

[For Public Release]

FAMILY JUSTICE COURTS WORKPLAN 2020

21 May 2020

“Today is a New Day”

Justice Debbie Ong



Chief Justice, Fellow Judges, Distinguished Guests, Colleagues,

1. My address to you today is delivered online during an unprecedented time in our lives. The COVID-19 pandemic has changed so much in our world. My address today though, transcends beyond the current situation – it is, hopefully, on what is evergreen in family justice.

Workplan Theme: “Today is a New Day!”


2. Today’s Workplan theme is entitled: “Today is a New Day!”. This expression was first used in my very first Workplan Speech. Then, I had said: “Just as a doctor gives hope to a patient with a serious illness, a family judge can give hope of a new future. I often tell parties: “today is a new day”.” This theme builds on last year’s Workplan theme which was “Every Outcome, A Way Forward”.

3. In family disputes, it is common for parties to distrust each other – they may have been hurt and felt ‘let down’ so many times by the other spouse, it is hard to have confidence that anything will change. This is when I exhort parties to recast their future - that with renewed resolve from them, with support services and court orders, things are going to be different – so have faith and hope.

4. We will focus on a new mindset, a new understanding of what it might take for families to find that way forward.

Divorce Proceedings

5. I begin by sharing with you an outlook on divorce proceedings. Many speak with concern that the Family Justice Courts get more than 6,000 divorce cases every year. This may give the impression that thousands and thousands of divorcing couples are litigating in court every year. The encouraging news is, not every divorce case is a litigious case. In fact, only a minority litigate. The reason why we have so many ‘writs’ of divorce is that the only way to obtain a divorce is by a court judgment.



Understanding Divorce:

JBB v JBA [2015] SGHCF 6 at [30] (decision in context of costs):

“The only way to obtain a divorce is by a court judgment. There is no divorce by consent in Singapore and no option to obtain a divorce in an administrative tribunal outside the courts. Unlike commercial cases, for instance, where one party’s refusal to pay a debt or damages has made it necessary for the successful and deserving party to institute proceedings, court proceedings for divorce cannot be considered “...litigation” in the same way that commercial litigation might be ... To obtain a divorce, court proceedings are necessary, even if they are uncontested proceedings.”

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6. There is no administrative way to obtain a divorce. You can get married at the Registry of Marriages but you can’t get a divorce there. Marriage is a public institution; so divorce is also not a private matter – only the Court can grant a divorce upon finding that the marriage has irretrievably broken down. As divorce breaks up the household in which the children live, the State entrusts the welfare of the children to the courts for some oversight.

7. This tells us that divorce proceedings at inception are NOT ‘litigation’ proceedings. By litigation, I mean to contrast divorce with litigation in civil suits – that is where an action is begun by a plaintiff suing a defendant for a breach of his “rights” to remedy a “wrong” committed by the defendant. But in divorce proceedings, the issues are less about rights and wrongs than having to address the consequences of family breakdown.

8. Indeed, today, a large number of divorces are filed on the “Simplified Track’, where parties agree on all matters with no contest, and no litigation. Let me show you:

• **Divorces on Simplified Track** (No contests on all issues e.g. divorce itself, child, maintenance and division)



Filing Year	2016	2017	2018	2019
Total	100% (6,303)	100% (6,093)	100% (5,974)	100% (6,320)
Simplified Track	37%	49%	55%	58%
Not on simplified Track	63%	51%	45%	42%

• **Divorces not on Simplified Track:**

- In 2018, about 7% of concluded divorce cases were contested on either the ground of divorce or ancillary matters
- After filing, 7 out of 10 fully settled, 8.4 out of 10 partially settled
- Overall, more than 90% of all divorces resolve without adjudication.

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9. Last year, 58% of all divorces were filed on the “Simplified Track” – this means that these parties agreed on all matters, and did not require adjudication at all for any issue. As for the other 42%, 70% of these eventually agree on all matters, with 84% achieving some settlement on their matters. At the end of the day, overall, more than 90% of all divorces eventually resolve through parties sorting things out without adjudication.

10. For every challenging high-conflict dispute we encounter, there are many more cases of families who do resolve issues amicably. We, the Court, may see the most difficult cases in litigation, but we do not get to see in court the many more who are able to make amicable arrangements. How can we assist as many families as we can towards such an amicable path?

11. I quote from a joint article that Professor Leong Wai Kum and I have co-authored:

“Divorce should be no worse than a re-organisation of family members’ living arrangements and the divorced spouses should still be able to continue to discharge their parental responsibilities with some degree of co-operation.”

This is what divorce should be!

Re-organising Family Arrangements after Divorce

12. What does it mean to re-organise family arrangements? Let’s first consider what outcomes are desirable. First of all, the family’s living arrangements and financial needs must be addressed. Second, parents must be able to cooperate in discharging their parental responsibilities, in caring and providing for their children. This co-parenting needs to continue for many years ahead, long after the divorce has concluded. Third, another desired outcome is healing and restoration that enable the family to transit and adjust to their new lives, to stabilise in the drastically changed circumstances.

