

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE

ePRACTICE DIRECTION NO. 1 OF 2011

**TRANSFER OF PROCEEDINGS UNDER
THE INTERNATIONAL CHILD ABDUCTION ACT 2010
TO THE DISTRICT COURT**

1. The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of International Child Abduction Proceedings to District Court) Order 2011 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which will come into operation on 1 March 2011 (“the Transfer Order”).
2. Pursuant to the Transfer Order, any proceedings under the International Child Abduction Act 2010 (Act 27 of 2010) (“ICAA”) commenced in the High Court on or after 1 March 2011 shall be transferred to and be heard and determined by a District Court.
3. This Practice Direction will take effect on 1 March 2011.
4. A complete and updated version of *The Subordinate Courts Practice Directions (2006 Ed.)* may be downloaded in .PDF Adobe Acrobat format at the “Legislation and Directions” section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.
5. For manual and loose-leaf updating, the specific new and amended paragraphs and the directions for amendments may also be downloaded at the “Legislation and Directions” section of the Subordinate Courts website at <http://www.subcourts.gov.sg>.

Dated this 25th day of February 2011.



HOO SHEAU PENG
REGISTRAR
SUBORDINATE COURTS

Directions for Amendments

- (1) The new Part XB of the Table of Contents should be inserted immediately after Part XA of the Table of Contents.
- (2) The existing Table of Contents from the page containing Appendix A to be removed and the new amended pages of the Table of Contents substituted therefor.
- (3) The existing Appendix A to be removed and the new amended Appendix A substituted therefor.
- (4) The new Paragraphs 116S to 116X should be inserted immediately after the existing Paragraph 116R.
- (5) The new Forms 39I to 39N should be inserted immediately after the existing Form 39H.
- (6) The existing Appendix I to be removed.

PART XB

TRANSFER OF PROCEEDINGS UNDER THE INTERNATIONAL CHILD ABDUCTION ACT 2010 TO DISTRICT COURT

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PRACTICE DIRECTIONS ISSUED TO AMEND THE SUBORDINATE COURTS PRACTICE DIRECTIONS (2006 ED.)

As at 25 February 2011

The following Practice Directions are issued to amend The Subordinate Courts Practice Directions (2006 Ed.):

1. ePD 1 of 2006 Change to Mode of Commencement of Matrimonial Proceedings
2. ePD 2 of 2006 Amendment of Originating Processes, Pleadings and Documents
3. ePD3 of 2006 (1) Amendments to the Rules of Court
(2) Pre-action Protocol for Medical Negligence Claims
4. ePD1 of 2007 Interest on Judgments, Costs and under Order 30, Rule 6(2)
5. ePD2 of 2007 Request for Digital Audio Recording and Transcription Service
6. ePD3 of 2007 Service, Adjournment/Vacation, Attendance before Duty Registrar & Affidavits for Ancillary Matters Hearing
7. ePD4 of 2007 Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings, and Proceedings Pursuant to Section 17A(2) of the Supreme Court of Judicature Act (Cap. 322) to the District Court

8. ePD1 of 2008 (1) FIDREC Pre-action Protocol for the Management and Resolution of Low-value Non-Injury Motor Accident Claims
(2) Expedited Writ Track
9. ePD2 of 2008 Applications for Grants of Probate or Letters of Administration in respect of Deaths occurring on or after 15 February 2008
10. ePD1 of 2009 Discovery and inspection of electronically stored documents
11. ePD2 of 2009 Removal of requirement to submit the original death certificate and inheritance certificate pursuant to the electronic filing of the originating summons; and removal of reference to the caveat book and substitution of term of reference in accordance with Order 71 rule 5(2A)
12. ePD3 of 2009 Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353, 1997 Revised Edition) where Attendance of Counsel and Parties may be Dispensed With.
13. ePD1 of 2010 Transfer of Mental Capacity Proceedings to the District Court.
14. ePD2 of 2010 (1) Changes to Status Conference & Pre-Trial Conference Processes in Proceedings in the Family Court
(2) Alternative Dispute Resolution (ADR) Form for Summons for Directions Hearing Pursuant to Order 25
15. ePD3 of 2010 (1) Substituted Service
(2) Use of electronic and other devices
16. ePD4 of 2010 Uncontested Matrimonial Proceedings under Part X of the Women's Charter (Cap 353) Where Attendance of Counsel and Parties May Be Dispensed With
17. ePD 5 of 2010 Mental Capacity Proceedings

