

IN THE SUBORDINATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 5 OF 2013

It is hereby notified for general information that, with effect from 5 July 2013, the Subordinate Courts Practice Directions will be amended as follows:

- (a) the following new paragraph 91A will be inserted immediately after the existing paragraph 91:

New paragraph 91A

- (b) the following new Form 22A will be inserted immediately after the existing Form 22 in Appendix B:

New Form 22A of Appendix B

- (c) the existing paragraph 125 will be deleted and replaced by the following paragraph 125:

New paragraph 125

2. The new paragraph 91A and Form 22A provide for mandatory counselling and mediation sessions at the Child-Focused Resolution Centre in the Family Justice Division in proceedings for divorcing parents who have children below 14 years of age.

3. The new paragraph 125 introduces certain changes to the procedure concerning the execution by the Bailiff of Writs of Execution.

Dated this 2nd day of July 2013.



JENNIFER MARIE
REGISTRAR
SUBORDINATE COURTS

91A. Mandatory Counselling & Mediation

- (1) Section 50(3A) of the Women's Charter (Cap. 353) provides for mandatory counselling / mediation sessions at the Child-Focused Resolution Centre ("CFRC"). The first phase, beginning in September 2011, was for divorcing parents with any child or children below 8 years of age. The second phase, involving divorcing parents with any child or children below 14 years of age, will be implemented for cases filed as from 1 July 2013.
- (2) Notice(s) of attendance will be sent to the plaintiff and defendant of the divorce proceedings. Attendance at the CFRC by the parties is compulsory. Attendance by the parties' respective counsel, if any, is required only when specifically stated in the notification.
- (3) Counsel and parties are required to attend a CFRC Conference for a preliminary discussion of the issues relating to the child or children of the marriage. The purpose is to crystallise the issues on matters relating to the child or children and to agree on mutually convenient dates for the parties to attend counselling / mediation at CFRC. Any unresolved issue relating to the divorce (including any ancillary issues such as the question of maintenance or the division of matrimonial assets) may also be discussed.
- (4) Counsel and parties are expected to come prepared to discuss all issues relating to or impacting the child or children.
- (5) Immediately after the CFRC Conference, the parties alone will attend an Intake and Assessment Session with their assigned Family Counsellor.
- (6) Subsequent counselling sessions involving only the parties, may be fixed by the assigned Family Counsellor and the parties.
- (7) A Mediation or Joint Conference date will be given to the parties and counsel at the CFRC Conference if appropriate for the case. It is important that parties attend on the dates given and use the opportunity to discuss and resolve the issues with the help of a Judge-Mediator and/or Family Counsellor. Counsel and parties are to prepare a Summary for Mediation in Form 22A of Appendix B prior to the mediation or joint conference for submission and discussion during the mediation or joint conference.
- (8) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their lawyers (if any). Where interim judgment has been granted, the agreement will be recorded as a consent order by the Judge-Mediator at a subsequent mediation session upon confirmation of the terms.

- (9) Where interim judgement for divorce has been granted, any agreement reached by the parties at any time may be recorded as a consent order by the Judge–Mediator or any other Judge sitting as a Judge in Chambers.
- (10) Under section 50(3B) of the Women’s Charter, the court may dispense with the attendance of the parties at mediation/counselling if it deems that it is not in the interests of the parties concerned to do so (e.g. where family violence has been committed or where Child Protection Services is involved in the case).
- (11) Counsel should advise his/her client of the consequences of non-attendance under section 50(3D) and (3E) of the Women’s Charter.

Form 22A

SUMMARY FOR MEDIATION

_____ (Plaintiff) vs _____ (Defendant)
(Title as in action)

Party Filing this Summary: Plaintiff / Defendant*

A. CHILDREN ISSUES:

No of Children: _____

Age of Children: _____

(1) **Custody**

State what this party wants regarding custody: Sole / Joint*

(2) **Care and Control**

State which party to be awarded care and control: Plaintiff / Defendant*

(3) **Access**

(a) State what this party wants regarding access if:

(i) he / she* is the parent with care and control

(ii) he/she* is not the parent with care and control

(b) Proposed handover venue and person to hand over the children:

B. DIVISION OF MATRIMONIAL ASSETS:

(1) **Matrimonial Home**

Address of matrimonial home: _____

Current value: _____

(Estimated Value/Valuation Report Value)

Outstanding loan amount: _____

CPF - Plaintiff _____ (Principal) _____ (Interest) = _____ (Total)

CPF - Defendant _____ (Principal) _____ (Interest) = _____ (Total)

- (2) **Direct financial contributions towards purchase, mortgage, renovations, property tax, conservancy, maintenance, repairs:**

- (3) **Indirect contributions:**

State other payments made (e.g. towards household bills, groceries, children's expenses): _____

- (4) **Length of marriage:** _____ years _____ months

- (5) **Proposal for Division:** _____

- (6) **Other Assets**

State other assets and nature of claim: _____

State what percentage or monetary amount or claim this party wants as regards above assets: _____

C. MAINTENANCE

State occupation: _____

State income (nett): _____

- (1) **Maintenance of children**

State expenses and amount claimed/proposed: _____

- (2) **Maintenance of wife**

State expenses and amount claimed/proposed: _____

D. OTHER ISSUES (IF ANY)

125. Writs of execution & writs of distress – movable property

(1) Bailiff to inform execution debtor of the seizure and/or sale

Prior to the seizure and/or sale, the Bailiff will notify the execution debtor, as far as is practicable, of the impending seizure and/or sale.

(2) Execution creditor or his authorised representative to be present at the seizure and/or sale

(a) The execution creditor or his authorised representative must be present with the Bailiff at the appointed date and time of any seizure and/or sale.

(b) If the execution creditor or his authorised representative is absent at the appointed date and time of the seizure and/or sale, the execution creditor shall be deemed to have abandoned the same.

(3) Requests for the Bailiff's ad hoc attendance

(a) If any person requires the Bailiff to attend at any place in connection with any order of court or writ of execution or writ of distress, that person must submit a request by filing Form 42 of Appendix B at the Bailiffs Section.

(b) The fees prescribed in Item No. 117 of Appendix B to the Rules of Court shall be payable in respect of any such attendance by the Bailiff.

(4) Effecting entry into premises

Where the execution creditor requests the Bailiff to exercise his powers of entry into the premises of the execution debtor, the following conditions shall apply:

(a) save in special circumstances, entry shall only be effected on the second or subsequent appointment or attempt;

(b) the Bailiff may, in any case, refuse to effect the entry without assigning any reason; and

(c) the execution creditor shall at his expense, upon the direction of the Bailiff, engage any security personnel, locksmith or any other person or facility as the Bailiff deems appropriate to assist in effecting entry into the premises and the execution process.

(5) Valuation Report

The execution creditor or his solicitors shall, at the Bailiff's request, furnish a written valuation report of the item(s) that is/are the subject matter of the seizure.

(6) Auctions

(a) Scheduled auctions

If a scheduled auction is not proceeded with, or is abandoned due to the absence of the execution creditor or his authorised representative, the Bailiff may at his discretion release any or all of the items seized.

(b) **Sale by auctioneer**

Where the value of the property seized is estimated by the Bailiff to not exceed \$2,000, the auction shall be carried out by an authorised auctioneer engaged by the execution creditor, and all costs and expenses incurred in connection with the auction shall be borne by the execution creditor and may be added to the judgment debt.