13. The next question is: What kind of court system or family justice system is suitable for addressing the issues and achieving these desired outcomes?

A Non-Adversarial System

14. Let's start with our system in all civil proceedings: the Common Law Adversarial System of Litigation. The concept behind the adversarial system is that we can reach a just outcome when each litigant pursues her own interests single-mindedly. The litigant proceeds as if she is an "adversary" of the other. She never needs to consider the effect of her conduct on the other party. The assumption is that the truth emerges when each litigant does what is in her own interests, and presents her best arguments. The court will then consider the highest cases of each party.

15. In family proceedings, the distress caused by such litigation needs to be at a minimum. Why? Because the self-centred pursuit of each one's own interests will likely leave the parties' relationship completely shattered! This will have a terrible impact on the children. Picture this: For 1 to 2 years, parties are allowed to dig up evidence that show the worst of the other party, very hurtful 'evidence', and allowed to allege what a bad spouse and poor parent the other party has been. The court hears them, makes a decision on financial issues, the children's issues, and tells them, "alright now go forth and be cooperative parents – be kinder, bigger, wiser, extend grace and support to each other as you raise your children together cooperatively." This is after we have allowed years of nasty litigation, without restraint! Is discharging parental responsibility which requires co-operative parenting possible after this?

16. If divorce proceedings are not litigation proceedings, then we must not focus on rights and wrongs; we must not allow parties to be adversaries in court. We must have a non-adversarial system! People may question this; they may ask: "But how is that realistic? Spouses are bitter. They feel wronged, betrayed. They feel that life is unfair if they do not fight for justice, and they need to vent it all out in court".

17. Well, perhaps the more important question is: What is 'justice' in family proceedings? The Family Justice Courts are specialised courts – the presence of children requires a different approach to the resolution of disputes. The family justice system does not belittle the pain that parties endure; we should not be "judgey" about how one feels or how pain is expressed. But we do exhort parties to reach deep, really deep, to find a way forward. Sometimes, we do have deep reserves that we never knew existed – that is the human spirit.

18. Our system should ensure that the whole divorce journey allows for healing from hurts, and not allow the opposite - the aggravation of hurt. A kind act usually begets a kind response. A nasty act inflames the other.

Parental Conflict is Harmful to Children

19. Have you heard of this advice: "The most important thing a father can do for his children is to love their mother" (it's a quote from *Theodore Hesburgh*). It is an appealing quote because it speaks to our human experience. Research supports the underlying sentiment in this quote – parental conflict is very harmful to children.

20. Divorce does not stop a man from being a dad nor a woman from being a mom.

21. I share with you the story of 13-year old Anita – this is not her real name, and I thank the agency and Anita's mother for allowing me to share this story.



22. Anita started missing school due to complaints of eye problems. The doctors were, however, unable to find any medical cause for her eye conditions. One day, Anita was rushed to the hospital as she was reported to be coughing out blood. She was also bleeding from her left eye. The doctors suspected that Anita had bitten her cheeks which resulted in a deep cut and blood flowing from her mouth. This incident coincided with a period of severe tension between her mother and father. Anita's mother would confide in Anita, she would tell her her frustrations and unhappiness with the father, including his new relationship with a new girlfriend. Yet her mother also gave Anita very conflicting messages, telling her that she wanted to have her ex-husband back, and also used Anita to try to sabotage his relationship with his new girlfriend. So, Anita feels that it is her responsibility to bring her parents back together. Anita would have one of her severe headaches or bleeding spells, and the mother would call the father for help, and he would have to turn up at the house and stay to calm Anita down. Both her parents have little insight into the impact of their behaviour on Anita. The mother has not "let go" of her failed relationship. The father has moved on and resents the mother's attempts to bring him back. Children suffer when parents are not able to reduce their conflict. This is clear from research.

23. In the work of the Family Justice Courts, we see many areas in which parties can possibly have conflict. Issues such as these are fought out (and these are real issues in our court hearings):

- Should our child take Malay or Chinese as the Mother Tongue language in school?
- Should our child be enrolled in Pre-school A or Pre-school B? For this, parties would submit each pre-school's curriculum to the court.
- Should our child spend one overnight access or two overnights with the access parent? This was a recent case I heard.
- Should our child take Math tuition? Or speech and drama enrichment classes?
- Should our (older) child study in the US or in a local university?

24. These are decisions that should be made by parents, not the Court. Parents know their child best – their child's personality, preferences, and specific needs. Parents also have their own personal aspirations for their child (and for themselves too). They should make such personal decisions.

