

IN THE STATE COURTS OF THE REPUBLIC OF SINGAPORE
PRACTICE DIRECTIONS
AMENDMENT NO. 7 OF 2014

It is hereby notified for general information that, with effect from 1st October 2014, the State Courts Practice Directions will be amended as follows:

- (a) The title to Part X will be deleted and replaced with the following title:
 “Part X. Proceedings in the Family Justice Courts: Divorce, Matrimonial Causes, Guardianship of Infants, Adoption and Proceedings Pursuant to Section 17A(2) of the Supreme Court of Judicature Act”;
- (b) the existing paragraphs specified in the first column of the table below will be deleted and replaced with the new paragraphs specified opposite thereto in the second column:

<i>First Column Existing paragraph</i>	<i>Second Column New paragraph</i>
10	<u>10</u>
81	<u>81</u>
82	<u>82</u>
83	<u>83</u>
84	<u>84</u>
85	<u>85</u>
86	<u>86</u>
89	<u>89</u>
90	<u>90</u>
	<u>90A</u>
91	<u>91</u>
92	<u>92</u>
93	<u>93</u>
95	<u>95</u>
96	<u>96</u>
97	<u>97</u>
101	<u>101</u>
101A	<u>101A</u>
111	<u>111</u>
112	<u>112</u>
113	—
113A	<u>113A</u>
113B	—
113C	<u>113C</u>
113D	<u>113D</u>
113E	<u>113E</u>
113F	<u>113F</u>
113G	<u>113G</u>
113H	<u>113H</u>

<i>First Column Existing paragraph</i>	<i>Second Column New paragraph</i>
113I	113I
113J	113J
113K	113K
113L	113L
113M	113M
113N	113N
113O	113O
113P	113P
113Q	113Q
113R	113R
114	114
135	135
138A	138A
142A	142A
149	149
156	156

- (c) the following new Forms 16 and 17 will be inserted immediately after Form 14 in Appendix B:

[New Forms 16 and 17 in Appendix B](#)

- (d) the existing Forms specified in the first column of the table below will be deleted and replaced with the new Forms specified opposite thereto in the second column:

<i>First Column Existing Form in Appendix B</i>	<i>Second Column New Form in Appendix B</i>
—	16
—	17
18	18
19B	19B
20	20
	21
21A	—
21B	—
22	22
24A	24A
24B	24B
24C	24C
26A	26A
26B	26B
28	28
28A	28A
28B	28B
34B	34B
34C	34C

<i>First Column Existing Form in Appendix B</i>	<i>Second Column New Form in Appendix B</i>
34D	34D
34E	34E
34F	34F
35	35
35A	35A
	35A(1)
35B	35B
35C	35C
35D	35D
35E	35E
	35F
38A	38A
38B	38B
38C	38C
38D	38D
55	55
59	59

- (e) the existing Appendix K will be deleted and replaced with the following new Appendix K:

[*New Appendix K*](#)

2. Pending the enactment of rules under the Family Justice Act 2014 and new practice directions in connection with such rules, the paragraphs and Forms introduced by these amendments to the State Courts Practice Directions will apply to proceedings in the Family Justice Courts with effect from 1st October 2014 until further notice.

3. Minor consequential amendments are made to paragraphs 10, 135, 138A, 142A, 149 and 156 and Forms 55 and 59 of Appendix B arising from the establishment of the new Family Justice Courts.

Dated this 30th day of September 2014.



JENNIFER MARIE
REGISTRAR
STATE COURTS

10. Personal service of processes and documents

- (1) The attention of solicitors is drawn to Order 62, Rule 2(1) of the Rules of Court which provides:

“Personal service must be effected by a process server of the Court or by a solicitor or a solicitor's clerk whose name and particulars have been notified to the Registrar for this purpose:

Provided that the Registrar may, in a particular cause or matter, allow personal service to be effected by any other named person and shall, in that case, cause to be marked on the document required to be served personally, a memorandum to that effect.”
[*emphasis added*]

- (2) Solicitors are therefore required to notify the Civil Registry of the particulars, and any change thereof, of such clerks who have been authorised by them to serve processes and documents by filing Form 3 in Appendix B. Notifications under the previous Subordinate Courts Practice Directions (in force immediately before 7 March 2014) will be treated as being notifications under this sub-paragraph. Solicitors' clerks do not require the authorisation of the Registrar to effect personal service of processes and documents.
- (2A) In respect of the Family Justice Courts, notifications under the previous Subordinate Courts Practice Directions (in force immediately before 7th March 2014) and State Courts Practice Directions on or after 7th March 2014 but before 1st October 2014 will be treated as being notifications to the Registrar of the Family Justice Courts.
- (3) In view of the alternative modes providing for personal service to be effected by a solicitor or a solicitor's clerk, Court process servers will not be assigned to effect personal service of processes and documents unless there are special reasons.
- (4) If it is felt that there are special reasons requiring personal service by a Court process server, a Request for such service should be filed through the Electronic Filing Service, setting out the special reasons. The approval of the Duty Registrar should then be obtained for such service. Once approval has been obtained, the documents for service should be presented at the counter designated for this purpose. A process server will then be assigned to effect service and an appointment for service convenient to both the litigant and the assigned process server will be given.
- (5) On the appointed date, the person accompanying the process server should call at the Civil Registry. The amount required for the transport charges of the process server (a record of which will be kept) should be tendered, or, alternatively, the process server

in question should be informed that transport for him will be provided. The Civil Registry will then instruct the process server to effect service.

- (6) Under no circumstances should any payment be made directly to the process server.

**PART X. Proceedings in the Family Justice Courts:
Divorce, Matrimonial Causes, Guardianship of Infants,
Adoption and Proceedings Pursuant to Section 17A(2) of
the Supreme Court of Judicature Act”;**

81. Subsidiary legislation applicable in the Family Justice Courts

- (1) In accordance with the Family Justice Act 2014, the Family Justice Courts is constituted on 1st October 2014.
- (2) Pending the enactment of the Family Justice Rules pursuant to the Family Justice Act 2014, the following subsidiary legislation shall apply to the proceedings in the Family Justice Courts with effect from 1st October 2014.

Subsidiary Legislation	Type of Proceedings in Family Justice Courts	Court it applies to
Rules of Court (Cap. 322, R 5)	Section 53 of Administration of Muslim Law Act (Cap. 3) Adoption of Children Act (Cap. 4) Guardianship of Infants Act (Cap. 122) Inheritance (Family Provision) Act (Cap. 138) International Child Abduction Act (Cap. 143C) Intestate Succession Act (Cap. 146) Legitimacy Act (Cap. 162) Mental Capacity Act (Cap. 177A) Mental Health (Care and Treatment) Act (Cap. 178A) Status of Children (Assisted Reproduction Technology) Act 2013 Section 17A(2) of Supreme Court of Judicature Act (Cap. 322)	Family Courts, Family Division of the High Court

Subsidiary Legislation	Type of Proceedings in Family Justice Courts	Court it applies to
	Voluntary Sterilization Act (Cap. 347) Section 59 of Women's Charter (Cap. 353)	
Criminal Procedure Code (Cap. 68)	Section 53 of Administration of Muslim Law Act (Cap. 3) Children and Young Persons Act (Cap. 38) Part VII and Part VIII of Women's Charter (Cap. 353) Section 10 of Maintenance of Parents Act (Cap. 167B) Maintenance Orders (Facilities for Enforcement) Act (Cap. 168) Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169)	Family Courts, Youth Courts, Family Division of the High Court
Women's Charter (Matrimonial Proceedings) Rules (Cap. 353, R 6) and Women's Charter (Garnishee Proceedings) Rules (Cap. 353, R 4)	Part VIII and Part X of Women's Charter (Cap. 353)	Family Courts, Family Division of the High Court

82. Documents to be filed at the Registry of the Family Justice Courts

- (1) Subject to paragraph (3), all documents filed on or after 1st October 2014 relating to the proceedings pursuant to the following legislation are to be filed in the Family Justice Courts Registry:
 - (a) section 53 of Administration of Muslim Law Act (Cap. 3);
 - (b) the Adoption of Children Act (Cap. 4);
 - (c) the Children and Young Persons Act (Cap. 38);
 - (d) the Guardianship of Infants Act (Cap. 122);
 - (e) the Inheritance (Family Provision) Act (Cap. 138);
 - (f) International Child Abduction Act (Cap. 143C);
 - (g) Intestate Succession Act (Cap. 146);
 - (h) the Legitimacy Act (Cap. 162);
 - (i) section 10 of Maintenance of Parents Act (Cap. 167B);
 - (j) the Maintenance Orders (Facilities for Enforcement) Act (Cap. 168);
 - (k) the Maintenance Orders (Reciprocal Enforcement) Act (Cap. 169);
 - (l) the Mental Capacity Act (Cap. 177A);
 - (m) the Mental Health (Care and Treatment) Act (Cap. 178A);
 - (n) the Status of Children (Assisted Reproduction Technology) Act 2013
 - (o) section 17A(2) of the Supreme Court of Judicature Act (Cap. 322)
 - (p) the Voluntary Sterilization Act (Cap. 347)
 - (q) sections 13, 17, 20, 59, Parts VII, VIII, IX and X of Women's Charter (Cap. 353).

- (2) All documents shall have the title “In the Family Justice Courts of the Republic of Singapore”.
- (3) Documents relating to the following proceedings which are to be heard and determined by the High Court shall continue to be filed at the Legal Registry of the Supreme Court at the Supreme Court Building. These include:
 - (a) all proceedings in paragraph (1) commenced in the High Court before 1st October 2014;
 - (b) all contested ancillary applications under Part X of the Women’s Charter transferred to be heard in the High Court pursuant to the Supreme Court of Judicature (Transfer of Matrimonial, Divorce and Guardianship of Infants Proceedings to District Court) Order 2007 prior to 1st October 2014;
 - (c) all subsequent applications relating to any Order of the High Court obtained in any proceedings referred to in sub-paragraph (a) and (b) above;
 - (d) all appeals filed in the High Court before 1st October 2014 relating to any proceedings referred to in paragraph (1) above; and
 - (e) all applications and documents relating to proceedings under the Mental Disorders and Treatment Act or the Mental Capacity Act filed in the High Court before 1st October 2014.

83. Child Representative

- (1) The Court may on its own motion, or either party may make an application for the court to appoint a Child Representative pursuant to O.107 r. 2 of the Rules of Court (Cap. 322, R 5).
- (2) Upon the making of an order for the appointment of a Child Representative, the Registrar will select a member from the Child Representative panel and send a letter of request of acceptance of the appointment by email to the selected member. The member may choose to decline such an appointment. If no response is received within 3 working days of the email, the member is deemed to have declined the appointment.
- (3) All members on the Child Representative panel shall inform the Court of any changes to their email addresses.
- (4) Upon acceptance of the appointment, the Child Representative will receive a letter from the Registrar confirming the appointment, providing the contact details of the parties and a date of a pre-trial conference. The following documents will be enclosed with the letter:
 - (a) an Information Sheet on Child Representative, which the Child Representative is to give to the parties at the earliest possible opportunity together with any further explanation which the Child Representative deems fit, in compliance with Family Justice Rules and paragraph 7 below;
 - (b) a Child Representative Practice Note, which the Child Representative is to read carefully and adhere to;
 - (c) a Child Representative Checklist, which will be used at the pre-trial conference; and
 - (d) a Questionnaire to the parties, which the Child Representative might use to obtain information from the parties.
- (5) Within 7 days from the receipt of the confirmation of appointment as described in paragraph (4) above, the Child Representative shall serve file and serve a Notice of Address for Service on Child Representative (Form 16 of Appendix B to these Practice Directions) on the parties to the proceedings.
- (6) The unique role of the Child Representative is to ascertain the wishes of the child, keep the child informed and do the necessary to protect the child's best interest. The Child Representative is also duty bound to ensure that the Court is apprised of all matters relevant to the interest of the child.

- (7) Upon accepting the appointment and receiving the documents referred to in paragraph (4) above, the Child Representative should act expeditiously in fulfilment of his/her duties as set out in O. 107 r. 3 of the Rules of Court, including the following:
 - (a) providing the parties and/or solicitors with information about the role of the Child Representative and informing them of the requirements in respect of their communications with the Child Representative and any contributions towards the costs of the Child Representative which the Court may have ordered; and
 - (b) developing and implementing a plan for engaging the child and involving the child in the decision making process in consultation with any other professional who may be working with the child.
- (8) In the event that the Child Representative wishes the Court to make any orders which the Child Representative is of the view necessary for the fulfilment of his/her duties, it shall be done by way of an inter-partes Summons under the proceedings.
- (9) In the event that the Child Representative suspects that the child is a victim of abuse, the Child Representative must immediately inform Child Protection Services of the Ministry of Social and Family Development. The Child Representative must also inform the Court by way of letter at the earliest opportunity. The Judge may in his/her discretion call for a pre-trial conference.
- (10) Where there are any matters which the Child Representative is of the view should only be shared in confidence with the Court in the best interest of the child, the Child Representative should write to court requesting for a pre-trial conference with the Judge presiding over the matter. The Judge may in his/her discretion call for a pre-trial conference only with the Child Representative. If there are any urgent issues relating to the safety of the child, the Child Representative must write to court immediately requesting for urgent audience.
- (11) The Child Representative shall file in Court and serve on parties a Written Submission in Form 17 of Appendix B within the time frame directed by the Court.
- (12) All correspondence to Court from the Child Representative or the parties shall be copied to the other party and the Child Representative (unless the Child Representative has been discharged) including that in paragraph (10) above.

84. The Family Court Friend Scheme

- (1) The Court may, at any stage of proceedings, refer an unrepresented litigant to the Community Justice Centre or such other pro-bono agency for the assignment of a Family Court Friend to assist him by providing administrative and emotional support in the conduct of his case such as:
 - (a) providing information on court procedure and processes as well as avenues for assistance outside the court process;
 - (b) subject to sub paragraph (2), assisting in the preparation and filing of court documents;
 - (c) providing emotional and moral support throughout the court process;
 - (d) assisting in court hearings by helping unrepresented litigants undertake tasks e.g. taking notes of court proceedings and organizing documents for use in court.
- (2) The Family Court Friend may attend court hearings, including hearings conducted in camera, but will not be allowed to provide legal advice and/or legal representation. He should also not address the court.
- (3) The Family Court Friend shall not reveal any information to any third party, any information relating to the proceedings he/she is assigned to.

85. Guidance on Direct Judicial Communications in International Family Proceedings Affecting Children

Explanatory Note

Direct judicial communications refer to communications that take place between sitting judges of different jurisdictions when there are concurrent related proceedings involving the same parties.

It has now been recognised and firmly established in some foreign jurisdictions such as England & Wales, Australia, New Zealand, Canada and United States of America that direct judicial communications within the International Hague Network of Judges (“Network”) are key mechanisms to assist practitioners and judges in resolving cases with an international element in the best interests of children and of justice in general. These communications will often result in considerable time savings and better use of available resources, and are done with the overriding objective of securing the best interests of the child. Direct judicial communication does not aim to inhibit parties’ right to adduce expert evidence on the foreign law, but should be seen as another tool to be made available for parties involved in multiple proceedings in different jurisdictions.

While direct judicial communications mostly take place in Hague abduction cases under the 1980 Hague Child Abduction Convention (“1980 Convention”), the trend is to extend such communications to other family proceedings affecting children. The Hague Permanent Bureau has recently issued an Emerging Guidance and General Principles for Judicial Communications (“the Hague Guidance”). It provides transparency, certainty and predictability to direct judicial communications for the judges involved, as well as the parties and their representatives. It is meant to ensure that such communications are carried out in a way which respects the legal requirements in the respective jurisdictions and the fundamental principle of judicial independence in carrying out Network functions.

Singapore is increasingly an international and multi-cultural society. Although the majority of family proceedings concern Singaporean families, some of the more difficult cases contain an international element, such as abduction cases under the 1980 Convention, relocation cases, and cases involving access outside Singapore or jurisdictional disputes. In these cases, direct judicial communications may be beneficial. This Practice Direction, incorporating major provisions of the Hague Guidance, is issued to facilitate such communications.

Introduction

- (1) This Practice Direction is issued to assist judges and practitioners dealing with family proceedings affecting children in which direct judicial communications may be beneficial. It is not intended to change the current rules or procedure or to affect the

substantive rights of the parties, but is simply intended to facilitate cooperation in international cases, where appropriate.

- (2) The Network Judges of Singapore are appointed by the Chief Justice, and it is part of their role to receive and, when necessary, channel incoming judicial communications and initiate or facilitate outgoing communications. The names of the current appointees are set out in the annex.
- (3) Matters which may be the subject of direct judicial communications include, for example:
 - (a) scheduling the case in the foreign jurisdiction:
 - (i) to make interim orders, eg, support, measure of protection;
 - (ii) to ensure the availability of expedited hearings;
 - (b) establishing whether protective measures are available for the child or other parent in the jurisdiction to which the child would be returned in the case of a child abduction case and, in an appropriate case, ensuring the available protective measures are in place in that jurisdiction before a return is ordered;
 - (c) ascertaining whether the foreign court can accept and enforce undertakings offered by the parties in the initiating jurisdiction;
 - (d) ascertaining whether the foreign court can issue a mirror order (ie, same order in both jurisdictions);
 - (e) confirming whether orders were made by the foreign court;
 - (f) verifying whether findings about domestic violence were made by the foreign court;
 - (g) verifying whether a transfer of jurisdiction is appropriate.
- (4) “Central Authority” in this Practice Direction is the Authority appointed under section 5 of the International Child Abduction Act (Cap 143C).
- (5) For the avoidance of doubt, all references to “parties” or their “representatives” shall, where a child is to be separately represented, include the Child Representative as appointed by the Court under the Family Justice Rules.