18. ePD1 of 2011 Transfer of Proceedings under the International Child Abduction Act 2010 to the District Court

PART XB

**TRANSFER OF PROCEEDINGS UNDER THE INTERNATIONAL CHILD
ABDUCTION ACT 2010 TO DISTRICT COURT**

**116S. Transfer of proceedings under the International Child Abduction Act 2010
to District Court**

- (1) The Honourable the Chief Justice has made the Supreme Court of Judicature (Transfer of International Child Abduction Proceedings to District Court) Order 2011 under section 28A of the Supreme Court of Judicature Act (Cap. 322), which came into operation on 1 March 2011 (“the Transfer Order”).
- (2) Pursuant to the Transfer Order, any proceedings under the International Child Abduction Act 2010 (Act 27 of 2010) (referred to in this Part as “ICAA”) commenced in the High Court on or after 1 March 2011 shall be transferred to and be heard and determined by a District Court.
- (3) A sub-registry of the Registry of the Supreme Court (referred to in these Directions as the “sub-registry of the Supreme Court”) and a sub-registry of the Subordinate Courts (referred to in these Directions as the “sub-registry of the Subordinate Courts”) have been set up in the Family and Juvenile Court Building at No. 3 Havelock Square (“the Family and Juvenile Court”).

116T. Documents to be filed at the sub-registries at the Family and Juvenile Court

- (1) All documents relating to proceedings under the ICAA which are to be heard and determined by the Subordinate Courts shall be filed at the sub-registries at the Family and Juvenile Court.
- (2) All processes to commence proceedings under the ICAA on or after 1 March 2011 shall be filed at the sub-registry of the Supreme Court and shall bear the title “In the High Court of the Republic of Singapore”.
- (3) An originating summons to commence proceedings under section 8 of the ICAA in the Subordinate Courts shall be in Form 39I of Appendix B.
- (4) An originating summons to commence proceedings under section 14 of the ICAA in the Subordinate Courts shall be in Form 39J of Appendix B.
- (5) The plaintiff’s or applicant’s affidavit in support of the originating summons under both section 8 (Form 39K of Appendix B) and section 14 (Form 39L of Appendix B) shall bear the title “In the High Court of the Republic of Singapore”.
- (6) All subsequent applications and documents in or ancillary to proceedings under the ICAA shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.
- (7) All applications and supporting documents to vary any order of the Subordinate Courts in proceedings under the ICAA shall be filed at the sub-registry of the Subordinate Courts and shall bear the title “In the Subordinate Courts of the Republic of Singapore”.

116U. Service of application on named defendants

- (1) Order 102, rule 7 of the Rules of Court requires the plaintiff to serve the application, together with each affidavit or other document filed in support of the application, on each person named as a defendant in the proceedings.
- (2) Service on a named defendant shall be by way of personal service, unless directed otherwise by the Court.

116V. The plaintiff's supporting affidavit

- (1) The affidavit to be filed by the plaintiff or applicant in support of an application under section 8 of the ICAA shall be in Form 39K of Appendix B.
- (2) The affidavit to be filed by the plaintiff or applicant in support of an application under section 14 of the ICAA shall be in Form 39L of Appendix B.

116W. Applications subsequent to the filing of the originating summons in proceedings under the ICAA

All applications subsequent to the filing of the originating summons in any ICAA proceedings shall be made by way of Summons in Form 39M of Appendix B.

116X. Form of Order of Court

An order of Court in any ICAA proceedings shall be in Form 39N of Appendix B and shall be signed by the Registrar.

