

PERSONAL PROTECTION ORDER

under the
Women's Charter

THE ESSENTIALS



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Disclaimer

- The flow chart in this booklet represent the typical processes 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 Personal Protection Orders under the Women's Charter only and not Orders under the Vulnerable Adults Act or the Protection from Harassment Act.
- Please seek independent legal advice when in doubt.



Introduction

If you are considering applying for a Protection Order under the Women's Charter (PPO), this booklet will guide you, the **Applicant**, on how you can apply one for yourself and/or a family member aged 21 years and below.





If you have been served with a Summons for a PPO, this booklet will also help 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 and Orders You Can Apply

What is "Family Violence"?

"Family violence" can be any of the following acts against a family member:

	<p>Placing or attempting to place one in fear of hurt;</p>
	<p>Causing hurt;</p>
	<p>Wrongfully confining or restraining one against his/her will; or</p>
	<p>Continual harassment with intention to cause mental anguish.</p>

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; or
- Any other relative or person with incapacity whom the Court will consider a family member.



Types of Order

Personal Protection Order (PPO)

- Orders the Respondent not to use family violence against the Applicant or the family member concerned.
- Issued when the Court is satisfied that the Respondent has committed or is likely to commit family violence against a family member and is necessary for his/her protection or safety.

Expedited Order (EO)

- A temporary PPO to protect the Applicant until the court hearing.
- Issued in the absence of the Respondent if the Judge thinks there is imminent danger of family violence.

Domestic Exclusion Order (DEO)

- It excludes or restricts the Respondent from entering the Applicant's or protected family member's home or part of it.

Counselling Order (CGO)

- The Applicant or Respondent need not apply for a CGO. The Court may, at its discretion, make this Order for the Applicant or the Respondent or the family member to be protected, or any/all of them, to attend counselling or any other programme administered by the relevant partnering agency.
- Parties are required to attend a Court Review for the Court to assess the progress of the counselling when ordered.

Breach of PPO, EO and DEO

Breach of the Order is a criminal offence, meaning the Respondent can be punished with a fine and/or an imprisonment term.

If the Respondent breaches the Order that has been granted:

- The Applicant can contact the police to report the breach.
- The police will investigate and decide whether to prosecute the Respondent.

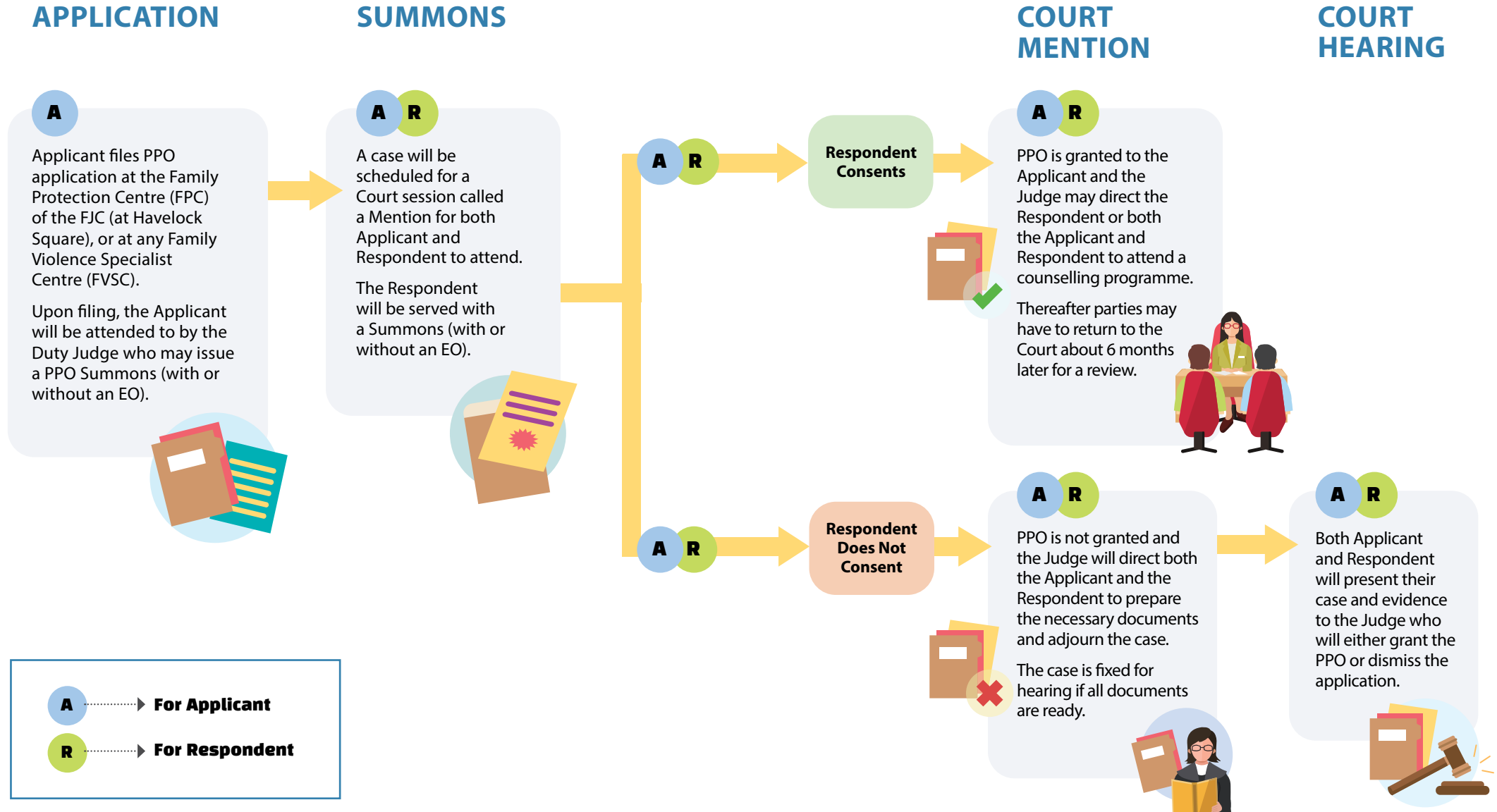
Note:

- A PPO may also include a provision that the Respondent is not to incite or assist any other person to commit family violence against the protected person.
- An application for an EO and/or a DEO can be applied for when applying for a PPO.
- A breach of a PPO, an EO and DEO is a criminal offence.
- A breach of a CGO is tantamount to a contempt of court.

Overview of the Court Process

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 Judge may issue a Warrant of Arrest against him/her or direct that the case could proceed in his/her absence.



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 an FVSC for further assistance.
- 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 FVSC* to complete the application.

Or in person

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

*The most up-to-date list of FVSCs 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 a PPO with a DEO).
 - Attach police or medical report(s) to your application, if any.

ATTENDANCE BEFORE DUTY JUDGE

- You will see a Judge to confirm what you have written in your application is true. This can be done through video conference at an FVSC.
- The Judge may:
 - Ask you questions to clarify the information in your application.
 - Accept or dismiss your application**.
 - Issue an EO, if the Judge finds that there is imminent danger of family violence.

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



Note:

- An EO is granted at the discretion of the Judge.
- 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)

Additional Assistance

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

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.

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 at Family Court 1.

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 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.

If the Respondent does not attend the session, the Judge may issue a Warrant of Arrest against him/her or direct that the case could proceed in his/her absence.

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 after it is satisfied that it is necessary for your protection.

Additional orders for Mandatory Counselling for one or both of you may be made. More information on "Mandatory Counselling" can be found on page 15 of this booklet.

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 which is about 3 weeks later.

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.



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

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 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 Judge a summary of his/her case. The Judge will then make a decision.

The Court will order a PPO if satisfied that:

- Family violence has been committed, or is likely to be committed; and that it is necessary for the protection of the Applicant(s).
- May make a Counselling Order for both or either party to attend counselling. More information can be found under "Mandatory Counselling" on page 15.
- Dismiss the case if the above is not satisfied.

If the Respondent **breaches the Order** that has been granted, please refer to page 3.



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 3.

As an EO is a temporary PPO, should there be a breach of the EO, the Applicant may go to the police to report the breach.

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

Additional Assistance

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

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 Judge 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 at Family Court 1.

- 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 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 Mandatory Counselling for the Respondent or both of you.

More information on "Mandatory Counselling" can be found on page 15.

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.

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 3 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 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 Applicant.



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 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 Judge a summary of his/her case. The Judge will then make a decision.


The Court will order a PPO if satisfied that:

- Family violence has been committed, or is likely to be committed; and that it is necessary for the protection of the Applicant(s).
 - May make a Counselling Order for both or either party to attend counselling.
- More information on "Mandatory Counselling" can be found on page 15.
- Dismiss the case if the above is not satisfied.

A breach of a PPO, an EO and a DEO is a criminal offence. Please refer to page 3 for more information.


Mandatory Counselling (CGO)



- A CGO can only be issued with a PPO and may include the children.
- When a CGO is made, it will specify that the sessions will be conducted at an agency that is assigned by MSF.
- If it is brought to the Court's attention that any of the parties has an addiction issue, the Judge may order him/ her to attend National Addictions Management Services (NAMS) counselling sessions in addition to CGO. More details can be found by visiting the **NAMS website**. 
- Attendance at these sessions is compulsory.
- Failure to attend is considered a breach of the Order and liable for contempt of court punishable by law.
- If a CGO is made, the Court will fix a Court Review date about 6 months later.
 - The Judge will review the progress the parties have made based on the report provided by the counselling agency.


- The Judge 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). 

- If granted, the Court will set a new date for the Court Review.

- Once the Court finds that the party/parties no longer require Mandatory 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 Mandatory Counselling, visit the **FJC 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.
- You may also find these resources useful:
 - the “Know the Law Now” booklet by Law Society Pro Bono Services
 - the LegalHelp website



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 FJC website.



Location of FVSCs*

- Centre for Promoting Alternatives to Violence (PAVE) at Ang Mo Kio;
- TRANS SAFE Centre at Bedok; or
- Care Corner Project StART (CCPS) at Commonwealth.



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

Contempt of Court

Please note that the Administration of Justice (Protection) Act 2016 provides for the law relating to contempt of court to, amongst other things, safeguard the integrity of legal proceedings for the benefit of those seeking recourse before the courts.

In this regard the law makes it an offence for a person to insult or causes interference or obstruction to any Judge while such Judge is presiding in any court.

In addition, the Penal Code Cap 224 also provides that it is a criminal offence for a person to intentionally insult or cause any interruption to a Judge sitting in any stage of a judicial proceeding.

Quick Reference of Legal Terms

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.

PPO: Personal Protection Order, an order restraining someone who is alleged to have committed family violence.

EO: Expedited Order, a temporary PPO that is granted by the Court to protect the Applicant or any family member pending a Court hearing.

DEO: Domestic Exclusion Order, an order excluding or restricting the Respondent from entering part or all of the Applicant’s residence.

CGO: Counselling Order, made by the Court so that the Applicant and/or the Respondent and/or family members will attend counselling.

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

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