Overarching Principles

- (6) Every judge engaging in direct judicial communications must respect the law of his or her jurisdiction.
- (7) When communicating, each judge seised of the matter should maintain his or her independence in reaching his or her own decision on the matter at issue.
- (8) Communications must not compromise the independence of the judge seised in reaching his or her own decision on the matter at issue. Any discussion about the merits of the case should be avoided.
- (9) For the avoidance of doubt, parties remain entitled under the *Rules of Court* to call upon expert witnesses to prove or disprove the foreign law. The Court will take into account all the available evidence before arriving at a decision.

Procedure and Safeguards

- (10) Either party to the proceeding may raise with the judge the desirability and need for direct judicial communications.
- (11) A judge seised of the matter may, if he or she determines it desirable, initiate direct judicial communication through the Network Judges.
- (12) Before deciding whether to engage in direct judicial communications, the judge should consider:
 - (a) whether there is a question of foreign law or procedure to clarify with a judge in the foreign jurisdiction,
 - (b) whether the question can be answered or dealt with by the Central Authority in Singapore or the Central Authority in the foreign jurisdiction, and if so, the judge may consider having the Central Authority address the issue or obtain the information, and
 - (c) whether the question can be answered or dealt with by any judge in the foreign jurisdiction (other than the judge hearing the proceeding).
- (13) In Contracting States to the 1980 Convention in which direct judicial communications are practised, the following are commonly accepted procedural safeguards.
 - (a) Except in special circumstances, parties are to be notified of the nature of the proposed communication;

- (b) A record is to be kept of communications and it is to be made available to the parties;
 - (c) Any conclusions reached between the judges should be in writing and made available to parties;
 - (d) Parties or their representatives should have the opportunity to be present in certain cases, for example via conference call facilities.
- (14) The above commonly accepted procedural safeguards should be adopted subject to Singapore's legislation and rules.
- (15) In special or urgent circumstances where parties were not notified in advance of the nature of the proposed communications, the judge should provide written reasons to the parties as to why there was no notification as soon as practicable.
- (16) If any party objects to the proposed communications, the judge should direct submissions be lodged from all parties, and if necessary, should direct an oral hearing, before ruling on the matter, giving short reasons for such ruling.

Initiating the Communication

- (17) In considering whether the use of direct judicial communications is appropriate, the judge should have regard to speed, efficiency and cost-effectiveness.
- (18) Judges should consider the benefit of direct judicial communications and at what stage of the proceeding it should occur. The timing of the communication is for the judge who initiates it to consider.
- (19) The initial communication should ordinarily take place between our Network Judge and the Network Judge of the other jurisdiction, if any, in order to ascertain the identity of the judge seised in that jurisdiction. If no Network Judge has been appointed in the other jurisdiction, the Central Authority of Singapore or the party within jurisdiction is to assist in providing the identity of the judge in the other jurisdiction.
- (20) When making contact with a judge in another jurisdiction, the initial communication should normally be in writing, subject to provisions set out in this Practice Direction in relation to written communications, and should in particular identify:
- (a) the name and contact details of the initiating judge;
 - (b) the nature of the case (with due regard to confidentiality concerns);

- (c) the issue(s) on which communication is sought;
 - (d) whether the parties before the judge initiating the communication have consented to judicial communication;
 - (e) when the communication may occur (with due regard to time differences);
 - (f) any specific questions which the judge initiating the communication would like answered;
 - (g) any other pertinent matters.
- (21) The time and place for communications between the courts should be to the satisfaction of both courts.
- (22) Personnel other than judges in each court may communicate fully with each other to establish appropriate arrangements for the communication without the necessity for participation of counsel unless otherwise directed by either of the courts.

The Form of Communications and Language Difficulties

- (23) Judges should use the most appropriate technological facilities in order to communicate as efficiently and as swiftly as possible.
- (24) The initial method and language of communication should, as far as possible, respect the preferences, if any, indicated by the intended recipient in the list of members of the Network Judges. Further communications should be carried out using the initial method and language of communication unless otherwise agreed by the judges concerned.
- (25) Where two judges do not understand a common language, and translation or interpretation services are required, such services could be provided by the court or the Central Authority in the country from which the communication is initiated.

Written Communications

- (26) Written communications, particularly in initiating the contact, are valuable as they provide for a record of the communication and help alleviate language and time zone barriers.
- (27) Where the written communication is provided through translation, it is good practice also to provide the message in its original language.

- (28) Communications should always include the name, title and contact details of the sender.
- (29) Communications should be written in simple terms, taking into account the language skills of the recipient.
- (30) As far as possible, appropriate measures should be taken for the personal information of the parties to be kept confidential.
- (31) Written communications should be transmitted using the most rapid and efficient means of communication and, in those cases where it is necessary for confidential data to be transmitted, secured means of communication should be employed.
- (32) Written communications should always be acknowledged as soon as possible with an indication as to when a response will be provided.
- (33) All communications should be typewritten.
- (34) Ordinarily, communications should be in writing, save where the paragraph (35) applies.

Oral Communications

- (35) Oral communications are encouraged where judges involved come from jurisdictions which share the same language.
- (36) Where the judges do not speak the same language, one or both of them, subject to an agreement between the two judges concerned, should have at their disposal a competent and neutral interpreter who can interpret to and from their language.
- (37) Where necessary, personal information concerning the parties should be anonymised for the purpose of oral communication.
- (38) Oral communications can take place by either telephone or video conference and in those cases where it is necessary that they deal with confidential information, such communications should be carried out using secured means of communication.
- (39) If both judges involved in the communication agree, the parties or their representative may be permitted to be present during the oral communication. If one party or representative is to be present, then the other party or representative should be permitted to be present.
- (40) Subject to the agreement of both judges involved in the oral communications-

- (a) such oral communications may be conducted in the presence of the parties or their representatives by way of video conference or by conference telephone call;
- (b) the parties or their representatives may be permitted to speak during the communication, but if one party or representative wishes to speak, then the other party or representative should be permitted a chance to answer.

Post Communications

- (41) A written record of the communications should be sent to the parties as soon as practicable.
- (42) Any correspondence or email or written communications between the judges should be preserved for the record.

Keeping Central Authority informed of judicial communications

- (43) Where appropriate, the judge engaged in direct judicial communications may consider informing his or her Central Authority that a judicial communication will take place.

Annex

Network Judge(s)

Valerie Thean
Presiding Judge
Family Justice Courts
3 Havelock Square
Singapore 059725

Foo Tuat Yien
Senior District Judge
Civil Division, State Courts
1 Havelock Square
Singapore 059724

Email contact: FJCourts_Family_Registry@fjcourts.gov.sg

86. Attendance at hearings in the Family Justice Courts

- (1) For the avoidance of doubt, the general rule is that all hearings in a Family Justice Court shall be heard in camera pursuant to section 10(1) of the Family Justice Act. Members of the public are not entitled to attend such hearings.
- (2) Notwithstanding paragraph (1) above, a Family Justice Court may hear any matter in an open and public court to which the public generally may have access, if the Court is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so. Such matters include but are not limited to:-
 - (a) trial or hearings for proceedings under section 105 and 106 of the Women's Charter;
 - (b) uncontested trials or hearings for proceedings under section 95 and 101 of the Women's Charter which were adjourned from chambers to Open Court;
 - (c) mentions for proceedings under Part VII and VIII of the Women's Charter; and
- (3) Subject to any written law, the Court may, in its discretion, permit interested persons, such as instructing solicitors, and parties to the matter, to attend hearings in a Family Justice Court. In exercising its discretion, the Court may consider a broad range of factors including —
 - (a) the interest that the person seeking permission has in the matter before the Court;
 - (b) the interests of the litigants;
 - (c) the reasons for which such permission is sought; and
 - (d) the Court's interest in preserving and upholding its authority and dignity.
- (4) In granting interested persons the permission to attend hearings in a Family Justice Court, the Court may, in its discretion, impose the necessary conditions to be complied with.

89. Correspondence and request for re-fixing of hearing dates

(1) All correspondence relating to or in connection with any family proceedings shall be addressed to the Registrar of Family Justice Courts and sent to the registry of the Family Justice Courts.

(2) In addition, all letters shall be captioned with the number of the cause to which they relate and the names of the parties. For example:

“DIVORCE WRIT NO 1234 of 2012
Between ABC and DEF”

(3) If the correspondence relates to a particular hearing, the hearing date, time and nature of the hearing should be stated below the parties’ names. For example:

“CASE CONFERENCE ON 1 JANUARY 2013 AT 2:30PM.”

(4) For cases which have been commenced electronically, a letter shall be sent to the Court by a law firm only using the Electronic Filing Service. If a letter is sent to the Court by a law firm in any other way, it is liable to be rejected. This sub-paragraph does not apply to litigants in person.

(5) A request for a hearing date to be re-fixed shall be in Form 18 in Appendix B to these Practice Directions and sent to the registry of the Family Justice Courts as soon as possible and at least 7 working days prior to the hearing date.

(6) Where the reason for re-fixing of the hearing is a conflict of court dates, the following information relating to both court cases must be stated in the request:

- (a) the case number;
- (b) the date and time of the hearing;
- (c) the nature of hearing;
- (d) the date when the applicant was informed of the hearing date or agreed to accept the hearing date (e.g. date of Registrar’s Notice or date of case conference or Court mentions when the date was taken);
- (e) in the event the family proceedings hearing date was fixed earlier, whether the court subsequently giving the same hearing date was informed of the family proceedings hearing already fixed; and

- (f) in the event the family proceedings hearing date was fixed later, whether the Family Justice Courts was informed of the earlier hearing date and the reasons for the earlier date.
- (7) If a letter is sent to the Court by a law firm without the information specified in subparagraph (2) and (3), it is also liable to be rejected.
- (8) Registrar's Directions and Notices from the Registry will be sent to law firms who are registered users of the Electronic Filing Service through the Electronic Filing Service.
- (9) Registered users are to ensure that the inbox of their Electronic Filing Service account(s) are checked and cleared regularly.

90. Case conferences for matrimonial proceedings under Part X of the Women’s Charter (Cap. 353), section 17A(2) proceedings under the Supreme Court of Judicature Act (Cap. 322), and proceedings under the Guardianship of Infants Act (Cap. 122)

- (1) Pre-trial conferences known as case conferences will be conducted (pursuant to Order 34A of the Rules of Court (Cap. 322, R 5))—
 - (a) for matrimonial proceedings under Part X of the Women’s Charter after the case is set down, where the case or any of the ancillary relief claimed is contested; and
 - (b) for section 17A(2) proceedings and proceedings under the Guardianship of Infants Act before a hearing date is given.
- (2) The court may issue a Registry Notice for parties to attend the case conference with their solicitors (if the parties are represented in the proceedings); or, if one party is unrepresented, for the party with legal representation to attend the case conference with his or her solicitors.
- (3) At the case conference, the matters to be considered include the following, where applicable:
 - (a) the service of documents;
 - (b) the likelihood of settlement of the contested issues;
 - (c) the ages of the child / children of the marriage;
 - (d) directions for parties to attend with counsel;
 - (e) directions for parties to attend mandatory counselling and mediation at the Child Focused Resolution Centre;
 - (f) the dates of the mediation and counselling sessions;
 - (g) directions on the conduct of mediation and counselling at the Family Resolution Chambers;
 - (h) the witnesses who will be called and whether they need interpretation;

- (i) the filing of affidavits, reports, summonses and any other necessary documents;
 - (j) the necessity (if any) for an order for the Central Provident Fund Board to furnish information relating to the utilisation of CPF monies or CPF account balances where there is a claim for the division of a matrimonial property or CPF-related assets;
 - (k) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination;
 - (l) the number of days required for the hearing and the fixing of hearing dates; and
 - (m) the administrative arrangements for the next hearing (e.g. whether it will be conducted via Skype or whether interpreters are required, etc.).
- (4) The principal solicitors having conduct of the case must personally attend the case conference. They are expected to be thoroughly prepared to discuss all relevant matters as the Assistant Registrar conducting the case conference will take a holistic approach to the case and consider all relevant matters relating to the case.
- (5) Solicitors should ensure that their clients are fully informed of the option of using alternative dispute resolution before attending the case conference. They are expected to advise their clients and to take instructions on the desirability of referring the dispute for mediation and / or counselling.
- (6) The following sub-paragraphs shall apply in matrimonial proceedings under Part X of the Women's Charter where any of the ancillary relief claimed is contested and section 17A(2) of the Supreme Court Judicature Act.
- (a) The parties or their counsel attending the case conference shall ensure that all affidavits, reports, Ancillary Matters Fact and Position Sheet in Form 19A in Appendix B to these Practice Directions and any other necessary documents have been filed and all interlocutory applications and appeals therefrom have been dealt with before seeking a date for the hearing of the ancillary matters.
 - (b) Where the contested ancillary matters include the division of matrimonial assets, the parties or their counsel shall, upon the direction of the court, file the Declaration of the Value of Matrimonial Assets in Form 19B in Appendix B to these Practice Directions stating the net value of the matrimonial assets as at the date of the Declaration, the status of the proceedings and whether the case is to be heard in the Family Division of the High Court.

- (c) At any time before the commencement of the hearing of the contested ancillary matters, where it is necessary to do so, the parties or their counsel shall, upon the direction of the court, file another Declaration of the Value of Matrimonial Assets in Form 19B in Appendix B to these Practice Directions, stating the net value of the matrimonial assets as at the date of the fresh Declaration, the status of the proceedings and whether the case is to be heard in the Family Division of the High Court.
 - (d) A specimen Declaration illustrating the use of Form 19B is included in Appendix K to these Practice Directions for the guidance of parties and solicitors.
- (7) In proceedings under the Guardianship of Infants Act, where the parties are or were married under the provisions of Muslim law or are Muslims, both parties shall notify the Family Justice Courts Registry, by way of a letter in the prescribed format in Form 20 in Appendix B to these Practice Directions, a day before each hearing as to whether proceedings involving the same parties have been commenced in the Syariah Court.

90A. Judicial Case Management

Introduction

- (1) The overarching purpose of case management with the Family Justice Courts is to facilitate the just resolution of disputes according to law as inexpensively and as efficiently as possible with the least acrimony.
- (2) The purpose of this Practice Direction is to state the purposes and principles of the Case Management philosophy within the framework of the Judge-Led Approach in proceedings.

Purposes

- (3) Parties to a proceeding and their lawyers are required to conduct all proceedings in a way that is consistent with the overarching purpose and ideology governing Family Justice Courts proceedings.

Principles

- (4) In giving effect to the overarching purpose, the Court, the parties and the parties' lawyers will necessarily have regard to how the interests of justice will be served either generally or in any particular proceeding.

Key elements

- (5) To achieve the principles set out in paragraph (4), the parties and the parties' lawyers may expect that each case commenced in the Family Justice Courts may be placed in different tracks bearing in mind the main issues of the case. Possible tracks assigned are:
 - (a) Child track in which the main issues relate to custody, care and control and access
 - (b) International track in which the main issues may involve abduction of a child, relocation issues and issues of appropriate jurisdiction
 - (c) High conflict track in which the main issues are financial and the ascertainment of value and extent of the matrimonial assets amenable for division
 - (d) Violence track in which the issue is one of physical and mental abuse.

- (6) A case may be assigned to one or more tracks.
- (7) Each case will be allocated to a Judge (assigned Judge) who is then responsible for managing the case until final disposition.
- (8) The assigned Judge will make orders about the way in which the case should be managed or prepared for hearing including referrals to mediation or other modes of alternative dispute resolution.
- (9) The parties and the parties' lawyers may expect the assigned Judge to have regard to:
 - (a) identifying and narrowing the issues in dispute as early as possible;
 - (b) ascertaining the degree of difficulty or complexity of the issues determined to be in dispute;
 - (c) setting a hearing date early;
 - (d) minimising unnecessary interlocutory steps by permitting only interlocutory steps that are directed to identifying, narrowing or resolving the issues really in dispute between the parties; and
 - (e) exploring options for alternative dispute resolution as early as practicable.
- (10) The parties and their lawyers are obliged to cooperate with, and assist, the Court in achieving the overarching purpose and, in particular, in identifying the real issues in dispute as early as possible and in dealing with those issues efficiently.

Interlocutory applications

- (11) Where parties have included a claim for an interim relief, that claim may be heard on the return date fixed by the assigned Judge or a date for its later hearing may be set on the return date and directions for preparations made.
- (12) If a claim for interlocutory relief is to be contested, parties or their lawyers should advise the assigned Judge as soon as possible and to give an estimate of the likely hearing time.
- (13) Parties wishing to make urgent applications should contact the Court and to inform of urgency to be placed before the assigned Judge

- (14) If a claim is made for discovery/interrogatories, parties and lawyers should expect that, with a view to eliminating or reducing the burden of discovery, the assigned Judge:
- (a) will not order discovery as a matter of course, even where the parties consent, unless discovery is necessary for the determination of issues in the proceeding;
 - (b) will fashion any order for discovery to suit the issues in a particular case; and
 - (c) will expect the following questions to be answered:
 - (i) Is discovery necessary to facilitate the just resolution of the proceeding as quickly, inexpensively and efficiently as possible?
 - (ii) If discovery is necessary, for what purpose?
 - (iii) Can those purposes be achieved —
 - (A) by a means less expensive than discovery?
 - (B) by discovery only in relation to particular issues?
 - (iv) Where there are many documents, should discovery be given in a non-standard form, e.g. initially on a limited basis, with liberty to apply later for particular discovery or discovery on a broader basis?
 - (v) Whether discovery should be given by the use of categories or by electronic format or in accordance with a discovery plan?
 - (vi) Should discovery be given in the list of documents by categories and by a general description rather than by identification of individual documents?
- (15) In determining whether to make any order for discovery, the Court will have regard to the issues in the case and the order in which they are likely to be resolved, the resources and circumstances of the parties, the likely benefit of discovery and the likely cost of discovery and whether that cost is proportionate to the nature and complexity of the proceeding.