Form 39I

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 8 OF
THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)
(Seal))

In the Matter of Section 8 of the International Child
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*]
(ID No.:)

Between

(ID No.:) ... Plaintiff/Applicant*

And

(ID No.:) ... Defendant*

ORIGINATING SUMMONS

To : The Defendant(s)
 [*Name*]
 of [*Address*]*

Let all parties concerned attend before the Judge on (date/time), on the
hearing of an application by the plaintiff/applicant* that:-

1. That [*name of child*] be returned to the child's place of habitual residence
 which is [*country*];

2. That the defendant/[*name of person*]* do hand over the child to the plaintiff/applicant* or his or her appointed representative, [*name of representative*], or [*person ordered by the court*] within ___ days from the date of this order;
3. That the defendant/[*name of person*]* do hand over the child and the child's passport and all relevant travelling documents to the plaintiff/applicant* or his or her appointed representative, [*name of representative*], or [*person ordered by the court*] within ____ days from the date of this order;
4. Any such further or other order as this Honourable Court deems fit;
5. Costs.

Dated this day of 20

Registrar

Memorandum to be subscribed on the summons

1. *This summons is taken out by _____ of _____ solicitor for the said plaintiff/applicant* whose address is _____ (or where the plaintiff/applicant* sues in person) This summons is taken out by the said plaintiff/applicant* who resides at _____ and is (stated occupation) and (if the plaintiff/applicant* does not reside within the jurisdiction) whose address for service is _____*
2. *If you intend to contest the application or any part of it, you are required to file an affidavit stating the grounds of your objection within 14 days of service after the date on which you were served with this summons.*
3. *If you do not attend personally or by your counsel or solicitor at the time and place stated in this summons, such order may be made as the Court may think just and expedient.*
4. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
5. *Where the plaintiff/applicant* intends to adduce evidence in support of an originating summons he must do so by affidavit, and must file the affidavit or affidavits and serve a copy thereof on every defendant together with the service of the originating summons.*

*Delete where inapplicable.

Form 39J

**ORIGINATING SUMMONS FOR PROCEEDINGS UNDER SECTION 14 OF
THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)
(Seal))

In the Matter of Section 14 of the International Child
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*] (ID No.:)

Between

(ID No.:) ... Plaintiff/Applicant*

And

(ID No.:) ... Defendant

ORIGINATING SUMMONS

To : The Defendant(s)
 [*Name*]
 of [*Address*]*

Let all parties concerned attend before the Judge on (date/time), on the
hearing of an application by the plaintiff/applicant* for:-

1. A declaration that the removal of [*name of child*] from Singapore or the retention of [*name of child*] outside Singapore was wrongful within the meaning of the Convention on the Civil Aspects of International Child Abduction (“the Convention”);

Form 39K

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER
SECTION 8 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)
(Seal))

In the Matter of Section 8 of the International Child
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*]
(ID No.:)

Between

(ID No.:) ... Plaintiff/Applicant*

And

(ID No.:) ... Defendant*

AFFIDAVIT

I, [*Name of deponent*], of [*address of deponent*], do make oath (or affirm)* and say as follows:

1. I am the Plaintiff/Applicant* and I make this affidavit in support of my application.

Details concerning the child

2. The child, [*full name*], was born on [*date*].

3. The habitual residence of the child immediately prior to the removal or retention of the child was _____, a convention country.
4. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
5. The child is now residing with [full name], [relationship, if any, to child], at [address].

Details of parties

6. [Please state the details of parties and the relationship between the parties and the child.]

Details concerning child's custodian

7. The plaintiff/applicant* has rights of custody in respect of the child by reason of the following factual and legal circumstances :

[Include details of any custody order.]

8. The child was removed or retained on [date] in the following circumstances:

[Include details of removal or retention.]

9. The following are particulars of pending court proceedings concerning the child :

[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

Attachments

10. I attach herewith a copy of the request for the return of the child filed with the Central Authority of Singapore marked “ _____ ”.

11. I also attach herewith the following documents in support of my application:-

[Identify, attach and mark relevant documents:]

- (a) *certified copy of relevant order or judgment concerning rights of custody, care and control;*
- (b) *certified copy of any relevant agreement relating to the custody of the child;*
- (c) *certificate or affidavit as to the applicable law;*
- (d) *any other documents relating to the child.]*

If the child has been removed or retained for more than 12 months

12. The child was removed or retained more than 12 months ago. The reason for the delay in this application is as follows:

[*State reasons.*]

13. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED)* by the)
 Plaintiff/Applicant* at)
 on the day of)
 20)
 Through the interpretation of (name and)
 designation of person who interpreted) in)
 (language of interpretation)*)