25. I highlight a recent decision of the High Court in *UYT v UYU* [2020] SGHCF 8, which explanation hits the nail on the head. In this decision, the father and his adult son had reached an impasse. The parents divorced when the son was 8 years old. The son, now above 21 years old, wanted to go to Canada for further studies. The father thought that he should study in Singapore. The Court said:

“Family Law is a misnomer, for a happy family generally has no need for law nor does law need to intrude into a happy family. Decisions such as sending a child of the family for tertiary education, whether at home or abroad, are discussed and settled within the family, sometimes with a tinge of regret, sometimes with great sacrifice, but always with the comforting feel of give and take. By the time the (law) is invoked to resolve domestic problems, it usually means that the family can no longer mediate within itself. It is one thing for a family to give and take within itself, and another for a third party to determine how they should do it.”

26. Justice Choo also remarked:

“In happy families, parents might indulge their children when it comes to education and would often be the party to give in should their children appear determined.... Parents in broken families, on the other hand, may take a more parsimonious attitude towards their children’s overseas education since money is often the subject of disagreement.”

How Conflicts are Resolved

27. Now, let’s take a step back and consider how conflicts are resolved.



28. How are conflicts resolved? Method A reflects what the Psychologist might say: “Sort it out. I can listen and help you understand your issues and the impact on your lives, but you think hard and you work out something for yourselves.” Method B reflects what the Lawyer or the Judge might say: “Tell me the facts and I will referee. You can’t seem to agree, so let’s not waste time, I’ll decide what’s good for you.”

29. Both methods are methods of resolving disputes. Which is suitable for addressing the consequences of family breakdown? My thesis is: Method A is the method for family matters. The parties’ first responsibility is to “sort it out”. Method B is the last resort which perhaps a small percentage of cases require.

30. A reaction to using Method A could be this: “but the parties cannot agree, that is precisely why they need the Court to decide.” Indeed, if the parties have understood the true impact of conflict on their children, tried all amicable means and are still unable to move on, then the Court will do its best to arrive at a decision to assist the parties. The Court remains available as the last resort and will assist the family.

31. Back to our earlier discussion - What is “justice” in this area that addresses family breakdown?

32. Spouses whose marriage has broken down can obtain a divorce but they must do so in a manner that does not cause each to view the other with acrimony. They must end their marriage in a way that can allow them to still co-operate to the highest degree possible in discharging their parental responsibilities to their children. And even while we focus on children in our philosophy of family justice, the spouses themselves will gain much from this approach.

33. Our system must be a non-adversarial one - a system that is “problem solving”. The family justice system will seek to deliver “Therapeutic Justice” or in short form, “TJ”.

34. In the decision I had just referred to, Justice Choo remarked:

“This case is an example for everyone concerned in family disputes, to encourage both parents to have access and bonding with their children. If the respondent (child) at 8 years old had maintained a strong bond with the appellant (father), this matter would probably not have reached this court. ... a parent who has a bond with ... her child would very unlikely appear in court in opposition to each other.”

A Sharpened Vision for Family Justice

35. In our sharpened vision for family justice, what needs to be done in preparation for the parties’ ‘new future’? Some parents think that they alone are enough for their child; they think they can take care of the child better than the other, and in fact they think that the child does not need the other parent. Other parents use their child as a tool for revenge. Here is a list of things NOT to do:

- × Do not send inflammatory letters to each other, and kill the chances of cooperation.
- × Do not allege the worst of the other spouse in affidavits in divorce proceedings, especially personally hurtful things, even going back 20 years or more.
- × Do not file many applications, only to increase costs and deplete savings, shrink the size of the matrimonial assets, and increase complexity unnecessarily.
- × Do not let the children suffer the conflict of loyalty and other sorts of stress, or burden them with your own issues. Do not ‘parentify’ the children and deprive them of a normal childhood.
- × Do not turn the children against the other parent; you may not need your ex-spouse anymore, but the children do.

36. Parties should not use the court proceedings to vent their frustrations. They should use therapeutic services to support them in respect of the *emotional consequences* of family breakdown. This list of DON’Ts will be part of our system. We will incorporate this list in considering the conduct we expect from parties as their legal responsibility.

37. What then should we do instead? We should focus on Therapeutic Justice in our sharpened vision for family justice. The path forward ought to be this:

38. First, the parties are not adversaries in court.

39. Second, the entire journey should allow the healing, restoring and recasting of a positive future. It should allow parties time to grieve over the loss of the marriage and be supported through this.