Case conferences

- (16) Case conferences will as needed be set to monitor progress in preparation, resolve emerging procedural and other issues and to make any necessary directions or orders.

Communications with Court

- (17) It is never appropriate to contact the assigned Judge directly. The assigned Judge will inform parties and their lawyers of preferred modes of communication but in all cases, the general approach is through emails to the generic email address of the Family Justice Courts.

- (18) All communications with Court should be confined to routine procedural, administrative or procedural matters. Communications should never, unless this is invited, contain information or allegations which are material to the substantive issues in the litigation or which are intended to influence any decision of substance to be made by the assigned Judge.

91. Mediation and/or Counselling Directed by Court

- (1) In any proceedings before the Court, it may direct that parties attend mediation and/or counselling (pursuant to section 50(1) of the Women’s Charter (Cap. 353) or section 26(9) of the Family Justice Act 2014) to encourage parties to resolve the matter amicably and assist parties in reaching an agreement or to narrow the issues in contention.
- (2) For child-related proceedings, a Family Dispute Resolution Conference (“FDR Conference”) will be called to crystallise the issues of contention. All parties together with their counsel (if any) will have to attend the FDR Conference. At the FDR Conference, directions may be given in relation to the filing and exchanging of relevant documents and/or proposals. Parties will also be directed to attend mediation and/or counselling, whichever is appropriate.
- (3) For non-child related proceedings, the Assistant Registrar or the Judge may direct parties to attend mediation and/or counselling, whichever is appropriate.
- (4) Counsel is not expected to attend any counselling sessions directed by the Court. However, counsel and parties must personally attend all mediation sessions.
- (5) For all mediation sessions, (whether child-related or otherwise) Counsel and parties are to prepare a Summary for Mediation in the prescribed format in Form 21 in Appendix B to these Practice Directions prior to the mediation for submission and discussion during the mediation, together with all relevant documents as may be directed by the Court.
- (6) 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 counsel (if any).
- (7) For nullity, divorce, judicial separation proceedings, where interim judgment or judgment of judicial separation has been granted, any agreement will be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.
- (8) For all other proceedings not covered by paragraph (7) above, any agreement reached will be recorded as a consent order by the Judge-Mediator at a mediation session Mediator or any other Judge sitting as a Judge in Chambers upon the confirmation of the terms by the parties and/or counsel.

- (9) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court. If the dispute is not resolved at the mediation session, the District Judge or Assistant Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Assistant Registrar conducting the mediation.

- (10) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in for a clarification before the Judge-Mediator.

92. 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 1st July 2013. With effect from 1st October 2014, the final phase will be implemented and extended to all divorcing parents with any child or children below 21 years of age.
- (2) The location where the mandatory counselling/mediation sessions will be held for the final phase of cases would be at Family Justice Courts at 3 Havelock Square Singapore 059725.
- (3) Notice(s) of attendance with location details will be sent to the plaintiff and defendant of the divorce proceedings. Attendance by the parties is compulsory. Attendance by the parties' respective counsel, if any, is required only when specifically stated in the notification.
- (4) Counsel and parties are required to attend a Family Dispute Resolution Conference ("FDR 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. 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.
- (5) Counsel and parties are expected to come prepared to discuss all issues relating to or impacting the child or children.
- (6) Immediately after the FDR Conference, the parties alone will attend an Intake and Assessment Session with their assigned Family Counsellor.
- (7) Subsequent counselling sessions involving only the parties, may be fixed by the assigned Family Counsellor and the parties.
- (8) A Mediation date will be given to the parties and counsel at the FDR 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 21 in Appendix B to these Practice Directions prior to the

mediation for submission and discussion during the mediation together with all relevant documents as may be directed by the Court.

- (9) 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 counsel (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.
- (10) Where interim judgment or judgment for judicial separation has been granted, any agreement reached by the parties at any time may be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.
- (11) 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).
- (12) Counsel should advise his / her client of the consequences of non-attendance under section 50(3D) and (3E) of the Women's Charter.
- (13) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court where an agreement has been reached. If the dispute is not resolved at the mediation session, the District Judge or Assistant Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Assistant Registrar conducting the mediation.
- (14) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in to court for a clarification before the Judge-Mediator.

93. Counselling

- (1) The Court may direct that parties attend counselling pursuant to section 26(9) of the Family Justice Act.
- (2) Counselling is conducted for the purpose of exploring the possibility of reconciliation, assisting parties to deal with the emotional aspects of a divorce or any other familial relationship, facilitating an amicable settlement of the facts supporting the breakdown of a marriage, advising parties on the arrangements which can be made for the welfare of children and facilitating an amicable settlement of the arrangements to be made for the welfare of children. Counselling may also be directed after any orders are made to assist parties with the emotional aspects of dealing with the outcome of the orders particularly in cases involving the relocation of a child.
- (3) Counsel may attend a counselling session if the assigned counsellor considers it appropriate.
- (4) The counsellor may request that the child be included in the counselling sessions, either alone or together with the parents depending on the case, if the counsellor is of the view that it would be in the interest of the child to be involved.
- (5) Any request for a change or vacation of the counselling appointment shall be made at least 3 working days before the appointed date.
- (6) Counselling sessions will be conducted on a without prejudice basis. The outcome after counselling shall be recorded by the counsellor and signed by the parties. A copy of the outcome form shall be given to each party. The outcome form and all communications made in the course of counselling will be treated in strict confidence and shall not be admissible in any court.

95. Draft Consent Orders

- (1) In any request or application for a consent judgment or order involving any disposition or transfer of property, the parties must provide the following information to the Court:
 - (a) the identity of the owner of the property subject to disposition or transfer;
 - (b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;
 - (c) whether the property is subject to any encumbrance which would affect a disposition or transfer thereof; and
 - (d) any other relevant information which ought to be considered by the Court in granting the consent judgment or order.
- (2) The Court may require the information referred to in sub-paragraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.
- (3) When an agreement has been reached between the parties on the custody of children, access to them, maintenance, division of matrimonial assets or other ancillary matters subsequent to the granting of an interim judgment (“the agreement”), counsel shall file the draft consent order incorporating the agreement in the prescribed template in the Electronic Filing Service at least 7 working days prior to the Consent Order Hearing (“the hearing”).
- (4) If the parties are required to attend the hearing and the draft consent order has not been electronically filed in the Electronic Filing Service by the time of the hearing, a hard copy of the draft consent order bearing the signature of both parties or their counsel must be submitted in court for the approval of the Court during the hearing.
- (5) The draft consent orders must be signed —
 - (a) in the case where both parties are represented, by both parties’ counsel; or
 - (b) in the case where any party is unrepresented, by that party personally, except that the signature of that party in person must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the parties in the proceedings.
- (6) The Court hearing the ancillary matters may consider and approve the draft consent order submitted by the parties pursuant to sub-paragraph (1) above, and grant an order

in terms of the same before the hearing date thus obviating the need for the parties to attend the hearing for the sole purpose of recording the consent order.

- (7) The list of consent orders approved by the Court in the absence of parties will be published on the Family Justice Courts website (<http://www.familyjusticecourts.gov.sg>) and the Family Justice Courts notice board before the day fixed for hearing, to inform the relevant parties that they need not attend Court.
- (8) The document name selected for the filing of the draft consent order in the Electronic Filing Service is "Draft Consent Order".
- (9) Parties need not submit a further draft consent order for approval after the hearing.
- (10) Counsel need only file the engrossed copy of the consent order after the draft consent order is approved and returned by the Registry.

96. Applications made at the Family Justice Courts pursuant to an order of court empowering the Registrar or Deputy Registrar or Assistant Registrar of the Family Justice Courts to sign documents on behalf of a party to matrimonial proceedings

- (1) When dealing with the ancillary matters the Court may grant orders under section 31 of the Family Justice Act 2014 empowering the Registrar to sign the documents to effect the sale and transfer of matrimonial assets. These orders fall into two categories:
 - (a) an order empowering the Registrar to sign the relevant documents without further notice to the party whom the Registrar is signing the documents on behalf of (“Category A orders”); and
 - (b) an order empowering the Registrar to sign the relevant documents only in the event of a default by a party in signing the relevant documents (“the other party”) despite written notification to him / her to sign the relevant documents (“Category B orders”).
- (2) Applications to obtain the signature of the Registrar pursuant to Category A orders and Category B orders shall be made before the Duty Registrar in the Family Justice Courts. The documents to be signed by the Duty Registrar shall contain the following endorsements:

“Signed on behalf of {insert name of party in default} by Registrar, Family Justice Courts, pursuant to order of court dated {insert date}”
- (3) Counsel shall furnish the following documents to the Duty Registrar when making such applications:
 - (a) For Category A orders
 - (i) The sealed copy of the order of court empowering the Registrar to sign the relevant documents; and
 - (ii) A duplicate copy of each of the documents to be signed by the Registrar, which will be retained by the Court.
 - (b) For Category B orders

- (i) The documents set out in sub-paragraph (3)(a)(i) and (ii) above.
 - (ii) An affidavit showing the other party's default in signing the relevant documents.
- (4) The sealed copy of the order of court empowering the Registrar to sign will be returned after the signing of the documents.

97. Appeals

- (1) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge made in any family court proceedings shall be made to the Family Division of the High Court, and any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar or Assistant Registrar of the Family Justice Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.
- (2) Any appeal filed on or after 1st October 2014 against the decision or order of a District Judge of the State Courts made in any family court proceedings shall be made to the Family Division of the High Court, and any appeal filed on or after 1st October 2014 against the decision or order of the Registrar or Deputy Registrar of the State Courts made in any family court proceedings shall be made to a District Judge of the Family Justice Courts.
- (3) The appeals counter of the Family Justice Courts Registry is located in the Civil Registry of the State Courts Building at 1 Havelock Square Singapore 059724.

101. Status conferences for matrimonial proceedings under Part X of the Women’s Charter (Cap. 353)

- (1) Status conferences will be conducted (pursuant to Order 34A of the Rules of Court (Cap. 322, R 5) for matrimonial proceedings under Part X of the Women’s Charter before the case is set down for hearing.
- (2) Status conferences are conducted for the purposes of ensuring that cases are dealt with and disposed of without delay and to assign time frames for the disposition of cases.
- (3) At the status conference, the matters to be considered include the following:
 - (a) service of the writ and the affidavit of service;
 - (b) filing of all necessary documents;
 - (c) the likelihood of settlement;
 - (d) ages of the child / children of the marriage;
 - (e) directions for parties to exchange a list of relevant information on the ancillary issues;
 - (f) directions for parties to attend mandatory counselling and mediation at the Child Focused Resolution Centre;
 - (g) the dates of the mediation and counselling sessions;
 - (h) the date of setting down; and
 - (i) the necessity (if any) to transfer the proceedings to the Family Division of the High Court for hearing and determination.
- (4) To facilitate a more effective and expedient processing of cases and to reduce the number of court attendances, a Registrar’s Notice (“the First Status Conference Notice”) in the format as set out in Form 24A in Appendix B to these Practice Directions will be sent to the plaintiff within 6 weeks directing the plaintiff either —
 - (a) to set down the case for hearing by a stipulated date if the pleadings are closed; or
 - (b) to inform the Court of the status of the matter if the pleadings are not closed, for which purpose —

- (i) the requisite information shall be given in Form 24B in Appendix B to these Practice Directions and shall be sent to the Court within 7 days of the First Status Conference Notice; and
 - (ii) upon receipt of Form 24B, the Court will consider the reasons stated in the form and may make the appropriate directions for the matter.
- (5) If the plaintiff fails to set down and to reply to the First Status Conference Notice in accordance with sub-paragraph (4) above, a Second Status Conference Notice in Form 24C in Appendix B to these Practice Directions shall be sent directing the plaintiff to set down the matter by a stipulated date, failing which the plaintiff is to attend a Status Conference.
- (6) Where a case is set down for hearing before a status conference, the status conference will be vacated.

101A. Status conferences and case conferences for matrimonial proceedings under Part X of the Women's Charter (Cap. 353) and case conferences for proceedings under the Guardianship of Infants Act (Cap. 122)

- (1) Status conferences and case conferences are conducted as provided in Paragraphs 90 and 101 of these Practice Directions.
- (2) To facilitate a more effective and expedient processing of cases and to reduce the number of status conferences and pre-trial conferences, counsel and/or parties must submit a checklist in Form 24D in Appendix B to these Practice Directions.
- (3) Form 24D must be sent to the Court at least 5 clear days before the first status conference for divorce proceedings and the first pre-trial conference for ancillary matters or for proceedings under the Guardianship of Infants Act (Cap. 122) (as the case may be).
- (4) Both the Plaintiff and the Defendant must file their respective Form 24D, whether through their respective counsel or (if unrepresented) in person.

111. Adoption

Filing of commencement documents

- (1) Solicitors are requested to file all applications for adoption orders in the Family Justice Courts.
- (2) All applications for adoption orders filed on or after 1 January 2006 shall be made by originating summons in the prescribed format in Form 151 of Appendix A to the Rules of Court (Cap. 322. R 5).
- (3) The applicants shall file the following documents, together with the originating summons:
 - (a) the Statement in Form 151A of Appendix A to the Rules of Court, through the Electronic Filing Service by entering the relevant information in the appropriate electronic template (for which purpose the applicants must ensure that the particulars contained in the infant's birth certificate correspond with those in the Statement, in particular, paragraph 8(c) of the Statement);
 - (b) an affidavit in support of the originating summons; and
 - (c) the consent in the prescribed form of every person or body who is a parent or guardian of the infant, or who has actual custody of the infant, or is liable to contribute to the support of the infant (which consent is to be filed separately from the affidavit in support of the originating summons).

Contents of the affidavit in support of the originating summons

- (4) The affidavit in support of the originating summons must —
 - (a) contain the following information (where applicable):
 - (i) an averment by the applicant(s) as to the truth of the contents of the Statement;
 - (ii) the grounds in support of the prayer to dispense with the consent and / or service of documents on the natural parent(s) and / or grandparent(s) (if any) of the infant; and

- (b) exhibit the following documents:
- (i) a clear copy each of —
 - (A) the birth certificate or other means of identification of the infant;
 - (B) the identity card or other means of identification of the applicant(s);
 - (C) the marriage certificate of the applicants;
 - (D) the consents of all relevant persons, where applicable; and
 - (E) all other documents for proving the averments in the originating summons and Statement;
 - (ii) where the applicants are not Singapore citizens — valid documentary proof of their residency status in Singapore (e.g. Employment Pass; Work Permit; Dependant’s Pass; or any other evidence of permanent residency status);
 - (iii) where the infant to be adopted is not a Singapore citizen — valid documentary proof of the infant’s residency status in Singapore (e.g. Dependant’s Pass or any other evidence of permanent residency status); and
 - (iv) where the infant to be adopted was procured through an adoption agency —
 - (A) a declaration by the applicants as to the fees and expenses paid to the adoption agency;
 - (B) a detailed breakdown of the fees and expenses paid; and
 - (C) documentary evidence of the said fees and expenses.

Amendment of Originating Summons and Statement

- (5) Where the Court makes an order granting the applicants leave to amend the originating summons, and where the amendments relate to the particulars of the applicants and / or infant or any information which also appear in the Statement, the applicants shall within 7 working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an

affidavit averring to the truth of the contents of the amended statement. The amended originating summons, Statement and the affidavit in support shall be served on the guardian in adoption.

- (6) Where the Court makes an order granting the applicants leave to amend the Statement, the applicants shall within 7 working days amend the Statement by amending the information in the appropriate electronic template. The applicant(s) shall also file an affidavit averring to the truth of the contents of the amended Statement. The amended Statement and the affidavit in support shall be served on the guardian in adoption.

Dispensation of Consent and / or Service

- (7) To ensure that adoption hearings are conducted more expeditiously, the applicants shall generally not be required to file separate summonses for orders such as dispensation of service of documents, dispensation of consent of the natural parents or guardian, etc. Such prayers are to be set out in the originating summons and shall be listed for hearing together with Prayer 1 (the prayer to appoint a guardian in adoption) of the said originating summons.
- (8) Paragraph 11 of these Practice Directions shall apply to prayers for substituted service or dispensation of service of documents on a person whose consent is required, save for the case where the person whose consent is required consents to the summons for substituted service or dispensation of service.
- (9) Before the Court dispenses with the consent of a person whose consent is required under section 4 of the Adoption of Children Act (Cap. 4) (hereafter referred to as “the person whose consent is required”), on the basis that the person cannot be found, the applicants shall make recent attempts to locate the person whose consent is required by contacting the person’s relatives, friends and employer(s) (if any), in order to discover the person’s whereabouts. The affidavit in support of the originating summons must also include the matters set out in Paragraph 11 of these Practice Directions.
- (10) Where the natural parent(s) of the infant is / are below 21 years of age, the written consent of his / her parents or guardians (“the natural grandparents”) as adapted from the prescribed format in Form 152 of Appendix A to the Rules of Court is required. Where the applicants are unable to obtain the said consent(s), they shall apply to dispense with the consent of the natural grandparent(s) of the infant, and aver in an affidavit why the natural parents’ / grandparents’ consent(s) ought to be dispensed with and the recent efforts made to obtain the said consent(s).
- (11) Where the particulars of the natural father of the infant are not stated on the infant’s birth certificate, the natural mother of the infant shall file an affidavit stating whether

she is aware of the identity of the natural father and if so, to give brief reasons as to why his identity was not disclosed in the infant's birth certificate. If the natural mother is unaware of the natural father's identity, she shall aver in her affidavit why this is so.