Before me,

A Commissioner for Oaths

**Delete where inapplicable*

Form 39L

**PLAINTIFF/APPLICANT'S AFFIDAVIT FOR PROCEEDINGS UNDER
SECTION 14 OF THE INTERNATIONAL CHILD ABDUCTION ACT 2010**

IN THE HIGH COURT OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)
(Seal))

In the Matter of Section 14 of the International Child
Abduction Act (Act 27 of 2010)

And

In the Matter of [*name of child*] (ID No.:)

Between

(ID No.:) ... Plaintiff/Applicant*

And

(ID No.:) ... Defendant*

AFFIDAVIT

I, [Name of deponent], of [address of deponent], do make oath (or affirm)* and say as follows:

1. I am the Plaintiff/Applicant* and I make this affidavit in support of my application.

Details concerning the child

2. The child, (full name), was born on [*date*].

3. The habitual residence of the child immediately prior to the removal or retention of the child was _____, a convention country.
4. The child has been wrongfully removed or retained from the country referred to in Paragraph 3.
5. The child is now residing with [full name], [relationship, if any, to child], at [address].

Details of parties

6. [Please state the details of the parties and the relationship between the parties and the child.]

Details concerning child's custodian

7. The plaintiff has rights of custody in respect of the child by reason of the following factual and legal circumstances :

[Include details of any custody order.]

8. The child was removed or retained on [date] in the following circumstances :

[Include details of removal or retention.]

9. The following are particulars of pending court proceedings concerning the child:

[Set out brief particulars of any court proceedings (including proceedings outside Singapore and concluded proceedings, whether in or outside Singapore) relating to the child and of any orders made in any such proceedings (including interim orders) and the court in which the proceedings are conducted.]

Or

There are no pending court proceedings concerning the child.

Attachments

10. I attach herewith a copy of the request made by the requesting judicial or administrative authorities referred to in Articles 15 of the Convention marked “ _____ ”.

11. I also attach herewith the following documents in support of my application:-

[Identify, attach and mark relevant documents:

- (a) certified copy of relevant order or judgment concerning rights of custody care and control;*
- (b) certified copy of any relevant agreement relating to the custody of the child;*
- (c) any other documents relating to the child.]*

12. I am praying for order in terms of the prayers sought in my application.

SWORN (or AFFIRMED) by the)
Plaintiff/Applicant* at)
on the day of)
20)

Through the interpretation of (name and)
designation of person who interpreted) in)
(language of interpretation)*)

Before me,

A Commissioner for Oaths

**Delete where inapplicable*

Form 39M

**SUMMONS UNDER THE INTERNATIONAL CHILD
ABDUCTION ACT 2010**

(Title as in cause or matter.)

SUMMONS

1. Date and Time of Hearing before Judge in Chambers/Registrar*
(*to be completed by the court*)
Date of hearing: [Date]
Time of hearing: [Time]
2. Orders Applied For: [Set out orders applied for.]
3. Grounds of application
[Choose one of the following]
 - (a) The grounds of the application are set out in the affidavit(s) filed in support of this application.
 - (b) The grounds of the application are set out herein.
4. Party/Parties* to be served with this Summons
[Insert party to be served with summons e.g. spouse, parents, etc.]
5. Consent*
I/We* hereby consent to this Summons.

Signature: [Signature of consenting party]

[Name and NRIC No. of Party Consenting to this Summons/Name of the Solicitor of Party Consenting to this Summons.*]:

This Summons is taken out by [*to state name of party/applicant filing this summons*]

Signed:

Registrar:

Date:

* Delete where inapplicable.

Form 39N

**ORDER OF COURT UNDER THE INTERNATIONAL CHILD ABDUCTION
ACT 2010**

(Title as in cause or matter.)

ORDER OF COURT

1. Date of order

2. Nature of Hearing (in Chambers)
Summons No./Nos*: [*to state number*]

3. Name of Registrar/Judge* Making the Order
[*to state name*]

4. Parties Present at the Hearing
[*Choose one or more of the following*]
 - (a) Plaintiff/Applicant*
 - (b) Plaintiff's/Applicant's Counsel*
 - (c) Defendant*
 - (d) Defendant's Counsel*
 - (e) Other Party (to specify)*

5. Orders Made (By Consent*)

Signed:

Registrar:

Date:

* Delete where inapplicable.