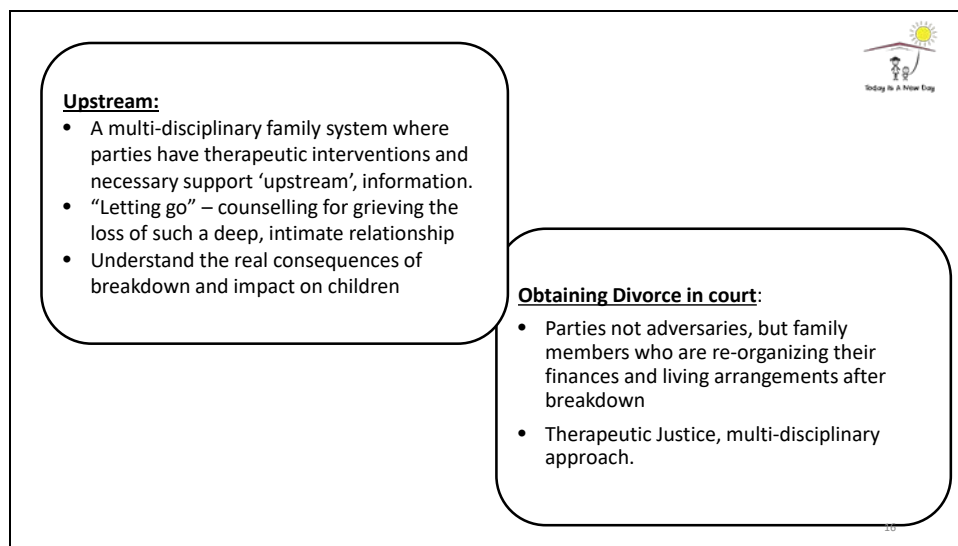
40. It is known that a party facing divorce can be deeply affected by fear – fear of losing one’s children; fear of not being able to survive after the failed relationship whether emotionally or financially; fear, because one’s self-identity itself is threatened. Anxiety, fear and other emotions affect one’s capacity to make good, rational decisions.

41. So, as early as possible, “upstream” services should be available to support families in addressing the consequences of family breakdown, in an amicable and respectful way.

42. Our system should be a multi-disciplinary one where counselling, therapy, mediation and adjudication are provided for those who need them. Problem-solving, not litigation, is the core focus in this Therapeutic Justice system. Family lawyers play a hugely important role in helping parties to problem-solve, to assure parties that legal obligations will ensure provision, and they should support the parties towards making rational decisions and taking sensible steps in their journey.

43. What is this concept called Therapeutic Justice or TJ? It is a lens of ‘care’, a lens through which we can look at the extent to which substantive rules, laws, legal procedures, practices, as well as the roles of the legal participants, produce *helpful* or *harmful* consequences. We must build the ‘hardware’ structure and the ‘software’ resources that will ensure therapeutic, helpful effects.

44. Here is a big picture of what we will do:



45. Upstream, we would build a strong multi-disciplinary family justice system where parties can comfortably reach therapeutic interventions and support as early as possible. As much relevant and digestible information on the processes should be available upfront.

46. Upstream, there should be access to counselling for grieving the loss of such a deep, intimate relationship. Parties should be supported in their journey of ‘letting go’. Not ‘letting go’ is a huge obstacle to ‘moving on’!

47. Upstream, it is very important that parties understand the real consequences of breakdown and the impact on their children.

48. ‘Downstream’, so to speak, when obtaining a divorce in court, parties should not see each other as adversaries. Today is a new day for a new mindset – do not look at our system as an adversarial one, it is not. It is a problem-solving system.



49. Our family justice system is asked to reorganise and restructure families grappling with many complex financial and relationship issues whilst still reeling from powerful emotions. Parties who are in this position will gain much from a judge-led approach. A family judge is a specialist judge who can keep the parties focused on relevant issues during this difficult time and lead them towards problem-solving.

50. Therapeutic Justice seeks to address the family’s inter-related legal and non-legal issues to reach an outcome that improves the whole family’s functioning beyond breakdown. Parties should be assisted with developing their skills to resolve their own disputes, to co-parent after divorce, to be familiar with how to access appropriate support services. Family lawyers must problem-solve as a team especially where children’s interests are at stake. The role of the family lawyer has changed. The bulk of family work will be in advising parties well, helping them to make good decisions right from the early stages, and reach agreements that are reasonable, fair, workable, durable and good for the children. Some family lawyers may even look to becoming full-time family mediators. Such family lawyers’ services are truly valuable and will be sought after by parties desiring a good outcome. Parties should not think that the lawyers’ fees are only for litigation services; instead, a family lawyer who helps parties avoid litigation and reach a harmonious outcome, are giving them the invaluable services that they need most.

51. When we adopt Therapeutic Justice in our system, we also endeavour to assist parties in acquiring the skills they need to manage their lives ahead – how to manage conflict, how to co-parent, and how to access appropriate support services in future. It is forward looking.

52. Therapeutic Justice is not an entirely new concept or approach. Family systems the world over appreciate that family proceedings should include elements of therapeutic justice. The difference lies in the force of formal commitment to this. And the Family Justice Courts is fully committed to Therapeutic Justice in a problem-solving, multi-disciplinary environment.

53. In the next part of my Workplan Address, I will share greater details on how we intend to build up and implement the non-adversarial TJ system. If you would like to hear more, please return after the short intermission.

54. If you are leaving, I thank you so much for listening to FJC's aspirations and plans in this Opening part of my Workplan Address. I wish you good health and good cheer. Thank you.

~INTERMISSION~
Part 2

55. I had shared with you in my Opening Segment, how crucial it is that we build up our Problem-Solving, Therapeutic Justice system. Before I share more work plans on building such a system, I would like to mention some aspects of the consequences of family breakdown.