- (12) It shall not be necessary to apply for the dispensation of consent of the natural parent(s) of the infant and for the dispensation of service of documents on the natural parent(s) if the identity of the natural parent(s) is unknown.

Submission of supporting documents

- (13) The original birth certificate and the original translation of the birth certificate (if any) of the infant shall be submitted to the Adoption Counter of the Family Justice Courts Registry at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption accompanied with a cover letter in the prescribed format in Form 33 in Appendix B to these Practice Directions.
- (14) The written consent of the guardian in adoption to be appointed as the guardian in adoption shall be filed at least 7 working days prior to the hearing of the prayer for the appointment of the guardian in adoption.

112. Weekend / Public Holiday Duty Registrar and Judge at the Family Justice Courts

- (1) The Duty Judge at the Family Justice Courts may hear an urgent application on Saturdays (from 1pm to 6pm) and on Sundays and public holidays (from 9am to 6pm) under the following circumstances:
 - (a) where the applicant, being a lawful guardian or parent of a child, is seeking to restrain or enjoin another party from taking the child out of jurisdiction without the consent of the applicant;
 - (b) the child's departure from Singapore is so imminent that it would be too late for the application to be heard on the next working day; and
 - (c) there is a strong likelihood that the child, once taken out of Singapore, will not return to Singapore.
- (2) To request the urgent hearing of such an application, the applicant should contact the Weekend / Public Holiday Duty Registrar at 97241402 during the following operating hours:
 - (a) 1 p.m. to 6 p.m. on Saturdays; and
 - (b) 9 a.m. to 6 p.m. on Sundays and public holidays.
- (3) The Duty Registrar will only arrange for the hearing of the application before the Duty Judge if the applicant satisfies the Duty Registrar that the case meets all the criteria stipulated in sub-paragraph (1).
- (4) If the applicant is unable to file the application and supporting affidavits via the electronic filing service (EFS) before the hearing, he / she must give a signed written undertaking to the Court to do so in accordance with Form 34A in Appendix B to these Practice Directions before the application will be heard. The applicant must bring three copies each of the application, the supporting affidavit and the appropriate draft orders of court (Form 34B in Appendix B to these Practice Directions) for the ex parte hearing.
- (5) On an ex parte application for an injunction against the permanent removal of a child from Singapore, the Court would require the applicant, to give an undertaking to compensate any party for any loss caused as a result of the application. The Court may require the undertaking as to damages to be supported by —
 - (a) making payment into Court;

- (b) furnishing a banker's guarantee; or
 - (c) making payment to the applicant's solicitor to be held by the solicitor as an officer of the Court pending further order.
- (6) An applicant for an order under section 14 of the Guardianship of Infants Act (Cap. 122) must prepare the following documents in accordance with the appropriate forms in Appendix B to these Practice Directions and bring them along to the hearing:
- (a) the Order of Court being sought (Form 34C in Appendix B to these Practice Directions);
 - (b) the Writ for Seizure (Form 34D in Appendix B to these Practice Directions);
 - (c) the Request for Writ for Seizure (Form 34E in Appendix B to these Practice Directions);
 - (d) the applicant's letter of undertaking to indemnify the Family Justice Courts and the Bailiff against any liabilities or claims that may arise from or in connection with the execution of the order granted by the Court to the applicant (Form 34F in Appendix B to these Practice Directions);
 - (e) the applicant's letter of undertaking to pay compensation / damages and to serve the documents (Form 34G in Appendix B to these Practice Directions); and
 - (f) the applicant's counsel's letter of undertaking to ensure a calm and orderly execution and to pay the costs, expenses and charges of execution should the same not be fully paid by the applicant (Form 34H in Appendix B to these Practice Directions)
- (7) The forms in Appendix B to these Practice Directions are intended to make it easier for persons served with the relevant orders to understand what the orders mean. These standard form orders should be used save to the extent that an applicant is of the view that the form should be varied and the Duty Judge hearing a particular application considers that there is a good reason for adopting a different form. Any departure from the terms of the standard forms must be justified by the applicant in his / her supporting affidavit(s).
- (8) If an order is granted under section 14 of the Guardianship of Infants Act (Cap. 122), the applicant must do the following:

- (a) accompany the Bailiff to the place of execution and identify the child to be seized;
 - (b) instruct his / her solicitor (if any) to accompany the Bailiff;
 - (c) provide specific address of execution and if the execution is at an airport (whether Singapore Changi or Seletar), solicitor/applicant shall provide the details of flight and terminal number (boundary of seizure at the airport is restricted to public area); and
 - (d) engage and pay for the costs of an auxiliary police officer to accompany the Bailiff to the place of execution, subject to the condition that where the person against whom the execution is to be carried out or the child / any of the children concerned is a female, the auxiliary police officer shall be a female officer.
- (9) For the avoidance of doubt, every applicant must comply with Paragraph 21 of these Practice Directions.

113A. Proceedings under the Mental Capacity Act (Cap. 177A)

Any application under the Mental Capacity Act made in relation to any proceedings commenced in the High Court under Part I of the Mental Disorders and Treatment Act (Cap. 178) shall be heard and determined by the Family Division of the High Court.

113C. Documents to be filed

An originating summons to commence mental capacity proceedings shall be in Form 35 in Appendix B to these Practice Directions.

113D. Where permission is not required to make an application

- (1) The definition of “P” in Order 99, rule 1 of the Rules of Court (Cap. 322, R 5) shall be applicable in these Practice Directions. “P” means a person who lacks or, so far as consistent with the context, is alleged to lack capacity (within the meaning of the Mental Capacity Act) and to whom any proceedings under the Mental Capacity Act (Cap. 177A) relate.

- (2) If the plaintiff or applicant falls or believes himself to fall within the categories of persons who do not require permission to file an application, this shall be stated in the supporting affidavit. Relevant documents, such as copies of birth certificates or marriage certificates, of the lasting powers of attorney or of the court orders appointing the deputies shall be exhibited to support the averment that no permission is required for an application under the Mental Capacity Act.

113E. Where permission is required to make an application

- (1) Apart from the categories listed in section 38 of the Mental Capacity Act (Cap. 177A), permission is required for an application to the Court under the Mental Capacity Act.
- (2) Where permission is required, that prayer may be included in the main application itself. There is no requirement for a separate application for permission. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit. The Court will decide whether to grant such permission based on the grounds relied upon by the plaintiff or applicant.

113F. Service of application on named defendants and relevant persons

- (1) Order 99, rule 5 of the Rules of Court (Cap. 322, R 5) 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 and on each relevant person.
- (2) In a situation where there are no named defendants, the application shall still be served on relevant persons.
- (3) Service on a named defendant shall be by way of personal service. Service on relevant persons may be by way of ordinary service pursuant to Order 62, rule 6 of the Rules of Court, unless directed otherwise by the Court.
- (4) Where a Relevant Person resides overseas and the plaintiff or applicant is able to show that an electronic mail account to which the document will be sent belongs to the Relevant Person to be served and that it is currently active, the Court may permit service on such a Relevant Person to be carried out by way of electronic mail. The grounds upon which the plaintiff or applicant is relying to obtain such permission must be stated clearly in the supporting affidavit.
- (5) Subject to the timelines specified under Order 99, rule 5(2) of the Rules of Court, one affidavit of service may be filed in respect of service on all the named defendants and relevant persons in any application. The dates, times and manner of service for each of the named defendant and relevant person have to be stated clearly in the affidavit of service.

113G. Relevant persons

- (1) ‘Relevant persons’ are persons who have an involvement in P’s life and/or who are likely to have an interest in the application. Often, P’s immediate family members, by virtue of their relationship to P, are likely to have an interest in being notified that an application has been made to the Court concerning P.
- (2) ‘Relevant persons’ for the purposes of Order 99, rule 5 of the Rules of Court (Cap. 322, R 5) will therefore often include the following immediate family members:
 - (a) P’s spouse;
 - (b) P’s children (aged 21 and above);
 - (c) P’s parents or guardians;
 - (d) P’s brothers or sisters (aged 21 and above); and
- (3) However, the presumption that immediate family members are likely to have an interest in an application concerning P may be rebutted where the plaintiff or applicant is aware of circumstances which reasonably indicate that P’s immediate family should not be served. For example, where the family member in question has had little or no involvement in P’s life and has shown no inclination to do so, that family member need not be served. In some cases, P may be closer to persons who are not immediate family members and if so, it will be appropriate to effect service on them instead of the immediate family members.
- (4) The plaintiff or applicant should serve the application, the supporting affidavits and the Notice to Relevant Person in Form 35D in Appendix B to these Practice Directions on relevant persons.
- (5) Where the plaintiff or applicant decides that a person listed in one of the categories in sub-paragraph (2) ought to be served, and there are other persons in that category (for example, P has three siblings), the plaintiff or applicant should serve on all persons falling within that category unless there is a good reason not to do so. For example, it may be a good reason not to serve on every person in the category if one or more of them has had little or no involvement in P’s life and has shown no inclination to do so.
- (6) Apart from immediate family members, other relevant persons who are likely to have an interest in the application concerning P and who should be served the application, the supporting affidavits and the Notice to Relevant Person in Form 35D in Appendix B to these Practice Directions include:

- (a) any other relatives or friends who have a close relationship with P;
- (b) any person who has a legal duty to support P;
- (c) any person who will benefit from P's estate; and
- (d) any person who is responsible for P's care,

except that if there is no such person to the best of the plaintiff's or applicant's knowledge, he is to state this in his supporting affidavit.

- (7) The details of all relevant persons who should be served are to be listed clearly in the supporting affidavit of the plaintiff or applicant. Where service would not be effected on relevant persons who should be served, the reason why this is so must be stated in the supporting affidavit.
- (8) In cases where P has had severe intellectual disability since early childhood and where P's parents are P's sole caregivers and where P is now no longer a minor and P's parents need to be authorised to continue to look after P's affairs, P's parents would normally be the only Relevant Persons for the purposes of the application but the applicants must provide sufficient information to enable the Court to reach the conclusion that there are no other Relevant Persons.
- (9) Organisations providing residential accommodation to P
 - (a) If P resides at an organisation providing residential accommodation (regardless of whether it also provides care or treatment to P), the plaintiff or applicant shall serve the application, the supporting affidavits and the Notice to Relevant Person in Form 35D in Appendix B to these Practice Directions on such an organisation as soon as possible and in any event, not more than 2 working days after the application has been filed. For the purposes of the application, the organisation providing residential accommodation to P shall be considered a relevant person. However, the plaintiff or applicant need not obtain the consent of such an organisation to the application.
 - (b) If the organisation providing residential accommodation to P wishes to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, it shall notify the Court within 8 days after the date on which the organisation is served with the application. If such a notification is submitted, the Court may require and direct for the submission of a report and/or attendance of the maker of the report at the hearing of the application.

113H. Consent of relevant persons

- (1) If any relevant person to be served has consented to the application and to dispensation of service, the plaintiff or applicant shall file the consent of the relevant person in Form 35C in Appendix B to these Practice Directions together with the application. The consent given by the relevant person to the application and to dispensation of service must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths.

- (2) The Court may dispense with the service of the application on the relevant person on the application of the plaintiff or applicant. It should be stated clearly in the supporting affidavit that such relevant persons have given their consent to the application and to the dispensation of service.

113I. Notification of P

- (1) In all cases of notification, the person effecting notification must provide P with the information required under Order 99, rule 6 of the Rules of Court and this Part of these Practice Directions in a way that is appropriate to P's circumstances (for example, using simple language, visual aids or any other appropriate means).
- (2) The certificate of notification filed under Order 99, rule 6(5) of the Rules of Court shall be in Form 35E in Appendix B to these Practice Directions.
- (3) Under the Mental Capacity Act, notification of P shall be the norm rather than the exception. However, in certain appropriate circumstances, the person required to notify P may apply to Court for an order to dispense with the requirement to notify P. Such an application would be appropriate where, for example, P is in a permanent vegetative state or a minimally conscious state, or where notification is likely to cause significant and disproportionate distress to P. The reasons for seeking dispensation of notification shall be stated in the supporting affidavit of the plaintiff or applicant.

113J. Responding to an application

- (1) If a relevant person served with an application wishes to object to the application or any part of it, he must apply to the Court to be joined as a party to the proceedings within 21 days after the date on which he was served with the application. The application to be joined as a party to the proceedings shall be in Form 36 in Appendix B to these Practice Directions and be supported by an affidavit stating his interest in the application and the grounds of his objection.
- (2) If a relevant person served with an application consents to the application, his written consent must be attested by a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths and must be in Form 35C in Appendix B to these Practice Directions. The written consent should be filed within 21 days after the date on which he was served with the application by him or by the plaintiff or applicant.
- (3) Where a person who was not served with any application (whether listed as a relevant person or otherwise in the supporting affidavit of the plaintiff or applicant) wishes to be heard in the proceedings, he must apply to be joined as a party to the proceedings in Form 36 in Appendix B to these Practice Directions.

113K. Applications involving the appointment of deputies

The prayers

- (1) The originating summons to be filed for the appointment of a deputy or deputies shall be in Form 35 in Appendix B to these Practice Directions.
- (2) It must be stated clearly in the originating summons whether the declaration sought in respect of P's lack of capacity concerns either P's personal welfare or P's property and affairs or both.
- (3) The plaintiff or applicant should ensure that the originating summons, the supporting affidavit and the doctor's affidavit exhibiting the medical report are consistent as to whether P lacks capacity in relation to his personal welfare or his property and affairs or both.
- (4) If there is more than one deputy sought to be appointed, the originating summons must state whether the deputies are to act jointly or jointly and severally.
- (5) The powers sought for the deputies are to be drafted appropriately to suit the purpose of each application.
- (6) Any other specific orders or reliefs that are required on the particular facts of each case are to be included.

The supporting affidavits by the plaintiff or applicant and the deputies

- (7) The affidavit to be filed by the plaintiff or applicant and all proposed deputies in support of the application for the appointment of a deputy or deputies shall be in Form 35A in Appendix B to these Practice Directions.
- (8) In the case of applications for direct payment of P's hospital and/or nursing home charges from P's funds or P's insurance and where no deputy is to be appointed, the affidavit to be filed by the plaintiff or applicant in support of the application shall be in Form 35A(1) in Appendix B to these Practice Directions.

The doctor's affidavit exhibiting the medical report

- (9) In order to assist the Court, the medical report shall —
 - (a) distinguish clearly between observations or conclusions based on information given to the doctor and those that are based on the doctor's examination of P;

- (b) contain a clear opinion as to whether P lacks capacity in relation to the matters specified in the application;
- (c) be current and shall not be made more than 6 months before the date of the application; and
- (d) contain a clear opinion on P's prognosis
- (e) The affidavit and medical report to be filed by P's doctor in support of the application for the appointment of a deputy or deputies shall be in Form 35F in Appendix B to these Practice Directions.

The affidavit by the successor deputy or deputies

- (10) If the plaintiff or applicant seeks to apply for the appointment of successor deputy or deputies, the application must also be accompanied by an affidavit of the proposed successor deputy or deputies in Form 35B in Appendix B to these Practice Directions.

113L. Application subsequent to the appointment of deputy

- (1) An application to vary an order made in mental capacity proceedings shall be made by way of summons supported by affidavit and served on every defendant and every relevant person who had initially been served with the originating summons in accordance with Paragraph 113F of these Practice Directions.
- (2) If an application under sub-paragraph (1) is filed more than 6 months from the date of the order, the application must be served personally on every defendant. If such an application is filed 6 months or less from the date of the order, the service on every party to the proceedings may be by way of ordinary service. Service of an application under sub-paragraph (1) on every relevant person shall be by way of ordinary service, unless directed by the Court. Proof of service on the defendant(s) and the relevant person(s) may be given in a manner provided for by Paragraph 113F(4) of these Practice Directions.
- (3) All applications together with the supporting affidavit shall be served on the Public Guardian within 7 days after the date on which the application is filed.

113M. Application relating to lasting power of attorney

- (1) Any application relating to a lasting power of attorney shall be filed by way of an originating summons supported by an affidavit.
- (2) If the plaintiff or applicant knows or has reason to believe that the donor lacks capacity, he shall notify the donor in accordance with Order 99, rule 6 of the Rules of Court (Cap. 322, R 5) and Paragraph 113I of these Practice Directions.

113N. Application for statutory wills

- (1) The application for a statutory will under section 23(1)(i) of the Mental Capacity Act (Cap. 177A) shall be by way of an originating summons.
- (2) The application shall be accompanied by a supporting affidavit which includes the following information and exhibits:
 - (a) a copy of the draft will;
 - (b) a copy of the existing will or codicil (if any);
 - (c) any consents to act by proposed executors;
 - (d) details of P's family, preferably in the form of a family tree, including details of the full name and date of birth of each person included in the family tree;
 - (e) a schedule showing details of all of P's assets and properties, with up to date valuations;
 - (f) an up to date report of P's medical condition, life expectancy, likelihood of requiring increased expenses in the foreseeable future, and testamentary capacity; and
 - (g) an explanation as to why it is necessary or desirable for the Court to execute the will on behalf of P.
- (3) The Court may direct that any other material or information is to be filed by the plaintiff and if it does, the material or information is to be set out in a supplementary affidavit.
- (4) The application shall also be accompanied by a doctor's affidavit and medical report; both of which must comply with Paragraph 113K(3) of these Practice Directions.
- (5) The plaintiff must name as a defendant —
 - (a) any beneficiary under an existing will or codicil who is likely to be materially or adversely affected by the application;
 - (b) any beneficiary under the proposed will or codicil who is likely to be materially or adversely affected by the application;

- (c) any prospective beneficiary under P's intestacy where P has no existing will;
and
 - (d) any donee under a lasting power of attorney executed by P or any Court-appointed deputy of P.
- (6) Once an order is made for a statutory will, the applicant must file a copy of the will for sealing by the Court. The statutory will is considered valid only with the seal of Court.

