of you.

  More information can be found under "Counselling Order" on page 19.

If the Applicant still wishes to proceed and you are not consenting to the application, the Court may refer both of you to the Court Family Specialist.

Additional Assistance

Consider if you require any additional assistance pertaining to your case. More information can be found on page 16 of this booklet.

If there is no resolution at the 1st Mention, the matter will proceed for hearing.

Before a hearing date is given, you and the Applicant will be directed to prepare the relevant documents for the next Court Mention date which is about 4 to 5 weeks later.

The typical documents which the Applicant will prepare comprises:

- Police reports filed on the incidents, if any.
- Medical reports, in relation to the injuries sustained, if any.
- Other evidence, if any, e.g., photographs of the Applicant's injuries, audio or video recordings (translated in English), and text messages between you and the Applicant.

You should likewise prepare document(s) which you intend to show the Court at the trial to defend yourself.

Ensure that:

- Documents are compiled in a proper order, with page numbers.
- Documents/Evidence are in English. If you have any non-English documents/ evidence, it must be accompanied with a certified translation from a qualified translator.
- Three complete and identical sets of the documents are prepared for:

  1) The Court,

  2) Yourself, and

  3) The Applicant.
- The Court will direct one set to be filed in iFAMS and one other set to be given to the other party.

Stages after Receiving a Summons for a PPO (for Respondent) (cont'd)

STEP 3:

Court Hearing Stage

Be punctual on the day of the Court hearing. If you are absent, the hearing may still proceed and a PPO or other protective orders may be ordered.

Alternatively, a Warrant of Arrest could be issued against you in which case the hearing would be adjourned to another date pending your arrest.

If both parties are present, the Court will proceed to hear the case. The Court process is as follows:

- The Applicant will present his/her case and evidence. This is called *examination-in-chief*.
- You, the Respondent, will get a chance to ask questions on the Applicant's case and evidence. This is called as *cross-examination*.
- If either of you are represented, the parties' respective lawyer will conduct the *examination-in-chief* and the *cross-examination*.
- The Applicant's lawyer, if any, may also finally ask him/her further questions on the *re-examination*.
- You, the Respondent will present your case and evidence.
- The Applicant may ask you questions on your case and evidence.
- If you are represented, your lawyer may also ask you further questions on the *re-examination*.
- Each party may present to the Court a summary of his/her case. The Court will then make a decision.

  The Court will order a PPO or other protective orders if satisfied that:

  - Family violence has been committed, or is likely to be committed; and that it is necessary for the protection or personal safety of the Applicant(s).
  - May make a Counselling Order for both or either party to attend counselling.

    More information can be found under "Counselling Order" on page 19.

  - Dismiss the case if the above is not satisfied.
- A breach of a PPO, EO, DEO, SAO, NCO, CGO and MTO is a criminal offence.

Counselling Order (CGO)

- A CGO can only be issued with a PPO and may include the children.
- A CGO will require the directed party to attend counselling or other programme as directed by a Protector.
- A CGO can be for a period of up to 36 months.
- Attendance at these sessions is compulsory.
- Failure to attend is a criminal offence.
- If a CGO is made, the Court will fix a Court Review date about 6 months later.
  - The Court will review the progress the parties have made based on the report provided by the counselling agency.
  - The Court may vary the specified period and extend it to enable the party to complete the programme concerned.
  - The Court will decide whether the parties should continue to attend counselling.
- The party/parties must attend the Court Review in person to receive further direction from the Court.
- If unable to attend the Court Review, the party/parties have to visit the **iFAMS website** to make a formal request to have the session changed to another date, accompanied by supporting document(s).
- Once the Court finds that the party/parties no longer require counselling, the Court will discharge the party/parties from the obligation. The party/parties must attend all counselling sessions that are scheduled if the Court does not discharge them.
- To find out more about a Counselling Order, visit the **SG Courts website**.

Useful Information

Additional Assistance

Consider if you require any additional assistance pertaining to your case:

- **Interpreter**
  If you and/or witness(es) need an interpreter for a language other than Mandarin, Malay or Tamil, inform the Court as soon as possible of your request.
- **Lawyer**
  - If you would like to seek legal advice, more information can be found under the "Legal Advice" section below.
  - If you choose to engage a lawyer, you should do so as early as possible.
- **Witness**
  - Inform the Court ahead of time if you would like to call witnesses to testify at the hearing.
  - Ensure that the witness(es) is available on the hearing date.
  - If you need a Summons to be issued to the witness, you will have to apply for a Summons to a Witness at the FPC.
  - If your witness cannot speak English, inform the Court of his/her preferred language.

Legal Advice

- If you need legal advice, you may approach the following:
  - the Legal Aid Bureau,
  - the Community Justice Centre, or the Community Legal Clinics at the State Courts.
  - Pro Bono SG (https//www.probono.sg)
- You may also find these resources useful:
  - the "Know the Law Now" booklet by Law Society Pro Bono Services
  - the LegalHelp website

Other Sources of information

- SG Court's OJP Website relating to family violence (https//www.judiciary.gov.sg/family/protection-against-family-violence)
- MSF website relating to domestic violence (https://www.msf.gov.sg/what-we-do/break-the-silence/domestic-violence/overview)

Court Rules and Etiquette

If you are not represented by a lawyer, it is important that you know the proper way to conduct yourself in court.

For more information on this, please refer to the section on "Rights and Responsibilities" in the user-guide on "Rights and Responsibilities of Self-Represented Parties in Civil Proceedings" which are applicable to your proceedings. The user-guide is available on the SG Courts website.

Location of PSCs*

- PAVE Integrated Service for Individual and Family Protection Specialise Centre (ISIFPSC);
- TRANS SAFE Centre at Bedok; or
- Care Corner Project StART (CCPS) at Commonwealth.

** The most up-to-date list of PSCs may be found at the MSF website.*

Criminal Offence

Please note that a breach of any protection or protective order may constitute a family violence offence, and such person shall be liable upon conviction to a fine of up to $10,000, or an imprisonment term not exceeding 12 months (or 18 months if the offence is aggravated), or both.

Quick reference of those involved in PPO process

Applicant: The person applying for a PPO to protect himself/herself or any family member from family violence.

Respondent: The person who is alleged to have caused or is likely to cause family violence.

Protector: A person appointed by the Director-General of Social Welfare.

FPC: Family Protection Centre, a Centre located at FJC where applicants can apply for a PPO.

PSC: Protection Specialist Centre, a place for people to seek help when dealing with family violence and file a PPO application.

FAMILY JUSTICE COURTS
SINGAPORE