56. What are the common family disputes and the difficulties flowing from divorce?

“Ancillary Matters”: 3 Areas of Consequences of Family Breakdown

57. “Ancillary Matters” (“AMs”) arising upon divorce concern 3 issues: the Division of Matrimonial Assets, Maintenance, and the Custody, Care and Control of the children. These are three areas of consequences of family breakdown.

58. Where family breakdown includes breaches of obligations involving Family Violence and Maintenance – the law provides protection. For example, child neglect is punished, Personal Protection Orders against family violence are made, and orders for Maintenance are granted to ensure financial provision.

59. Upon divorce, there will be two households instead of one – there will no longer be the economy of scale, and time with the children will have to be divided between the two parents. The child of separated parents has ‘less time’ for herself, because the child’s time has to be separately spent with one parent at a time. The child is also clearly affected by changes in her living arrangements and by the parental conflict, if any.

Division of Assets

60. I begin with a note that the division of assets is not a reward or compensation for ‘rights’ and ‘wrongs’. When the marriage breaks up, the parties’ various contributions which enabled them to acquire assets are translated into economic assets to be divided according to section 112 of the Women’s Charter. That is the purpose of the division of assets.

Division of Matrimonial Assets



- Division of assets is *not* a reward or compensation for 'rights' and 'wrongs'.

- **VGY v VGZ [2020] SGHCF 6**

"the "no-fault" divorce regime... recognizes that marriage is an intimate relationship where alleged "faults" are not always easy to ascertain, especially when spouses had a continuous dynamic relationship during marriage in which how one spouse acts may impact how the other acts or reacts.

The AM proceedings are not the forum for parties to vent their frustrations. The parties are to address the financial consequences of their marriage ... where the focus ought to be on the relevant issues in the division of assets and maintenance. I have already stated what the Court of Appeal has instructed in *UYQ v UYP* in terms of how to conduct the AM proceedings and presenting relevant evidence in the spirit in which *ANJ v ANK* [2015] 4 SLR 1043 ought to be understood"

- Court of Appeal in *UYQ v UYP* that "courts should discourage parties from applying the *ANJ v ANK* approach in a rigid and calculative manner".

61. In a recent decision, I reminded parties that our family law has adopted the "no-fault" regime of divorce. This regime recognises that it is not helpful for parties to engage in mud-slinging, when what they should to do is to seek to focus on dealing with the consequences of family breakdown. It also recognises that the alleged "faults" are not always easy to determine, especially when spouses had an intimate relationship where, how one spouse acts, may impact how the other acts or reacts. I also reminded parties that the AMs proceedings are not the forum for parties to vent their frustrations.

62. Very recently, the Court of Appeal reiterated that the "courts should discourage parties from applying the structured approach in a rigid and calculative manner". Indeed, no one should to take AM proceedings as an opportunity to be calculative, or even manipulative. Such conduct is at odds with our aspiration to deliver Therapeutic Justice.

Maintenance

63. Another AM is that of Maintenance. One of the greatest fears of spouses who are homemakers is not being able to survive financially after a divorce. Having stopped working for years to care for the family and children, one feels very vulnerable when one is no longer on good terms with the breadwinning spouse. To worry that the spouse on whom you have totally relied for money is splitting up with you, and who is probably now rather unhappy with you, is no small worry.



Maintenance

Fundamental legal obligations within families:

- Spousal maintenance - to assist party in need of maintenance due to being economically disadvantaged by her role during marriage to transit into post-divorce life.
- Parents both legally obliged to maintain their child

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64. The law imposes a legal obligation to provide financially for dependent family members – these family members need to be assured that we can problem-solve this important issue.

Children

65. As for Child Arrangements, applications for Custody, Care and Access should not become tools to control the other spouse or to hurt that spouse. I had shared in the Opening Segment how important it is that parties minimise their conflict and sort out their issues as parents.



Custody, Care & control, Access

“... custody and access are instruments which allow the parents to continue caring for the child after the breakdown of their relationship. From another perspective, custody and access are rights to be acquired, negotiated with, and even fought over in the elaborate aftermath of separation and divorce. They are a means employed to gain dominion over the child. *Basely used, they can be instruments to control the activities of the other parent. A misguided sense of entitlement, unresolved anger, or a genuine and intolerable difference of opinion are all it takes to turn an instrument of care into an instrument of control.*”

[Ong and Lim, “CUSTODY AND ACCESS: Caring or Controlling?” Developments in Singapore Law Between 2001 and 2005 (Singapore Academy of Law, 2006)]

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66. It is an area that divorcing parents must be personally responsible for. If they make the commitment and sacrifices, their children can be protected from the negative effects of breakdown. Children can do well and emerge resilient and well-adjusted.