1130. Litigation Representative in mental capacity proceedings

- (1) Where P is a party to any mental capacity proceedings with a litigation representative, P should be referred to in the proceedings as “P (by A.B., his litigation representative)”.
- (2) The application to be the litigation representative of P shall be in Form 36 in Appendix B to these Practice Directions. The supporting affidavit must satisfy the Court of the matters set out in Order 99, rule 8(5)(a) of the Rules of Court (Cap. 322, R 5).
- (3) Under Order 99, rule 8(2) of the Rules of Court, the Court may, on its own motion or on the application of any person (including P), permit P to conduct any mental capacity proceedings without a litigation representative. An application made to permit P to conduct mental capacity proceedings without a litigation representative must be supported by a medical report stating that P does not lack capacity to conduct proceedings himself.
- (4) The Court may either on its own motion, or on the application of any person –
 - (a) direct that a person may not act as litigation representative;
 - (b) terminate a litigation representative’s appointment, or
 - (c) appoint a new litigation representative in place of an existing one.
- (5) An application for any of the orders referred to in sub-paragraph (4) must be supported by affidavit. If the order sought is the substitution of a new litigation representative for an existing one, the evidence must satisfy the Court of the matters set out in in Order 99, rule 8(5)(a) of the Rules of Court.

113P. Where P ceases to lack capacity or dies

- (1) Where P ceases to lack capacity or dies, steps may need to be taken to finalise the court's involvement in P's affairs.

Application to end proceedings

- (2) Where P ceases to lack capacity in relation to the matter or matters to which the proceedings relate, an application may be made by any of the following people to the Court to end the proceedings and discharge any orders made in respect of that person:
 - (a) P;
 - (b) his litigation representative; or
 - (c) any other person who is a party to the proceedings.
- (3) The application should be supported by evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Applications where proceedings have concluded

- (4) Where P ceases to lack capacity after proceedings have concluded, an application may be made to the Court to discharge any orders made (including an order appointing a deputy or an order in relation to security).
- (5) The affidavit filed in support should exhibit the orders sought to be discharged and contain evidence that P no longer lacks capacity to make decisions in relation to the matter or matters to which the proceedings relate.

Procedure to be followed when P dies

- (6) An application for final directions (including discharging an order appointing a deputy or discharging the security) may be made following P's death. The application should be supported by an affidavit exhibiting a copy of P's death certificate.

Final report by deputy

- (7) The Public Guardian may require a deputy to submit a final report upon P ceasing to lack capacity or P's death. If security has been ordered by the Court, the Court must be satisfied that the Public Guardian either does not require a final report or is satisfied with the final report provided by the deputy before the said security can be discharged.

113Q. Applications subsequent to the filing of the originating summons in mental capacity proceedings

All applications subsequent to the filing of the originating summons in any mental capacity proceedings shall be made by way of Form 36 in Appendix B to these Practice Directions.

113R. Order of Court

- (1) An order of Court shall be in Form 37 in Appendix B to these Practice Directions and shall be signed by the Registrar.
- (2) An order of Court shall be drawn up and filed in accordance with Order 42, Rule 10 of the Rules of Court (Cap. 322, R 5) within 7 days after the date on which the order was made.

114. Proceedings under the International Child Abduction Act (Cap. 143C)

- (1) All documents relating to proceedings under the ICAA which are to be heard and determined by the Family Justice Courts shall be filed at the Family Justice Courts registry.
- (2) All processes to commence proceedings under the ICAA on or after 1 October 2014 shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.
- (3) An originating summons to commence proceedings under section 8 of the ICAA in the Family Justice Courts shall be in Form 38A in Appendix B to these Practice Directions.
- (4) An originating summons to commence proceedings under section 14 of the ICAA in the Family Justice Courts shall be in Form 38B in Appendix B to these Practice Directions.
- (5) The plaintiff’s or applicant’s affidavit in support of the originating summons under both section 8 (Form 38C in Appendix B to these Practice Directions) and section 14 (Form 38D in Appendix B to these Practice Directions) shall bear the title “In the Family Justice Courts of the Republic of Singapore”.
- (6) All subsequent applications and documents in or ancillary to proceedings under the ICAA shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.
- (7) All applications and supporting documents to vary any order of the Family Justice Courts in proceedings under the ICAA shall be filed at the registry of the Family Justice Courts and shall bear the title “In the Family Justice Courts of the Republic of Singapore”.

Service of application on named defendants

- (8) Order 102, rule 7 of the Rules of Court (Cap. 322, R 5) 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.
- (9) Service on a named defendant shall be by way of personal service, unless directed otherwise by the Court.

The plaintiff's supporting affidavit

- (10) 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 38C in Appendix B to these Practice Directions.
- (11) 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 38D in Appendix B to these Practice Directions.

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

- (12) All applications subsequent to the filing of the originating summons in any ICAA proceedings shall be made by way of Summons in Form 39A in Appendix B to these practice Directions.

Form of Order of Court

- (13) An order of Court in any ICAA proceedings shall be in Form 39B in Appendix B to these Practice Directions and shall be signed by the Registrar.

135. Absence from Court on medical grounds

- (1) If —
- (a) any party to proceedings;
 - (b) any witness;
 - (c) any counsel; or
 - (d) a Deputy Public Prosecutor or other officer or person appointed by the Attorney-General to assist him or to act as his deputy in the performance of any of the functions or duties of the Public Prosecutor under the Criminal Procedure Code (Cap. 68) or under any other written law,

is required to attend Court and wishes to excuse himself from Court on medical grounds, he must tender or cause to be tendered to the Court an original medical certificate. The medical certificate so tendered must be in the form and contain the information and particulars required by subparagraphs (2) to (5).

- (2) A medical certificate issued by a Government hospital or clinic may be in the pre-printed form produced by the Ministry of Health, a sample of which appears at Form 52 of Appendix B to these Practice Directions. A medical certificate issued by a restructured hospital or specialist centre may also be in a pre-printed form similar to the sample which appears at Form 52 of Appendix B to these Practice Directions. The pre-printed medical certificate must:
- (a) be completely and properly filled in;
 - (b) contain the name of the medical practitioner who issued the medical certificate;
 - (c) state the name of the hospital or clinic in which the medical practitioner practices;
 - (d) indicate that the person to whom the certificate is issued is unfit to attend Court, and specify the date(s) on which he is unfit to attend Court;
 - (e) be signed in full by the medical practitioner and must not be merely initialled; and
 - (f) be authenticated by a rubber stamp showing the medical practitioner's full name and his designation in the hospital or clinic, as the case may be.

- (3) If a medical certificate is not in Form 52 of Appendix B to these Practice Directions, then the medical certificate should:
- (a) be addressed to the Court for which the certificate was intended. It must not merely be addressed to “whomsoever-it-may-concern”. Where the patient is unable to furnish the name of the judicial officer concerned, the relevant medical certificate may be addressed to “The District Judge/Magistrate, State Courts”, “The Registrar, Small Claims Tribunals” or “The District Judge/Registrar, Family Justice Courts”, as the case may be;
 - (b) identify clearly the name of the medical practitioner who issued the certificate;
 - (c) state the name of the hospital or clinic from which it had been issued;
 - (d) be signed in full by the medical practitioner and not merely initialled;
 - (e) be authenticated by a rubber stamp showing the medical practitioner’s full name, designation and any other relevant particulars;
 - (f) contain the diagnosis of the patient concerned, if any (unless the diagnosis cannot or should not normally be disclosed);
 - (g) contain a statement to the effect that the person to whom the certificate had been issued is medically unfit to attend Court, and specify the date(s) on which the person is unfit to attend Court; and
 - (h) bear the date on which it was written, and where this differs from the date of consultation this must be clearly disclosed.
- (4) If any portion of the information set out in subparagraph (3) is not found in the medical certificate proper, such information should be included in a memorandum attached to the medical certificate. This memorandum must similarly:
- (a) identify clearly the name of the medical practitioner who issued the memorandum;
 - (b) contain the name of the hospital or clinic from which it was issued;
 - (c) be signed in full by the medical practitioner and not merely initialled; and
 - (d) be authenticated by a rubber stamp showing the medical practitioner’s full name and designation.

- (5) All information and details in any medical certificate or any memorandum must be clearly and legibly printed.
- (6) If the Directions set out in subparagraphs (2) to (5) are not complied with, the Court may reject the medical certificate and decline to excuse the absence from Court of the person to whom the medical certificate was issued. The Court may then take any action it deems appropriate.
- (7) This Paragraph shall apply to both civil and criminal proceedings in the State Courts (including the Small Claims Tribunals) and proceedings in the Family Justice Courts, whether in open Court or in chambers.

138A. Use of electronic and other devices

- (1) In order to maintain the dignity of Court proceedings in the State Courts, court users are strictly prohibited from making any video and/or image recording in all hearings and sessions in open Court or in chambers.
- (2) Additionally, all communications with external parties and audio recording during a hearing or session are strictly prohibited without prior approval of the Judge or Registrar hearing the matter or the person presiding over the session.
- (3) Court users are permitted to use notebooks, tablets and other electronic devices to take notes of evidence and for other purposes pertaining to the proceedings during hearings or sessions, provided that such use does not in any way disrupt or trivialise the proceedings.
- (4) This Paragraph shall apply to both civil and criminal proceedings in the State Courts (including the Small Claims Tribunals) and proceedings in the Family Justice Courts, whether in open Court or in chambers.
- (5) For the avoidance of doubt, this Paragraph shall also apply to all alternative dispute resolution and counselling sessions conducted in the State Courts.
- (6) The attention of court users is also drawn to Order 38A, Rule 4 of the Rules of Court which states:

Prohibition on unauthorised audio recording (O. 38A, r. 4)

4.–(1) No person shall make any audio recording of any hearing without the approval of the Court.

(2) A person who contravenes paragraph (1) is guilty of contempt of Court.

142A. Hearing of urgent applications during weekends and public holidays

- (1) There may be occasions when urgent applications for interim injunctions or interim preservation of subject matter of proceedings, evidence and assets to satisfy judgments need to be heard on weekends and public holidays. To request the urgent hearing of such applications, the applicant should contact the Duty Judicial Officer at 9654 0072 during the operating hours of 1 p.m. to 6.00 p.m. on Saturdays and 8.30 a.m. to 6:00 p.m. on Sundays and Public Holidays. The Duty Judicial Officer will only arrange for the hearing of applications which are so urgent that they cannot be heard the next working day.
- (2) All the necessary papers required for the application must be prepared together with the appropriate draft orders of Court.
- (3) An undertaking from counsel shall be given to have all the documents (including the originating process) filed in Court the next available working day must be furnished to the Judicial Officer processing the application.
- (4) The hearing may take place in the Civil Registry of the State Courts or at any place as directed by the Judicial Officer hearing the matter.
- (5) For the avoidance of doubt, the above applies only to civil proceedings in the Magistrates' Courts or District Courts.

149. Noting of appearances of advocates/prosecutors

- (1) To facilitate the contacting of advocates having conduct of matters in the State Courts and Family Justice Courts, advocates appearing in cases must fill in a Form 55 of Appendix B each and hand it to the court officer before their cases are mentioned.
- (2) This practice applies to all civil and criminal trials, mentions courts (Court 23 and 26), special (family, traffic, youth and coroner's) and night (Court 25N and 26N) courts.
- (3) The forms will be placed on all bar tables.
- (4) This Paragraph shall apply to civil and criminal proceedings.

156. Application for Court Records for criminal matters

- (1) This paragraph shall apply only in respect of criminal proceedings.
- (2) An application for a copy of any part of the record of any criminal proceedings for a case registered via the Integrated Criminal case filing and Management System (“ICMS”) must be made via the ICMS portal under “Request for Court Records”.
- (3) Applications for all other cases must be made in Form 59 in Appendix B to these Practice Directions.
- (4) On approval of an application that has been e-filed via the ICMS, the record of proceedings will be available for online downloading via the ICMS portal or collection depending on the delivery mode chosen.
- (5) Upon approval of an application for all other cases, and for ICMS cases where the mode of collection chosen is at the counter, the requisite number of copies of the record of proceedings applied for shall be made available for collection by the applicant for a period of 21 calendar days from the date specified in the notification given to the applicant by the Crime Registry or Family Justice Courts Registry (as the case may be).
- (6) Where the copy of any record of proceedings applied for is not collected by the applicant within the time given by sub-paragraph (5), the copy of the record of proceedings shall be disposed of and the applicant must make a fresh application if he still requires a copy of the relevant record of proceedings.
- (7) The relevant fee prescribed by the Criminal Procedure Code (Prescribed Fees) Regulations 2013, Fees (State Courts – Criminal Jurisdiction) Order 2014 or the Fees (Family Justice Courts) Order 2014 (as the case may be) must be paid by the applicant at the time he makes the application.
- (8) The applicant shall be allowed to download or collect the copy of the record of proceedings applied for only if the fees payable therefor, including any balance fee payable, have been fully paid by him.
- (9) Any application for the waiver or remission of any fee payable for a copy of any record of proceedings may be made to the Registrar of the State Courts or Registrar of the Family Justice Courts (as the case may be) and the grant of such an application shall be in the absolute discretion of the Registrar.

Form 16

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)

No. of 20)

Between

(NRIC No.)

...Plaintiff

And

(NRIC No.)

...Defendant

NOTICE OF ADDRESS FOR SERVICE ON CHILD REPRESENTATIVE

1. I have been appointed the Child Representative for your child(ren), namely (insert name of child) pursuant to the Order of Court dated ____.
2. Please serve on me all documents filed in Court relating to the custody care and control and access of the child(ren) by delivering a copy/copies of the same at the following address:

[insert address]

Name of Child Representative:

Law Firm/Employer Organisation:

Form 17

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)

No. of 20)

Between

(NRIC No.)

...Plaintiff

And

(NRIC No.)

...Defendant

SUBMISSION BY CHILD REPRESENTATIVE

A. Date of Appointment of Child Representative:

B. Child(ren) who are subject of these proceedings:

C. Brief Facts of the Case/Chronology:

D. Documents served on the Child Representative by parties:

Description of Documents	Filed in Court on

E. Other relevant documents :

Description of Documents	Date of Document

F. Meetings/Phone Calls with the child:

	Date of meeting/Phone Call	Venue of meeting	Brief description as to what transpired at meeting	Any other person(s) present	Person who brought child to meeting	Length of meeting/phone call
1.						
2.						

G. Meetings/Interviews/Phone Calls with any other person(s):

	Date of meeting/Phone call	Name of Person	Relationship with the child	Venue of meeting	Brief description as to what transpired at interview/meeting	Length of meeting/phone call
1.						
2.						

H. Summary of Key Observations made by the Child Representative/Issues:

I. Applicable Case Law:

J. Analysis of the Issues/Basis of Proposals below

K. Proposed Orders/Recommendations:

[If CR is unable to make any proposal, to state reason(s) why]

Form 18

REQUEST FOR RE-FIXING OF HEARING DATE

Case No: D/OS* No. _____			
Type of Hearing (please tick)	<input type="checkbox"/> Contested divorce <input type="checkbox"/> Uncontested divorce <input type="checkbox"/> Ancillary matters <input type="checkbox"/> Recording of consent orders <input type="checkbox"/> OS Hearing <input type="checkbox"/> SUM Hearing <input type="checkbox"/> Status Conference <input type="checkbox"/> Case conference <input type="checkbox"/> Registrar's Appeal / Taxation / Further Arguments* <input type="checkbox"/> Others (please specify) _____		
Date / Time of Hearing	<i>(To indicate if it is a special date)</i>		
A. Particulars of party making the request			
Name of solicitor	_____		
Name of law firm	_____		
Tel No.	_____	Fax No.	_____
B. Particulars of the other parties			
Name of solicitor	_____		
Name of law firm	_____		
Tel No.	_____	Fax No.	_____
C. Reason for Request			
<i>(Please state (with documentary evidence if relevant) why an adjournment is warranted. If the reason is a conflict of court dates, please explain how this situation arose and when and how dates for the relevant hearings were given The case number, nature of hearing, date and time of hearing and the relevant Court are also to be stated. All supporting documents are to be submitted.)</i>			
D. Has the other party been informed?		E. Has the other party consented to this Request?	
<input type="checkbox"/> Yes <input type="checkbox"/> No		<input type="checkbox"/> Yes <input type="checkbox"/> No	
Name and Signature of lawyer making request			

FOR OFFICIAL USE ONLY			
Request is approved: Yes / No / Further information required *			
Date	_____		
	District Judge / Assistant Registrar		

Form 19B

DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

(Title as in action)

1 The net value of the matrimonial assets is asserted to be more/less* than \$5million.

2 The detailed breakdown of the matrimonial assets is as follows:

Assets asserted to be matrimonial assets	Please specify each asset	Current gross value of each asset
	1.	
	2.	
	3.	
	4.	
	5.	
		Total:
Outstanding liabilities due to third parties which should be deducted from value of matrimonial assets	Please specify each liability	Amount for each liability
	1.	
	2.	
	3.	
	4.	
	5.	
		Total:
Net Value of the Matrimonial Assets: _____		

3 The order is not likely/likely* to be enforced in another jurisdiction by a party.

4 There is a novel or complex point of law to be determined as follows:-

[to set out the novel or complex point of law. To indicate Nil or N.A otherwise]

5 The Plaintiff/Defendant/Other Party (to specify)* has/has not* completed filing the affidavits, reports, interlocutory applications and all other documents necessary for the hearing of the contested ancillary matters.

