

# Therapeutic Justice

Through the lens of therapeutic justice, the legal system epitomises an ethos of care in helping families heal and move forward.

# CONTINUED ENGAGEMENT OF THE ADVISORY AND RESEARCH COUNCIL



The FJC is ramping up efforts to bolster the adoption of therapeutic justice in family law.

**T**he Family Justice Courts (FJC) established the Advisory and Research Council (ARC) on Therapeutic Justice on 1 July 2020. Comprising leading international Therapeutic Justice (TJ) experts, the ARC was formed to assist in the FJC's efforts to adopt and advance a TJ approach to family justice and practice.

ARC members have been instrumental in shaping the FJC's TJ narrative. One key initiative they helped design was the Multi-Disciplinary Team (MDT) Pilot, which was initiated in September 2020. High-needs and high-conflict cases were identified and triaged at an early stage of the court proceedings and assigned to MDTs, each consisting of Judges,

Judge-Mediators, Court Family Specialists and Case Managers who dealt with these cases using a problem-solving and non-adversarial approach. A total of 25 cases were assigned to the Pilot, which will conclude in 2022.

In 2021, the ARC provided guidance in compiling relevant TJ reading materials for local law schools. It also provided training to FJC Judges and family law practitioners on TJ methods, practices and techniques.

The ARC will continue to work closely with the FJC to operationalise TJ more fully in the family justice system.



FNE seeks to help parties undergoing divorce proceedings reach a consensual settlement of their disputed financial matters.

## FAMILY NEUTRAL EVALUATION

In October 2021, the FJC launched the Family Neutral Evaluation (FNE) pilot to increase the suite of alternative dispute resolution options available for parties undergoing divorce proceedings in court.

Under the pilot, FNE is voluntary and offered for suitable cases where the issues in dispute relate to financial ancillary matters such as maintenance and the division of matrimonial assets. A neutral Evaluator provides divorcing parties with a non-binding indication of the likely outcomes should the matters proceed for adjudication. This evaluation serves as a basis for parties to achieve a consensual settlement of their disputed financial matters. Evaluators are drawn from the FJC's pool of judges (serving and retired) in the Family Dispute Resolution Division.

A review will be conducted when the pilot concludes at the end of 2022 to assess its effectiveness, with a view to include FNE as a permanent dispute resolution alternative in the FJC.

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# REFRAMING TEACHING AND LEARNING

## Family Therapeutic Justice Certification Programme

Following the recommendations of the Review and Enhance Reforms in the Family Justice System (RERF) Committee, a working group comprising representatives from the Singapore Academy of Law, the Family Justice Courts (FJC) and the Law Society of Singapore's Family Law Practice Committee collaborated to conceptualise a voluntary certification programme for family law practitioners. Known as the Family Therapeutic Justice Certification Programme, it aims to equip them with relevant multi-disciplinary specialist skillsets.

A total of 40 family law practitioners attended and completed the first run of the programme, which was conducted by the Singapore Academy of Law in October/November 2021. The second run is projected to take place in the fourth quarter of 2022.

## Conversation Circles on Therapeutic Justice

As part of the revamped curriculum for its Judiciary-Wide Induction Programme, the Singapore Judicial College introduced 'Conversation Circles' to encourage the sharing of judicial perspectives on why judges do the work they do. Some of these sessions focused on Therapeutic Justice (TJ). The Presiding Judge of the FJC, Justice Debbie Ong, engaged in Conversation Circles with newly-appointed judges and shared the FJC's perspective on what TJ is, why the role of FJC judges encompasses practising TJ, and the practical implications of TJ in action.

The FJC is engaging in efforts to advance therapeutic justice among family law practitioners and newly-appointed judges.



A programme involving the FJC-ISCA Panel of Financial Experts was piloted in 2021.

# DELIVERING THERAPEUTIC JUSTICE IN MATRIMONIAL MATTERS

In December 2020, the FJC signed a Memorandum of Understanding with the Institute of Singapore Chartered Accountants (ISCA) to form a Panel of Financial Experts made up of ISCA members who will provide neutral valuation reports in Family Court proceedings. A pilot programme was launched in 2021 and has since concluded. Revisions were made to the key documents and workflows for implementation with a view of relaunching the scheme.