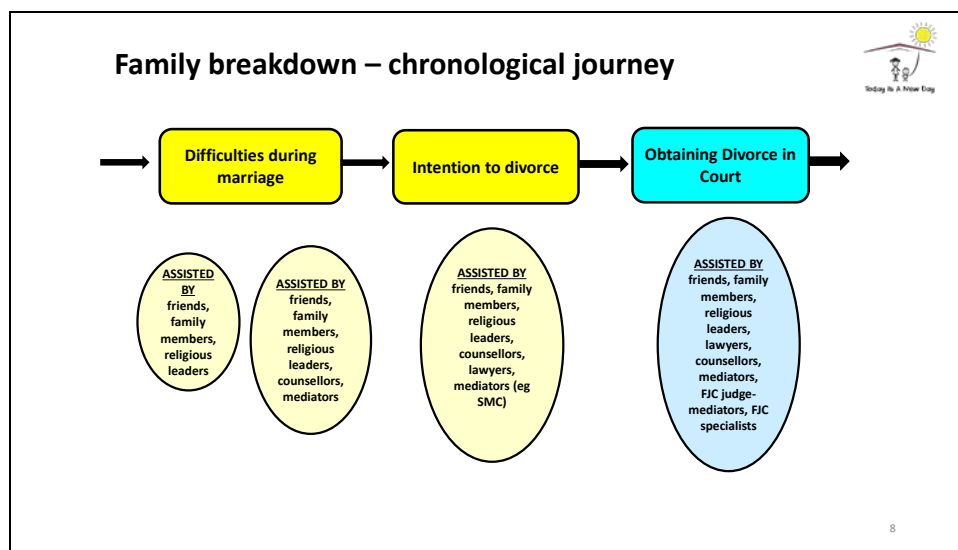
67. These 3 AMs must be addressed well in order that the family can be stable in their next phase in life.

68. How do these three areas fit into our family justice system?

The Divorce Journey

69. In the earlier part of my address, I had shared a big picture of upstream services and the downstream journey in court. Let me go a little into details.

70. This is a mind map of the chronology of the journey from marriage breakdown to divorce and the ancillary matters.



71. From the earliest times when there are cracks in the marriage, our first hope is for the parties to overcome the difficulties and mend the cracks. We hope for marriage strengthening and reconciliation, perhaps with assistance from friends, perhaps a mentor or even marriage professionals.

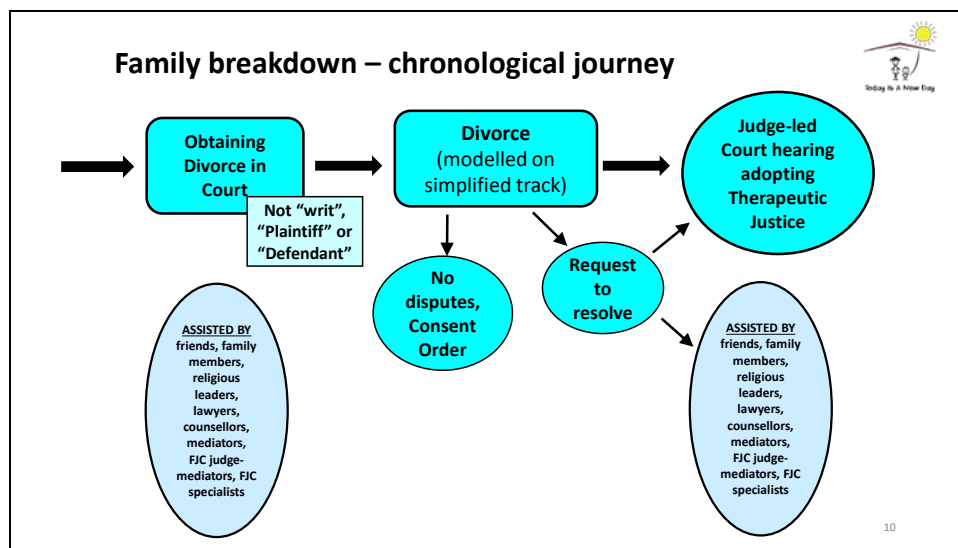
72. Let me imagine a hypothetical scenario. A woman finds out that her husband is in an adulterous affair. Her world crumbles. She shares her despair with her best friend: “my husband cheated on me”, she cries to her best friend. It is totally understandable, maybe even expected of a best friend, to get furious on her behalf, to say, “He is such a scumbag! You have to make him pay, you have to fight for justice!”

73. We need friends at a difficult time. Friends who empathise with us, give us the much-needed support. But we hope that in time, there will be encouragement from good friends to reduce anger, and look at constructive ways forward.

74. If the cracks in the marriage are serious, counsellors and mediators may also be brought in. As it becomes clear that divorce is a real possibility, lawyers and more ‘formal’ mediators may also be involved. Where divorce is inevitable, we head into the ‘blue’ box in this slide here – entering the court system in order to obtain a divorce (the yellow boxes are upstream phases that do not involve formal court proceedings).

75. Throughout this journey so far, there are many opportunities to vent, to speak of your pain, to reconcile, to make agreements – “to sort it out”. In our sharpened vision of a non-adversarial system, this “sort it out” method of resolution does not change just because parties formally enter into the court system to obtain a divorce.