6 There is/is no* pending interlocutory application* in the ancillary matters proceedings. There is/is no* pending appeal from an interlocutory application in the ancillary matters proceedings.

Signature of Plaintiff/Solicitors for the Plaintiff/
Defendant/Solicitors for the Defendant/
Other Party/Solicitors for the Other Party (to specify)*

Name of party making declaration/Solicitors' firm:

NRIC Number *(for parties who are acting in-person only):

Date:

* Delete where inapplicable

Form 20

LETTER FOR NOTIFICATION OF SYARIAH COURT PROCEEDINGS

Date

To: Officer-in-charge
Originating Summons Section
Family Justice Courts

ORIGINATING SUMMONS NO _____ OF _____
(Plaintiff) v (Defendant)
HEARING ON _____ AT _____

Pursuant to Paragraph 90(7) of the Practice Direction, I hereby inform the Registry that:-

- () No proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court.
- () Proceedings for divorce between the Plaintiff and the Defendant in the above application have been commenced in the Syariah Court on _____. The summons number is _____.
- () A decree or order for divorce between the Plaintiff and the Defendant in the above application has been made by the Syariah Court on _____.
- () A divorce between the Plaintiff and the Defendant in the above application has been registered under section 102 of the Administration of Muslim Law Act on _____.

Signature

Name of Solicitor for Plaintiff/Defendant

Name of Law Firm

Form 21

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)

Family Resolutions Chambers

Family Justice Courts

Form 22

CONSENT TO GRANT JUDGMENT ON THREE YEARS' SEPARATION

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit)
No. of 20)

Between

(NRIC NO.)

...Plaintiff

And

(NRIC No.)

...Defendant

CONSENT TO GRANT JUDGMENT ON THREE YEARS' SEPARATION

I, _____ (NRIC No.) of _____ (*address*) am the
Defendant and confirm that I have lived separate and apart from the Plaintiff for a continuous period
of at least 3 years immediately preceding the filing of this Writ, i.e. since _____ (date) and I consent
to an Interim Judgment being granted.

Signed by the abovenamed)
_____ (*name*))
On this (*date*))

Before me,

Commissioner for Oaths

Form 24A

FIRST STATUS CONFERENCE NOTICE TO PLAINTIFF

Date:

To: Plaintiff's Solicitors

STATUS OF [case number]

1. You are directed to set down the above case for hearing by *[date]* if pleadings are closed¹ by then.
2. If pleadings are not likely to be closed by *[date]*, you must inform the Court of the status of the case within 7 days of this Registrar's Notice. Please use the standard status form as prescribed in Form 24B of the State Courts Practice Directions.

Registrar

cc Defendant /Defendant's counsel

¹ i.e. when all the written statements regarding the parties' claims/defences have been filed.

Form 24B

INFORMATION FROM PLAINTIFF TO FAMILY JUSTICE COURT
ON STATUS OF WRIT

To: Registrar
Family Justice Courts

INFORMATION ON STATUS OF WRIT	
Case Number:	D No.
Date:	
<p>The status of the case is as follows:</p> <ul style="list-style-type: none"><input type="checkbox"/> We are attempting personal service of the papers on _____ (<i>name</i>). We will complete our service attempts by _____ (<i>date</i>).<input type="checkbox"/> We will file our application for substituted service/dispensation of service by _____ (<i>date</i>).<input type="checkbox"/> Our application for substituted service/dispensation of service has been fixed for hearing on _____ (<i>date</i>).<input type="checkbox"/> We are negotiating a settlement.<input type="checkbox"/> We seek a mediation / counselling / joint conference* date. We have exchanged settlement proposals and the parties agree to attend mediation / counselling / joint conference *.<input type="checkbox"/> The parties are attempting reconciliation.<input type="checkbox"/> Others (please specify details): _____	

Signature of solicitor
Name of Solicitor for Plaintiff:
Name of Law Firm:

cc Defendant / Defendant's solicitors

* *Delete where inapplicable*

<p>FOR OFFICIAL USE ONLY</p> <p>We note the contents above. The Status Conference is fixed for __(<i>date, time, chamber</i>)__. You are required to be present in Court on the above date for directions on the further conduct of the matter.</p> <p>Assistant Registrar Family Justice Courts</p> <p>cc Defendant / Defendant's counsel</p>

Form 24C

**SECOND STATUS CONFERENCE NOTICE TO PLAINTIFF
(WHERE THERE IS NO REPLY FROM PLAINTIFF)**

Date:

To: Plaintiff's Solicitors

STATUS OF [CASE NUMBER]

1. We refer to the Registrar's Notice dated _____ where you were directed to set down the above case for hearing by *[date]*.
2. We note that the case has not been set down for hearing and you have also not replied to us in the form as directed by the Registrar's Notice.
3. You are directed to set down the said case for hearing by *[date]*, failing which you is required to attend a Status Conference on *[date, time, chamber]*.

Registrar

cc Defendant / Defendant's counsel

Form 26A

**REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE UNCONTESTED
DIVORCE HEARING**

Date

To: Registrar
Family Justice Courts, Singapore

DIVORCE SUIT NO. _____ OF _____
TITLE AS IN ACTION

**REQUEST FOR DISPENSATION OF PARTIES' ATTENDANCE AT THE UNCONTESTED
DIVORCE HEARING**

- 1 a) We act for the Plaintiff in the above proceedings. M/s _____ acts for the Defendant or Defendant acts in person*. We write to confirm that the above divorce will proceed on an uncontested basis as (*please tick all the applicable paragraphs*)
- (i) the Defendant has filed an Memorandum of Appearance indicating the Defendant is not contesting the divorce; or
 - (ii) an Order for Dispensation of Service on the Defendant was granted on _____; or
 - (iii) Acknowledgment of Service/Affidavit of Service* has been filed on _____ and Defendant did not enter appearance; or
 - (iv) Defendant had failed to file the Defence within the timelines stated in the Matrimonial Proceedings Rules (Cap. 353 R4); or
 - (v) both parties have agreed that the divorce will proceed on an uncontested basis on the Claim/and Counterclaim*

(*to use the following paragraph if proceeding on the Counterclaim only*)

- b) We act for the Defendant in the above proceedings. M/s _____ acts for the Plaintiff or Plaintiff acts in person*. We write to confirm that the above divorce shall proceed on an uncontested basis as:-
- (i) both parties have agreed that the divorce will proceed on an uncontested basis on the Counterclaim; or
 - (ii) the Plaintiff has failed to file the Defence to Counterclaim within the timelines stated in the Matrimonial Proceedings Rules

2 We confirm as follows:

(a) Grounds of Divorce:

- (i) adultery by Plaintiff and/or Defendant*
- (ii) unreasonable behaviour by Plaintiff and/or Defendant*
- (iii) 2 years' desertion by Plaintiff/Defendant*
- (iv) 3 years' separation with consent
- (v) 4 years' separation.

Ancillary Matters

- (b) (i) There are no ancillary matters to be adjourned to be heard in Chambers.
- (ii) All of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date).
- (iii) Some of the ancillary matters have been agreed and the Draft Consent Order has been filed on _____(date) and Prayers (__) to (__) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
- ___ weeks to file and exchange the Affidavit of Assets and Means and an APTC (JOL/non-JOL*) to be fixed; or
 - A mediation session as both parties have agreed to attend.
- (iv) The ancillary matters have not been agreed and Prayers (__) to (__) of the Statement of Claim/Counterclaim are to be adjourned to be heard in Chambers. We request for:-
- ___ weeks to file and exchange the Affidavit of Assets and Means and an APTC (JOL/non-JOL*) to be fixed; or
 - A mediation session as both parties have agreed to attend.

3 We confirm that parties will not be making any further applications (e.g. abridgment of time, cost, withdrawal or amendment of pleadings etc.).

4 Parties understand that the Court may not make the required orders as requested if any of the papers are not in order, in which case a further hearing (in open court or in chambers with counsels present) will be scheduled.

Signature

Name of Solicitor for the Plaintiff/Defendant*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person*

*Delete where inapplicable

Form 26B

**REQUEST FOR UNCONTESTED DIVORCE HEARING
IN OPEN COURT**

Date

To: Registrar
Family Justice Courts, Singapore

DIVORCE SUIT NO. _____ OF _____
TITLE AS IN ACTION

**REQUEST FOR SETTING DOWN ACTION FOR TRIAL ON AN UNCONTESTED BASIS
(FOR HEARING IN OPEN COURT)**

1. We refer to the above divorce which will be heard on an uncontested basis.
2. Parties wish to apply for an exemption pursuant to Paragraph 102 of the State Courts Practice Directions.
 - (a) The special grounds in support of our client's application for exemption are as follows:-
 - (b) The supporting documents (if any) are as follows and attached herein:-
 - (c) Please approve the aforesaid application and fix the matter for Hearing in Open Court.

Signature

Name of Solicitor for the Plaintiff/Defendant*

Name of Law Firm

cc Solicitor for the Defendant/Plaintiff or Defendant-in-person/Plaintiff-in-person*

*Delete where inapplicable

For official use: Approved/Not approved

Signed:

Date:

Form 28

**ORIGINATING SUMMONS FOR LEAVE UNDER SECTION 121D OF THE WOMEN'S
CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121D of the Women's Charter
(Chapter 353)

Between

(ID No.:) ... Plaintiff

And

(ID No.:) ... Defendant

ORIGINATING SUMMONS

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

The Plaintiff applies for the following orders :

1. That leave be granted to the Plaintiff to file an application for financial relief against the Defendant under Section 121B of the Women's Charter;
2. Any such further or other order as this Honourable Court deems fit;
3. Costs.

Dated this day of 20

Registrar

Memorandum to be subscribed on the summons

- 1. 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 21 days of service after the date on which you were served with this summons.*
- 2. 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.*
- 3. This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].*

(or where the plaintiff sues in person)

This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service [address].

- 4. This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
- 5. Unless otherwise provided in any written law, where the plaintiff 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 within 7 days from the service of the originating summons.*

Form 28A

**PLAINTIFF'S AFFIDAVIT FOR LEAVE UNDER SECTION 121D OF THE WOMEN'S
CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121D of the Women's Charter
(Chapter 353)

Between

(ID No.:) ... Plaintiff

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 and I make this affidavit in support of my application for leave to file an application for financial relief under Section 121B of the Women's Charter.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage, including date and place of marriage).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation and evidence that the divorce, annulment or judicial separation is recognised as valid in Singapore under Singapore law).

Particulars of children (if any)

4. (Please provide particulars of children including age, gender, and whether children are schooling or working).

Grounds on which the Court has jurisdiction to hear the application

5. (Please state which of the parties was domiciled in Singapore on the date of this application or which of the parties was domiciled in Singapore on the date the divorce, annulment or judicial separation was granted in the foreign country. Alternatively, which of the parties was habitually resident in Singapore for a continuous period of 1 year immediately preceding the date of filing this application or was resident in Singapore for a continuous period of 1 year immediately preceding the date on which the foreign divorce, annulment or judicial separation was granted.)

Foreign orders made and financial relief received by plaintiff and children

6. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
7. (Please state the extent to which the order or agreement has been complied with by the defendant).
8. (Please state if the plaintiff or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

Financial relief which had not been dealt with by the foreign order

9. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order and the reason for the omission.)
10. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G of the Women's Charter in favour of the applicant could be made).

Grounds for application

11. (Please state the grounds for application).

Attachments

12. I also attach herewith the following documents in support of my application:
 - a. a draft copy of the application to be filed under Section 121B;
 - b. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;
 - c. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
 - d. any relevant agreement relating to financial relief between the parties. I am praying for order in terms of the prayers sought in my application.

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

SWORN (or AFFIRMED)* by the)
Plaintiff 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 28B

**PLAINTIFF'S AFFIDAVIT FOR APPLICATION UNDER SECTION 121B OF THE
WOMEN'S CHARTER (CHAPTER 353)**

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF. No.)
of 20)

In the Matter of Section 121B of the Women's Charter
(Chapter 353)

Between

(ID No.:) ... Plaintiff

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 and I make this affidavit in support of my application.

Parties' particulars (including details of marriage)

2. (Please provide parties' particulars and details of their marriage (including date and place of marriage)).

Particulars relating to divorce, annulment or judicial separation

3. (Please provide particulars relating to the divorce, annulment or judicial separation).

Particulars of children (if any)

4. (Please provide particulars of children including age, sex, whether children are schooling or working).

Connection to Singapore

5. (Please state connection which the parties to the marriage have with Singapore).

Connection with country in which marriage was dissolved or annulled or in which judicial separation was obtained

6. (Please state the connection between parties and the country in which the marriage was dissolved or annulled or judicial separation was obtained).

Connection that parties have with any other foreign country

7. (Please state the parties' connection with any other foreign country).

Foreign orders made and financial relief received by plaintiff and children

8. (Please state if there are any orders or agreements relating to financial relief made in relation to the foreign divorce, annulment or judicial separation and the details of the orders or agreements).
9. (Please state the extent to which the order or agreement has been complied with by the defendant).
10. (Please state if the applicant or a child of the marriage has received or is likely to receive any financial benefit in consequence of the divorce, annulment or judicial separation, by virtue of any agreement or the operation of the law of a foreign country and the details of the financial benefit)

Financial relief which had not been dealt with by the foreign order

11. (Please state if there are any rights of the plaintiff which has been omitted in the foreign order.)
12. (Please state the availability in Singapore of any matrimonial asset in respect of which an order under section 121G in favour of the applicant could be made).

Extent to which any order under Section 121G is likely to be enforceable

13. (Please state the extent to which any order under Section 121G is likely to be enforceable).

Length of time elapsed

14. (Please state the length of time which has elapsed since the date of the foreign divorce, annulment or judicial separation and the reason for the time taken for this application).

Grounds for application

15. (Please state the grounds for application).

Attachments

16. I also attach herewith the following documents in support of my application:-
 - a. a copy of the foreign decree of divorce or annulment of marriage or judicial separation;
 - b. any relevant decision or order made by the foreign court requiring any party to the marriage to make payment to the other party or transfer any matrimonial asset to either of the parties or to a child of the marriage; and
 - c. any relevant agreement relating to financial relief between the parties.

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

SWORN (or AFFIRMED) by the)
Plaintiff 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 34B

ORDER OF COURT TO PREVENT THE REMOVAL
OF A CHILD OUT OF JURISDICTION

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

Divorce Suit []
No. []
of []

Between

[*Plaintiff's Name*] (NRIC No.)... *Plaintiff*

And

[*Defendant's Name*] (NRIC No.)... *Defendant*

ORDER OF COURT

BEFORE THE DISTRICT JUDGE

[*Name*]_____

IN CHAMBERS

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [*date*] by [*Counsel for*] the plaintiff/defendant* to the District Judge [*name*] by way of ex-parte Originating Summons No. ____ of 20___. The District Judge [*name*] heard the application and read the affidavit(s) of [*name*] filed on [*date*].

As a result of the application —

IT IS ORDERED by the District Judge that:

- (a) the child/children [*names of child/children*] shall be returned to the custody of his/her lawful guardian/parent [*name*];

- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel documents pending the outcome or further orders made on this application and/or these proceedings;
- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [*name of child/children*] from Singapore pending the outcome or further orders made on this application and/or these proceedings; and
- (d) [*insert any other orders made by the Court in relation to the application*]

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff /defendant* must give to the Court the undertakings set out in Schedule 1 to this order.

Duration of this Order

This Order shall remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant / plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's/ defendant's* solicitors.

Dated the day of 20

REGISTRAR

Schedule 1

(Undertakings provided in writing by the plaintiff/defendant)*

1. If the Court later finds that this Order or the carrying out of this Order has caused loss to the plaintiff/defendant*, and decides that the plaintiff/defendant* should be compensated for that loss, the plaintiff / defendant* shall comply with any order that the Court may make with regard to the payment of such compensation.
2. The plaintiff/defendant* shall provide any form of security including a banker's guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff/defendant* arising from the Order or the carrying out of the said Order.

3. The plaintiff / defendant* shall pay the reasonable costs of anyone other than the plaintiff / defendant* which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff/defendant* shall comply with any order the Court may make.
4. At the same time this Order is served on the defendant/plaintiff*, the plaintiff/defendant* shall serve on the defendant/plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff/defendant*. If the application and supporting affidavits have not been filed, the plaintiff/defendant* shall serve the same within 1 working day from the filing of the application and supporting affidavits.

Form 34C

ORDERS MADE UNDER SECTION 14 OF THE GUARDIANSHIP OF INFANTS ACT

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[*Plaintiff's Name*] (NRIC No. _____) ... *Plaintiff*

And

[*Defendant's Name*] (NRIC No. _____) ... *Defendant*

ORDER OF COURT

BEFORE THE DISTRICT JUDGE

IN CHAMBERS

[*Name*] _____

IMPORTANT:

Notice to the defendant/plaintiff*

This Order requires you to return one or more children to the custody of his/her/their lawful guardian/parent and prevents you from leaving Singapore with the child/children without the permission of the Court. You should read all the terms of this Order very carefully. You are advised to consult a solicitor as soon as possible. You have a right to apply to the Court to vary or discharge this Order. If you disobey this Order, you will be guilty of contempt of Court and may be sent to prison or fined. (This notice is not a substitute for the endorsement of a penal notice.)