The scheme seeks to promote resolution amongst parties in a non-adversarial manner and save costs for all involved, so that they can find a financially sustainable way forward. Such neutral valuation reports will facilitate and enable a more amicable resolution of matrimonial issues, which is core to the delivery of TJ.

This scheme was neatly summarised in the case of *VZD v VZE* [2022] SGFC 1, where the Court highlighted that a financial expert would assist the Court and the Parties by providing an equitable and objective valuation of the matrimonial assets under contest, thereby allowing justice to be administered more effectively and efficiently.

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# RAISING AWARENESS OF THERAPEUTIC JUSTICE



District Judge Lim Choi Ming was featured in a Yahoo! News clip about the FJC.

## Media Pitch to Yahoo!

As part of the Courts' efforts to demystify the Judiciary and provide insights on the inner workings of the Courts, the former Office of Public Affairs (OPA) of the Supreme Court and the Family Justice Courts (FJC) worked with Yahoo! News Singapore on a story about the role of Judge-Mediators in resolving marital and familial disputes.

District Judge (DJ) Lim Choi Ming took the news crew on a journey inside the FJC, where she talked about her mediation work to help parties reach an amicable solution and avoid bitter court battles, and how this is integral to the concept of Therapeutic Justice (TJ). She candidly shared the types of cases that affected her the most, her observations on the trends in FJC cases, and how her work affected her views on marriage.

For instance, DJ Lim recalled a case involving a young couple who had filed for protection orders against each other and called on their family members to testify. Through mediation, she was able to diffuse the tension and persuaded the couple to work on their marriage with their parents' help. This experience was deeply moving for DJ Lim because she realised that the Family Court can be a place where healing happens, instead of merely dispensing the law. DJ Lim noted that a wise judge once told her, "You can have a bad marriage, but you can have a good divorce."

## Emily's Day in the Family Justice Courts

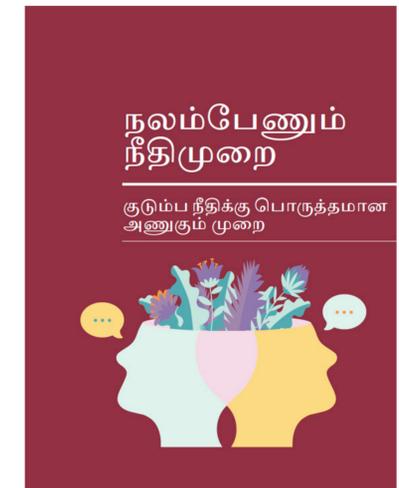
Coming to court can be an intimidating and overwhelming experience for children. To help young court users better understand the possible situations they may encounter or hear about in a Family Court proceeding, the FJC produced a children's video titled "Emily's Day in the Family Justice Courts".

In the animated video, little Emily visits the FJC with her parents who are filing for divorce. Emily is guided by Renee, a Court Family Specialist, who shows her around and assures Emily that she can safely share her feelings, needs and wishes in court to alleviate her stress and fear.

This is a free resource that family lawyers and parents may wish to tap on to prepare children who need to attend court at the FJC.



A YouTube video produced by the FJC shows a young character, Emily, being shown around the premises.



Brochures on therapeutic justice are available in all four official languages for members of the public.

## Translation of Collaterals in Vernacular Languages

In her FJC's Work Plan speech in 2020, Justice Debbie Ong introduced a renewed vision of family justice guided by the principles of TJ. She highlighted that family cases are special in nature and require a different case-management approach, where concerned parties must keep an open mind and work together to cultivate the best solutions for the benefit of all family members.

In line with this new approach, the former OPA produced a brochure and video on TJ in English and our three official vernacular languages for court users' awareness. Subsequently, the language team was also roped in to provide subtitles for the video in the three official vernacular languages.

These translated works enable the FJC's TJ vision to reach out to a wider audience and facilitate court users to better understand the TJ approach and manage their cases in the FJC for positive outcomes.