76. Sorting things out, taking personal responsibility, making good decisions, start from the very beginning and should continue right to the end. We have noted that divorce is not available privately and only a court can grant a divorce - but just because one has to enter into the court system to obtain a divorce should not turn the parties’ relationship into a litigious one. As the parties continue into the court system for the divorce and the AMs, we want to ensure that they do not get drawn into any adversarial stance.



77. We will look into removing the labels of “Plaintiff” and “Defendant”, which are descriptions associated with civil litigation. The parties could be called, simply, Husband and Wife – which are already terms we commonly use in our Grounds of Decision.

78. Mediation is a very core pillar in our family justice system. Court mediators and counsellors, community therapists, should remain available to assist parties towards the amicable resolution of all post-divorce issues.

Workplan 2020: 3 Key Work Streams


79. Our Workplan focuses on 3 key work streams: First, Furthering Therapeutic Justice within a Multi-disciplinary approach. Second, Facilitating Court Processes, Settlement, and Enforcement. Third, Fortifying the Judges’ and Lawyers’ Capacity and Capability. The second and third work streams are related to, and are in fact, quite crucial to the successful adoption of Therapeutic Justice, which is the first work stream.

Furthering Therapeutic Justice within a Multi-disciplinary Approach.

80. First, in furthering Therapeutic Justice, what we call “TJ”, we will develop a common “TJ language”.

81. Therapeutic jurisprudence is the study of the role of law as a therapeutic agent. The law can have helpful or harmful effects on the parties and those connected to them. We will all need to understand what TJ is and hold a consistent approach of this understanding amongst family lawyers, those in the social service sector, university students and within the courts.
82. To do this, we will develop and disseminate a clear TJ narrative, using literature on TJ in the context of family justice.
83. We will develop TJ materials for all in the family justice system as well as Best Practice Guides for those involved in the court system.
84. A TJ module will be part of the proposed Family Lawyers Certification training curriculum. Subsequently, we hope that a TJ module will also be incorporated into the family law curriculum in academic institutions.
85. We intend to implement a Multi-Disciplinary Team “Pilot” called “the MDT Pilot” project. This Pilot will explore how judges, mediators, counsellors, psychologists and psychiatrists can work together to resolve the family’s issues holistically through a coordinated multi-disciplinary team effort. The selected cases in this Pilot will be docketed to a team of hearing judges, judge-mediators, counsellors and case managers. As Presiding Judge, I intend to be involved in this Pilot as a hearing judge.
86. The Pilot will involve how to “triage” at the earliest opportunity to assess needs and determine the real issues. It will consider how case management should take place and when each ‘type’ of ‘steps’ ought to be taken, it may use early Intensive Family Intervention led by our court family specialists. It will make optimal use of “cooperative family conferencing” involving parties, lawyers and social science professionals.
87. We will assess the Pilot later to see if the MDT approach can be adopted more widely.
88. To train and build capacity in TJ work, we intend to design a “court observation study” to assess the effectiveness of our work. We will work on the scope of the study and the measurement tools to be used. We hope to subsequently bring in TJ experts for the Court Observation Study and other related work.
89. In line with TJ in a multi-disciplinary system, we must strengthen the coordination and integration of various relevant services outside the courts. We will build more bridges to better match the needs of distressed families with appropriate specialist services. We intend to review the current landscape and identify the gaps.

Furthering Therapeutic Justice in Multi-disciplinary approach



- Develop a common TJ language in the Family Justice landscape
- Develop and disseminate a clear TJ narrative
- Develop TJ materials and Best Practice Guides
- Develop training and build capacity in TJ work
- Pilot a multi-disciplinary team approach (MDT Pilot) - judges, mediators and counsellors/psychiatrists work together - triaging, early Intensive Family Intervention, case management, Family Conferencing
- Design a Court observation study
- Strengthen coordination and integration of services - collaboration; referral channels


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90. The next two work streams are areas which are vital to the adoption of the Therapeutic Justice approach. Our system’s ‘hardware’ includes the court structure, rules, processes, and facilities. The system’s ‘software’ includes the judges, lawyers, counsellors, psychologists and the parties, all aligned to the new ethos.

Facilitating Court Processes, Settlement, and Enforcement

91. On the ‘hardware’, we will focus on Facilitating Court Processes, Settlement, and Enforcement.

Facilitating Court Processes, Settlement, and Enforcement



- Enhance access to justice by:
 - Develop an electronic Litigation Assist system
 - Providing information - develop Navigation Pack and short videos
 - Enhance ease through mobile notification services, digital services
- Redesign the Family Justice Rules – streamline and simplify processes and forms
- Changes to legislation - enhance powers for judge-led approach, review of probate processes, enhance compliance of child access orders and simplify enforcement of such orders
- New modes, processes and initiatives fast-tracked by needs during the covid-19 measures

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92. In our work towards enhancing access to justice, we will focus on these:

93. We will build an electronic Litigation Assist system. This is a portal that will incorporate functions such as the generation and submission of documents, and draft court orders. The portal will also provide Litigants-In-Person, the platform to negotiate online or come to an agreement before filing court proceedings.