THE ORDER

An application was made today [*date*] by [*Counsel for*] the plaintiff/defendant* to the District Judge [*name*] by way of ex-parte Originating Summons No. _____ of 20___. The District Judge [*name*] heard the application and read the affidavit(s) of [*name*] filed on [*date*].

As a result of the application —

I. IT IS ORDERED by the District Judge that:

- (a) the child/children [*names of child/children*] shall be returned to the custody of his/her/their lawful guardian/parent [*name*];
- (b) the defendant/plaintiff* shall hand over to the plaintiff/defendant* forthwith, the child/children's unexpired passport(s) of any country, visas, and other travel

documents pending the outcome or further orders made on this application and/or these proceedings;

- (c) the defendant/plaintiff*, whether by herself/himself* or by her/his* servants or agents shall be restrained from removing [*name of child(ren)*] from Singapore pending the outcome or further orders made on this application and/or these proceedings;
- (d) for the purposes of enforcing this Order, the Bailiff be hereby directed to seize the person(s) of the child/children [*name*] at the place of execution at [*name specific address of execution*] and the child/children be delivered into the custody of his/her/their lawful guardian/parent [*name*]; and
- (e) [*insert any other orders made by the Court in relation to the application*]

II. IT IS FURTHER ORDERED by the District Judge that —

- (a) the plaintiff/defendant* shall accompany the Bailiff to the place of execution to identify the child/children [*name*];
- (b) the Bailiff shall also be accompanied by the following persons to the place of execution:
 - (i) the plaintiff/defendant*;
 - (ii) the plaintiff's/defendant's* Counsel;
 - (iii) an auxiliary police officer engaged by the plaintiff/defendant* at the plaintiff's/defendant's* cost, subject to the condition that where the person against whom the execution is to be carried out or the child/any of the children concerned is a female, the auxiliary police officer to be engaged shall be a female officer.
- (c) as far as is practicable, the child/children shall be handed over to the plaintiff/defendant* at the place of execution;
- (d) the plaintiff/defendant* or the plaintiff's/defendant's* Counsel shall pay to the Court prior to the enforcement of this Order a deposit of S\$300 in cash or by cheque made payable to "Registrar of Supreme Court";
- (e) the Bailiff shall have the absolute discretion to do any or all of the following without having to give any reasons:
 - (i) take all necessary measures to ensure the personal safety of all persons (including the child/children or the Bailiff) involved in the execution;
 - (ii) postpone the execution or any part thereof; and
- (f) nothing in this Order shall be construed to empower the Bailiff to effect entry into any building or break open any outer or inner door or window of the building or any receptacle therein.

Effect of this Order

If you are required under this Order not to do something, you must not do it yourself or in any other way. You must not do it through others acting on your behalf or on your instructions or with your encouragement.

Third Parties

It is a contempt of Court for any person notified of this Order to knowingly assist in or permit a breach of the Order. Any person doing so may be sent to prison or fined.

Undertakings

The plaintiff/defendant* must give to the Court the undertakings set out in Schedule 1 to this Order. The plaintiff's counsel/defendant's counsel* must give to the Court the undertakings set out in Schedule 2 to this Order.

Duration of this Order

This Order will remain in force until the trial or further order made by the Court.

Variation or discharge of this Order

The defendant/plaintiff* (or anyone notified of this order) may apply to the Court at any time to vary or discharge this Order (or so much of it as affects that person), but anyone wishing to do so must inform the plaintiff's/ defendant's solicitors.

Dated the day of 20

REGISTRAR

Schedule 1

(Undertakings provided in writing by the plaintiff/defendant)*

1. If the Court later finds that this Order or the carrying out of this Order has caused loss to the plaintiff/defendant*, and decides that the plaintiff/defendant* should be compensated for that loss, the plaintiff/defendant* shall comply with any order that the Court may make with regard to the payment of such compensation.
2. The plaintiff/defendant* shall provide any form of security including a banker's guarantee for any sum as may be ordered by the Court for the purpose of securing against any loss caused to the plaintiff / defendant* arising from the Order or the carrying out of the said Order.
3. The plaintiff/defendant* shall pay the reasonable costs of anyone other than the plaintiff/defendant* which have been incurred as a result of this order and if the Court later finds that this order has caused such person loss, and decides that such person should be compensated for that loss, the plaintiff/defendant* shall comply with any order the Court may make.
4. At the same time this Order is served on the defendant/plaintiff*, the plaintiff/defendant* shall serve on the defendant/plaintiff* a copy of the application, supporting affidavits and exhibits containing the evidence relied on by the plaintiff/defendant*. If the application and supporting affidavits have not been filed, the plaintiff/defendant* shall serve the same within 1 working day from the filing of the application and supporting affidavits.

5. The plaintiff/defendant* shall indemnify the Family Justice Courts and the Bailiffs and keep them indemnified at all times against —
 - (a) all claims and payments for which the Family Justice Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and
 - (b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Family Justice Courts or the Bailiffs or incurred or become payable by the Family Justice Courts or the Bailiffs in the course of executing this Order.
6. The plaintiff/defendant* shall pay the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.
7. As and when required by the Court or the Bailiffs, the plaintiff/defendant* shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

Schedule 2

(Undertakings provided in writing by the plaintiff's/defendant's Counsel)*

1. The plaintiff's/defendant's* Counsel shall personally ensure that this Order is executed in a calm and orderly manner respectful of the circumstances of the case.
2. The plaintiff's/defendant's* Counsel shall pay the costs, expenses and charges which may have been incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof, if such costs, expenses and charges are not fully paid by the plaintiff/defendant*.
3. As and when required by the Court or the Bailiffs, the plaintiff's/defendant's Counsel shall provide sufficient funds to the Court or the Bailiffs to meet the costs, expenses and charges which may have to be incurred by the Court and/or the Bailiffs in connection with this Order, including the execution thereof.

Form 34D

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Name] ...Plaintiff

And

[Name] ...Defendant

WRIT FOR SEIZURE

To the Bailiff

Whereas by an Order of this Court pronounced this day, it was ordered that the infant [...] be returned to the custody of his/her lawful guardian, [....].

You are directed to seize the person of the infant [...] and the infant be delivered into the custody of his/her lawful guardian.

Dated this day of 20

Registrar

Form 34E

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.

Between

[Name] ...Plaintiff

And

[Name] ...Defendant

REQUEST FOR WRIT FOR SEIZURE

Name of person entitled to execution (applicant) :

Address of applicant :

Name of Solicitor for applicant :

Address of the Solicitor for applicant :

Hereby request the Registrar to issue a Writ for Seizure to be executed at the Address of Execution to seize the person of the infant [*name of infant*] and the infant be returned to the custody of his/her lawful guardian.

Name of person subject to execution (respondent):

Address of Execution:

Attached herewith is a copy of the Order of Court duly sealed.

UNDERTAKING AND DECLARATION

1. I/We hereby undertake to pay all your charges. Please appoint a suitable date to execute the Writ for Seizure.
2. I/We hereby declare that as at the date of this Request, the person of the infant [*name of infant*] is not subject to any other execution or order issued by the Family Justice Courts or the High Court.
3. I/We hereby declare that, as at the date of this declaration, I/we have reason to believe that the person subject to execution will be at the Address of Execution together with the infant [*name of infant*].

(State the grounds of belief)

NAME OF DECLARANT :

Date of filing :

Form 34F

APPLICANT'S LETTER OF INDEMNITY

Date:

The Bailiff

Dear Sir

1. I confirm that I have obtained a Court Order under section 14 of the Guardianship of Infants Act (Cap. 122).

2. I confirm that I have placed a deposit of \$300 in cash/ by cheque no. _____ made payable to "Registrar of Supreme Court" * as part of the Bailiff's expenses in executing the Order.

OR

I undertake to place a deposit of \$300 in cash / by cheque made payable to "Registrar of Supreme Court"* by _____(date)_____ as part of the Bailiff's expenses in executing the Order.

3. I understand and agree that should the bailiff's expenses of execution exceed \$300, I shall, as and when required by the Court or the Bailiff, provide sufficient funds to the Court or the Bailiff to meet the shortfall.

4. I shall pay all the costs, expenses and charges which may have to be incurred by the Court and or the Bailiff in connection with this Order including the execution thereof.

5. I shall indemnify and keep the Family Justice Courts and the Bailiffs indemnified at all times hereinafter against —

(a) all claims and payments for which the Family Justice Courts or the Bailiffs may, in the course of executing this Order, be rendered legally liable, and

(b) all actions, suits, proceedings, claims, demands, costs and expenses whatsoever which may be taken or made against the Family Justice Courts or the Bailiffs or incurred or become payable by the Family Justice Courts or the Bailiffs in the course of executing this Order.

(Signature)

Name of plaintiff/defendant*

*Delete if inapplicable

Form 35

ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.)
of 20)
(Seal))

In the Matter of Section [section no] of the Mental Capacity
Act (Cap 177A)

And

In the Matter of [*name of person alleged to lack capacity*](ID
No.:), a person alleged to lack capacity (“P”)

Between

(Name and ID No.:) ... Plaintiff⁺

And

(Name and ID No.:) ... Defendant[#]

To THE DEFENDANT(S) [name]
of [address][#]

ORIGINATING SUMMONS

The plaintiff/applicant* prays for the following orders:-

[*Please select the relevant prayer(s) or add prayers as required.*]

1. Permission

The plaintiff/applicant* be permitted to make an application under section [*state the section of the MCA*] of the Mental Capacity Act (Cap. 177A)(“MCA”) to the Court.

2. Dispensation

- (i) The notification of [*Name of P*] (“P”) of this originating summons and of the date of the hearing for its final disposal is dispensed with.

[Note: There is a general requirement to notify P. As such, if the applicant or plaintiff seeks dispensation of notification, an explanation as to why dispensation is sought has to be included in the supporting affidavit.]

- (ii) The attendance of P at all hearings for this originating summons be dispensed with.
 - (iii) The attendance of Dr [state name of doctor] (ID No. [state number]) of (state address) at the hearing for this originating summons is dispensed with.
 - (iv) The service of this application on [state names and ID Numbers] be dispensed with.
3. That the Court be satisfied that:
- (i) [Name of P] (“P”) is unable to make various decisions for himself/herself* in relation to a matter or matters concerning P’s personal welfare/property and affairs/personal welfare and property and affairs because of an impairment of, or a disturbance in the functioning of, P’s mind or brain;
 - (ii) The purpose for which the order is needed cannot be as effectively achieved in a way that is less restrictive of P’s rights and freedom of action.
4. That the Court orders as follows:-

(1) Appointment of Deputy/Deputies*

- (a) [State name] (ID No. [state number]) of [state address] is/are* appointed as deputy/deputies* to make decisions on behalf of P that P is unable to make for himself/herself* in relation to his/her* personal welfare/property and affairs/personal welfare and property and affairs* subject to any conditions or restrictions set out in this order.
- (b) The appointment will last until further order.
- (c) [The deputies shall act jointly/jointly and severally* in all matters]*

[Note: To also include whether or not the deputies act jointly/jointly and severally at the appropriate paragraphs on the deputies’ authority and powers in this Originating Summons.]

- (d) The deputy/deputies* must apply the principles set out in section 3 of the MCA and have regard to the guidance in the Code of Practice to the MCA.
- (e) The deputy/deputies* does/do* not have authority to make a decision on behalf of P in relation to a matter if the deputy/deputies* know(s) or has/have* reasonable grounds for believing that P has capacity in relation to the matter.
- (f) In the event the deputy or any of the deputies (where two or more deputies are appointed) dies, becomes a bankrupt (for a property and affairs deputy) or lacks mental capacity to act as deputy, the following are appointed to succeed that deputy in the stated order:
 - (i) [State name] (ID No. [state number]) of [state address].
 - (ii) [State name] (ID No. [state number]) of [state address] etc.
- (g) Upon the happening of such an event in paragraph (f), the surviving deputy or remaining deputy together with the successor deputy are to inform the Office of the Public Guardian and to apply to Court providing evidence of the event for the Court to confirm the appointment of the successor deputy.

[Note: The prayer for successor deputy or deputies should only be included if there is a need for a successor deputy or deputies to be appointed, for example, if the proposed deputy is likely to predecease P.]

(2) **Authority of Deputy/Deputies* in respect of P's personal welfare:**

- (a) The Court grants authority to the deputy/deputies* to make the following decisions on behalf of P, that P is unable to make for himself/herself* when the decision needs to be made:
- (i) where P should live;
 - (ii) with whom P should live;
 - (iii) consenting to medical or dental examination and treatment on P's behalf;
 - (iv) making arrangements for the provision of care services; and
 - (v) complaints about P's care or treatment.
 - (vi) [*to state any other matters for which power is sought for deputy/deputies* to make decision*]
- (b) For the purpose of giving effect to any decision, the deputy/deputies* may execute or sign any necessary deeds or documents.
- (c) The deputy/deputies* does/do* not have the authority to make the following decisions or to do the following things in relation to P:
- (i) to prohibit any person from having contact with P;
 - (ii) to direct a person responsible for P's health care to allow a different person to take over that responsibility;
 - (iii) to consent to specific treatment if P has made a valid and applicable advance decision to refuse that specific treatment; and
 - (iv) to do an act that is intended to restrain P otherwise than in accordance with the conditions specified in the MCA.

(3) **Authority of Deputy/Deputies* in respect of the property and affairs of P**

- (a) The court grants general authority to the deputy/deputies* to take possession or control of the property and affairs of P and to exercise the same powers of management (and investment*) as P has as beneficial owner, subject to the terms and conditions set out in this order.
- (b) The deputy/deputies* is/are* authorised to do the following:
[*Note: To include here the relevant powers sought*]

(4) **Authority of Deputy/Deputies* in respect of CPF monies and accounts of P** [where applicable]

[*Note: Please refer to the sample CPF orders on the website of the Family Justice Courts*]

(5) **Costs and Expenses**

- (a) The deputy/deputies* is/are* authorised to make payment of reasonable legal costs and disbursements of and incidental to these proceedings from P's estate.

(6) **Reports**

- (a) The deputy/deputies* is/are* (jointly) required to keep a record of any decisions made or acts done for the personal welfare of P pursuant to this order and the reasons for making or doing them.
[*For example, a decision that P will not undergo a medical procedure is to be recorded and the reason to be provided.*]
- (b) The deputy/deputies* is/are* (jointly) required to keep statements, vouchers, receipts and other financial records in the administration of P's property and affairs. The

deputy/deputies* is/are* also (jointly) required to keep a record of decisions made or acts done relating to P's property and affairs.

[For example, a decision not to expend monies for a medical procedure for P which is medically indicated is to be recorded and the reason to be provided.]

- (c) The deputy/deputies* must (jointly) complete and file an annual report relating to P's personal welfare and property and affairs to the Public Guardian for a period of 2 years and/ further reports at any time as may be required by the Public Guardian, which reports must contain such information and be in such form as may be required by the Public Guardian.

- (7) There be liberty to apply.

Memorandum to be subscribed on the summons[#]

1. *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 21 days of service after the date on which you were served with this summons.*
2. *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.*
3. *This summons is filed by [name of firm], the solicitor for the said plaintiff whose address is [address].*

(or where the plaintiff sues in person)

This summons is filed by the said plaintiff who resides at [address] and is (state occupation) and (if the plaintiff does not reside within the jurisdiction) whose address for service is [address].

4. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
5. *Unless otherwise provided in any written law, where the plaintiff 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 not later than 7 days after the service of the originating summons.*

⁺ To use "Applicant" if this is an ex parte application.

[#] To delete if this is an ex parte application.

*Delete where inapplicable.

Form 35A

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.)

of 20)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____

[*name of person alleged to lack capacity*]

(NRIC/FIN/Passport No.: _____), a

person alleged to lack capacity (“P”)

[*name of applicant*]

(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [*name of Applicant*], of
_____ [*address of Applicant*], do
make oath / affirm* and say as follows:

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

2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.

3. I confirm that the information set out in paragraphs 4, 5, 6, 7 and 8 below is true and correct.

4. **APPLICANT'S PARTICULARS**

Full name:

NRIC/FIN/Passport no.:

Date of birth (DD/MM/YYYY):

Age:

Gender: Male Female

Occupation:

Name and address of employer:

Monthly income:

Relationship to P (i.e. the person alleged to lack capacity):

Spouse

Child

Parent

Sibling

Friend

Others – please specify:

5. **INFORMATION ABOUT APPLICANT**

Please tick the options that are applicable to you

- I am not an undischarged bankrupt
- I am not facing any bankruptcy actions
- I have not been convicted of a criminal offence
- I am not facing any criminal prosecution
- I have not been sued as a defendant in civil proceedings
- I am not facing any claims in any civil suit
- I have not been appointed as a Donee or Deputy for someone else

Please tick the option that is applicable to you

- I declare that I do not have any outstanding loans or debts at all
- I declare that I do not have any outstanding loans or debts except for the following loans / debts, and I further declare that I am able to pay my loans and debts as and when they become due and payable.

Information about loan / debt <i>(e.g. creditor, reason for loan/debt etc.)</i>	Amount owed

6. **INFORMATION ABOUT P**

P's Full name:

P's NRIC/FIN/Passport no.:

P's Date of birth (DD/MM/YYYY):

P's Age:

P's Gender: Male Female

P's Marital status: Single Married Divorced Separated
 Widowed Unknown

Address at which P is currently residing:

Is P living in a nursing home? Yes No

If "Yes", please state which nursing home:

Do you confirm that, to the best of your knowledge and belief, P's incapacity is as set out in the doctor's affidavit(s) and medical report(s) filed in support of your application?