94. We think a navigation pack will be helpful to enable court users to more easily navigate the journey in FJC. This will involve a consistent terminology and cues to help court users find their way around processes, materials, the digital systems and the physical premises too. A series of short videos on court proceedings which illustrate key points of a court user is also in the plans.

95. Also in our plans are the use of mobile notification services and other digital services which will help court users keep track of court appointments and their cases.

96. A redesign of the Family Justice Rules is being worked on. The revamped Rules and corresponding Practice Directions will streamline processes to make them more straightforward. Simplifying procedural rules will make them more readable and user-friendly. This project will also overhaul the format of the current Family Justice Rules to increase the ease of use and understanding.

97. Work will also be needed for changes to legislation. There will be new provisions to enhance the judge-led approach. The review on probate proceedings will continue to be worked on. New measures that enhance compliance with child access orders as well as the mode for enforcement will be introduced. The amendments to POHA, the Protection from Harassment Act, and the CYPA, the Children and Young Persons Act, will give FJC the opportunity to review its current processes.

98. In the recent weeks, due to the urgent need to put in measures to contain the spread of COVID-19, we have had to quickly implement new and different ways of operating. We have conducted hearings by Zoom, and we have provided training on the use of video conferencing for Litigants-in-Person. The new modes, processes and initiatives fast-tracked by the needs during the Circuit Breaker period showed us that we can be resilient and adaptable to changes. We think that many of these new ways of operating will enhance the adoption of Therapeutic Justice, and we will be working on the use of technology and different modes of communication and hearings in the long term.

Fortifying the Family Judges' and Lawyers' Capacity and Capability

99. Next, we will build up the “software” required in our problem-solving system. We will fortify the family judges' and lawyers' capacity and capability. This is indeed quite a crucial aspect of building the Therapeutic Justice system.

Fortifying Judges' and Lawyers' Capacity and Capability



• Training of Family Judges

- Work with Singapore Judicial College for continuing judicial education, and conduct customized programmes for FJC Judges
- Expand on themes of multi-disciplinary family law practice and Therapeutic Justice
- Inaugural Family Judges' Learning Week was held in July 2019; next Family Judges' Learning Week in 1Q 2021

• Training of Family Lawyers

- Children affected – other skills required, problem solving, mediation, advice on durable agreed terms
- Family Lawyer's Certification – 2021
- Family Specialist Accreditation Scheme – 2022

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100. In respect of the training of family judges, FJC will continue to work with the Singapore Judicial College for continuing judicial education. We will also organise customised programmes for the family judges. Our Judicial Training Committee will continue to expand on the themes of TJ and the multi-disciplinary family law and practice.

101. The inaugural Family Judges' Learning Week in July 2019 was very successful. The next Family Judges' Learning Week has been postponed to the first quarter of 2021 due to the COVID-19-related measures still in place.

102. As for the training of family lawyers, the focus of the training is to enable practising family lawyers to benefit from targeted skills training and a mindset shift of family lawyering using the lens of Therapeutic Justice. They must be attuned to how children are impacted by the family breakdown and how to help reduce the parties' conflicts.

103. Practising in the current family justice system requires specialised skills related to the social sciences, problem solving, mediation and interpersonal skills. The Family Lawyers Certification training offers the uplift of these skill-sets and more. This will hopefully be available in 2021. The Family Specialist Accreditation Scheme is targeted to be available in 2022. The timelines for these have been shifted due to the unexpected COVID-19-related situation.

104. The use of technology, conducting hearings by remote means are all new ways of operating and so, building our capabilities in these new areas has increased in importance.

Events

105. Finally, I would like to mention a few upcoming events. The World Congress on Family Law and Child Rights, which was originally fixed in July this year, has been postponed to be held next year, in July 2021. Similarly, the International Hague Network Judges' Meeting has been postponed to July 2021. We intend to organise this year's annual Family Justice Practice Forum in July this year, using an e-platform.

Our Deep Appreciation

106. It leaves me now to do a very important thing, and that is, to convey my deepest appreciation.

107. Thank you, each officer and staff in FJC. I have heard instances of parties who come to our courts with highly charged emotions – and how your patience and steady hand made a big difference to them. Your work and commitment encourages me, and so many others. Thank you for pressing on no matter how challenging the work is.

108. To the Family Bar and our Child Representatives – I respect your fortitude in giving so much to our families, to protect our children, and being the voice of assurance and good counsel to our families. Thank you for working with us in so many important ways.

109. To our partners in the various agencies, thank you for your supportive collaboration in many of our initiatives. You and FJC, working together, form the foundation of our multi-disciplinary system.

110. Finally I must add that our Chief Justice Menon’s leadership has been absolutely inspiring to us who work in this area; his vision and heart for family justice is always most palpable.

111. I thank you all very deeply. May good health and good cheer be yours. Thank you very much.

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