Yes No

P's care arrangements:

(Please provide information about how P is being cared for)

P's monthly expenses:

--

P's monthly income and sources of such income:

P's assets and up to date value (to the best of your knowledge) of these assets:

Assets <i>(e.g. bank accounts, CPF accounts, insurance policies, stocks and shares, property etc.)</i>	Value

Please tick the options that are applicable and provide details where applicable

- P has no outstanding debts or liabilities**
- P's debts or liabilities are as follows:**

Information about loan / debt <i>(e.g. creditor, reason for loan/debt etc.)</i>	Amount owed

- P has not received and is not going to receive any form of compensation or award of damages**
- P has received or is going to receive the following compensation or award of damages:**

Information about compensation <i>(e.g. nature of claim etc.)</i>	Amount

LASTING POWER OF ATTORNEY

(Please tick where applicable)

- P made a Lasting Power of Attorney and the Registration No. is:
- P made an instrument intended to create a Lasting Power of Attorney but it has not been registered yet
- P has not made a Lasting Power of Attorney and, as far as I am aware, P has not make an instrument intended to create a Lasting Power of Attorney

Has P made a will? Yes No I do not know

PREVIOUS LEGAL APPLICATIONS CONCERNING P

(Please tick where applicable)

- There has been no application or order made relating to P under the Mental Capacity Act as well as the repealed Mental Disorders and Treatment Act
- There was an application or order made relating to P under the Mental Capacity Act or the repealed Mental Disorders and Treatment Act in case no.

7. **INFORMATION ABOUT RELEVANT PERSONS**

P'S SPOUSE		
Full name	NRIC/FIN/Passport No.	Age

P'S PARENTS		
Full name	NRIC/FIN/Passport No.	Age

P'S CHILDREN		
Full name	NRIC/FIN/Passport No.	Age

P'S SIBLINGS		
Full name	NRIC/FIN/Passport No.	Age

OTHER RELEVANT PERSONS WHO ARE LIKELY TO HAVE AN INTEREST IN AN APPLICATION CONCERNING P

(e.g. persons who have a close relationship with P, persons who have a legal duty to support P, persons who will benefit from P's estate, persons who are responsible for P's care)

Full name	NRIC/FIN/ Passport No.	Age	Relationship to P

You will normally have to obtain the consent of the Relevant Persons named above. If you have not done so, please explain why.

8. **INFORMATION ABOUT URGENT INTERIM ORDERS REQUESTED (IF ANY)**

Are you asking for an urgent interim order?

Yes No

If “Yes”, please state the nature of the urgent interim order and the reason for the urgency:

How will this application benefit P?

(Please provide information on how the Court orders you are asking for can benefit P. If the orders you are asking for relate to handling P’s assets, please explain how P’s assets will be used for P’s maintenance and well-being.)

9. I confirm that:
 - (a) there are no other relevant persons who may be interested in this application;
 - (b) there are no other relatives or friends who have a close relationship with P;
 - (c) there are no other persons who have a legal duty to support P;
 - (d) there are no other persons who will benefit from P's estate; and
 - (e) there are no other persons who are responsible for P's care.

10. I declare and undertake as follows:
 - (a) I understand my responsibilities if I am appointed as Deputy or Successor Deputy. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my duties as P's deputy, and I will not use my position for any personal benefit.
 - (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act. In particular, I will act and make decisions for P in P's best interests.
 - (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which a deputy is sought to be appointed. I understand that I will not have the power to make a decision on P's behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.

11. I confirm that the documents exhibited herein and marked as "A" are true copies of the originals.

12. Upon the Court declaring that P lacks capacity to make decisions about the matters set out in the Applicant's Form, I seek an order in terms of my application.

Sworn (or affirmed) by)
the abovenamed on)
this day of 20)
at Singapore)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ [*name of applicant*]
and sworn / affirmed before me on this _____
[*date on which the affidavit is sworn or affirmed*].

Before me,

A Commissioner for Oaths

TABLE OF CONTENTS

Document	Page No.
Documents that prove the applicant's relationship to P (e.g. Birth Certificate, Marriage Certificate, Adoption Order etc.)	
Documents relating to P's assets (e.g. bank statements, CPF statements, CDP statements, insurance documents, title search documents etc.)	
A copy of P's will	
Other documents	

Note: Please exhibit the documents in the order listed above.

Form 35A(1)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.)

of 20)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____

[*name of person alleged to lack capacity*]

(NRIC/FIN/Passport No.: _____), a

person alleged to lack capacity (“P”)

[*name of applicant*]

(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [*name of Applicant*], of

_____ [*address of Applicant*],

do make oath / affirm* and say as follows:

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

2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.

3. I confirm that the information set out in paragraphs 4, 5, and 6 below is true and correct.

4. **APPLICANT'S PARTICULARS**

Full name:

NRIC/FIN/Passport no.:

Age:

Occupation:

Name and address of employer:

Relationship to P (i.e. the person alleged to lack capacity):

5. **INFORMATION ABOUT P**

P's Full name:

P's NRIC/FIN/Passport no.:

P's Date of birth (DD/MM/YYYY):

P's Age:

P's Gender: Male Female

P's Marital status: Single Married Divorce Separated
 Widowed Unknown

Address at which P is currently residing:

Is P living in a nursing home? Yes No

If "Yes", please state which nursing home:

Do you confirm that, to the best of your knowledge and belief, P's incapacity is as set out in the doctor's affidavit(s) and medical report(s) filed in support of your application?

Yes No

Details in respect of P's medical / nursing home bills and recurrent expenses:

P's monthly income and sources of such income (to the best of your knowledge):

P's assets and up to date value (to the best of your knowledge) of these assets:

Assets <i>(e.g. bank accounts, CPF accounts, insurance policies, stocks and shares, property etc.)</i>	Value

Please tick the options that are applicable and provide details where applicable (to the best of your knowledge)

- P has no outstanding debts or liabilities
- P's debts or liabilities are as follows:

Information about loan / debt <i>(e.g. creditor, reason for loan/debt etc.)</i>	Amount owed

- P has not received and is not going to receive any form of compensation or award of damages
- P has received or is going to receive the following compensation or award of damages:

Information about compensation <i>(e.g. nature of claim etc.)</i>	Amount

LASTING POWER OF ATTORNEY

(Please tick where applicable)

- P made a Lasting Power of Attorney and the Registration No. is:

- P made an instrument intended to create a Lasting Power of Attorney but it has not been registered yet
- P has not made a Lasting Power of Attorney and, as far as I am aware, P has not make an instrument intended to create a Lasting Power of Attorney

Has P made a will? Yes No I do not know

PREVIOUS LEGAL APPLICATIONS CONCERNING P

(Please tick where applicable)

- There has been no application or order made relating to P under the Mental Capacity Act as well as the repealed Mental Disorders and Treatment Act
- There was an application or order made relating to P under the Mental Capacity Act or the repealed Mental Disorders and Treatment Act in case

6. **INFORMATION ABOUT RELEVANT PERSONS**

P'S SPOUSE		
Full name	NRIC/FIN/Passport No.	Age

P'S PARENTS		
Full name	NRIC/FIN/Passport No.	Age

P'S CHILDREN		
Full name	NRIC/FIN/Passport No.	Age

P'S SIBLINGS		
Full name	NRIC/FIN/Passport No.	Age

OTHER RELEVANT PERSONS WHO ARE LIKELY TO HAVE AN INTEREST IN AN APPLICATION CONCERNING P			
<small>(e.g. persons who have a close relationship with P, persons who have a legal duty to support P, persons who will benefit from P's estate, persons who are responsible for P's care)</small>			
Full name	NRIC/FIN/ Passport No.	Age	Relationship to P

7. I confirm that I am authorised to make this application and the declarations contained herein on behalf of _____ [*name of P's hospital /*

This is the exhibit marked “A” referred to in the affidavit
of _____ [*name of applicant*]
and sworn / affirmed before me on this _____
[*date on which the affidavit is sworn or affirmed*].

Before me,

A Commissioner for Oaths

TABLE OF CONTENTS

Document	Page No.
Documents relating to P's assets (where available) (e.g. bank statements, CPF statements, CDP statements, insurance documents, title search documents etc.)	
Documents relating to P's medical / nursing home expenses (e.g. invoices etc.)	
Other documents	

Note: Please exhibit the documents in the order listed above.

Form 35B

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.)
of 20)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____
[*name of person alleged to lack capacity*]
(NRIC/FIN/Passport No.: _____), a
person alleged to lack capacity (“P”)

[*name of applicant*]
(NRIC/FIN/Passport No.: _____)
Applicant

AFFIDAVIT

I, _____ [*name of Successor
Deputy*], of _____ [*address of
Successor Deputy*], do make oath / affirm* and say as follows:

1. I am the Successor Deputy proposed to be appointed to make decisions and act on P's behalf.
2. The facts contained in this affidavit are within my personal knowledge or are based on documents in my possession.
3. I confirm that the information set out in paragraphs 4, 5 and 6 below is true and correct.

4. **SUCCESSOR DEPUTY'S PARTICULARS**

Full name:

NRIC/FIN/Passport no.:

Date of birth (DD/MM/YYYY):

Age:

Gender: Male Female

Occupation:

Name and address of employer:

Monthly income:

Relationship to P (i.e. the person alleged to lack capacity):

- Spouse
- Child

<input type="checkbox"/> Parent <input type="checkbox"/> Sibling <input type="checkbox"/> Friend <input type="checkbox"/> Others – please specify: <input style="width: 300px; height: 15px;" type="text"/>
--

5. **INFORMATION ABOUT SUCCESSOR DEPUTY**

<p><i><u>Please tick the options that are applicable to you</u></i></p> <input type="checkbox"/> I am not an undischarged bankrupt <input type="checkbox"/> I am not facing any bankruptcy actions <input type="checkbox"/> I have not been convicted of a criminal offence <input type="checkbox"/> I am not facing any criminal prosecution <input type="checkbox"/> I have not been sued as a defendant in civil proceedings <input type="checkbox"/> I am not facing any claims in any civil suit <input type="checkbox"/> I have not been appointed as a Donee or Deputy for someone else
--

<p><i><u>Please tick the option that is applicable to you</u></i></p> <input type="checkbox"/> I declare that I do not have any outstanding loans or debts at all <input type="checkbox"/> I declare that I do not have any outstanding loans or debts except for the following loans / debts, and I further declare that I am able to pay my loans and debts as and when they become due and payable.				
<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 70%; padding: 5px;">Information about loan / debt <small>(e.g. creditor, reason for loan/debt etc.)</small></th> <th style="width: 30%; padding: 5px;">Amount owed</th> </tr> </thead> <tbody> <tr> <td style="height: 50px;"></td> <td></td> </tr> </tbody> </table>	Information about loan / debt <small>(e.g. creditor, reason for loan/debt etc.)</small>	Amount owed		
Information about loan / debt <small>(e.g. creditor, reason for loan/debt etc.)</small>	Amount owed			

6. **INFORMATION ABOUT P**

<p>P's Full name: <input style="width: 600px; height: 25px;" type="text"/></p>

P's NRIC/FIN/Passport no.:

7. I confirm that:
- (a) I understand the nature of the order which is applied for in these proceedings.
 - (b) I have read and understood all the contents of the Originating Summons and the supporting affidavits.
 - (c) I consent to the Originating Summons filed in these proceedings.
 - (d) I consent to the dispensation of service of the Originating Summons, supporting affidavits and all subsequent documents filed in these proceedings on me*. *(please delete if not applicable)*
8. I declare and undertake as follows:
- (a) I understand my responsibilities if I am appointed as Successor Deputy. In particular, I understand that I must act with honesty and integrity and ensure that my personal interests do not conflict with my duties as P's deputy, and I will not use my position for any personal benefit.
 - (b) I will have regard to the Mental Capacity Act Code of Practice and act in accordance with the principles of the Mental Capacity Act. In particular, I will act and make decisions for P in P's best interests.
 - (c) I will inform the Public Guardian if I have any reason to believe that P no longer lacks capacity and may be able to make his own decisions about the matters for which a deputy is sought to be appointed. I understand that I will not have the power to make a decision on P's behalf in relation to a matter if I know or have reasonable ground for believing that P has capacity in relation to the matter.
9. I confirm that the documents exhibited herein and marked as "A" are true copies of the originals.

Sworn (or affirmed) by)
the abovenamed on)

this day of 20)
at Singapore)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit of _____ [*name of successor deputy*] and sworn / affirmed before me on this _____ [*date on which the affidavit is sworn or affirmed*].

Before me,

A Commissioner for Oaths

TABLE OF CONTENTS

Document	Page No.
Documents that prove the successor deputy's relationship to P (e.g. Birth Certificate, Marriage Certificate, Adoption Order etc.)	
Other documents	

***Note:** Please exhibit the documents in the order listed above.*

Form 35C

**CONSENT TO ORIGINATING SUMMONS AND
DISPENSATION OF SERVICE OF DOCUMENTS**

IN THE FAMILY JUSTICE COURTS OF
THE REPUBLIC OF SINGAPORE*

OSF No.)
of 20)
(Seal))

In the Matter of Section [section no] of the Mental Capacity
Act (Cap177A)

And

In the Matter of [*name of person alleged to lack capacity*](ID
No.:), a person alleged to lack capacity (“P”)

Between

(Name and ID No.:) ... Plaintiff⁺

And

(Name and ID No.:) ... Defendant

CONSENT

I [*name and ID number of relevant person*], of [*state address*] being the [*state nature of relationship with P*] of P state as follows:

OR

We, as the relevant persons whose details are listed in the table below, state as follows:

Name	ID No.	Address	Nature of relationship to P

1. I/We* understand the nature of the order which is applied for in these proceedings.

2. I/We* have read and understood all the contents of the Originating Summons and the supporting affidavits and I/we* consent to the Originating Summons filed in these proceedings.

[If the relevant person(s) is/are only consenting to a part of the Originating summons, to state the prayers in the Originating Summons which the relevant person(s) is/are consenting to.]

3. I/We* consent to the dispensation of service of the Originating Summons, supporting affidavits and all subsequent documents filed in these proceedings on me/us.*

Sworn (or affirmed) by the)
abovenamed on)
this day of 20)
at Singapore)

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

Before me,

Commissioner for Oaths

⁺ To use “Applicant” if this is an ex parte application

[#] To delete if this is an ex parte application.

*Delete where inapplicable.

Form 35D

NOTICE TO RELEVANT PERSONS

APPLICATION UNDER MENTAL CAPACITY ACT (CAP 177A)

1. You have been served with an Originating Summons and the supporting affidavits. The plaintiff/applicant* is making an application for *[state nature of application]*.
2. If you consent to the application, you should sign a written consent in Form 35C in Appendix B of these Practice Directions before a solicitor, a Commissioner for Oaths, a notary public or any person for the time being authorised by law in the place where the document is executed to administer oaths. You should then return the completed and signed consent form to the plaintiff/applicant* or the plaintiff's /applicant's* solicitors.

[Note: *If the relevant person is an organisation providing residential accommodation to P, the above paragraph 2 is to be deleted and substituted with the following paragraph:-*

If you wish to furnish any relevant information for the Court's consideration and determination of the application in the best interests of P, you may prepare a report through one of your representatives. The report shall be submitted to the Family Justice Courts with a cover letter addressed to the Registrar of the Family Justice Courts and stating clearly the Originating Summons number (OSF No.) and the names of P and the plaintiff/applicant*. You must notify the Court by way of letter (stating clearly the Originating Summons number and the names of P and the plaintiff/applicant) within 8 days of the date on which you were served with this Originating Summons that you wish to submit such a report. If such a report is submitted, the Court may require and direct for the attendance of the maker of the report at the hearing of the Originating Summons.]

3. If you intend to contest the application or any part of it, you are required to file an application in Form 36 in Appendix B of these Practice Directions to seek the permission of the Court to be joined as a party to the proceedings. This application must be supported by an affidavit stating your interest in the application and the grounds of your objection. The application must be filed using the Electronic Filing Service[#] within 21 days after the date on which you were served with this Originating Summons.

[Note: *If the relevant person is an organisation providing residential accommodation to P, the above paragraph 3 is to be deleted.]*

4. If you do not attend personally or by your solicitor at the time and place stated in the Originating Summons, such order may be made as the Court may think just and expedient.

[Note: *If the relevant person is an organisation providing residential accommodation to P, the above paragraph 4 is to be deleted.]*

5. This Originating Summons is filed by [name of firm], the plaintiff's/applicant's* solicitor whose address is *[state address]*.

(or where the plaintiff/applicant* acts in person)

This Originating Summons is filed by the plaintiff/applicant* who resides at *[address]* and (if the plaintiff/applicant* does not reside within the jurisdiction) whose address for service is *[state address]*.

Name and Signature

Plaintiff/Applicant* OR Solicitors for the Plaintiff/Applicant*

** To delete where inapplicable.*

To file a document using the Electronic Filing Service, you may use the Lawnet and Crimsonlogic Service Bureau located at 133 New Bridge Road, Chinatown Point #19-01/02, Singapore 059413.

Form 35E

(Title as in cause or matter.)

CERTIFICATE OF NOTIFICATION

I, [*name of person effecting the notification*] (ID No. _____), certify that I have notified the abovenamed P of this Originating Summons on [*date*] at [*address where notification took place*]. The notification complies with Order 99, rule 6 of the Rules of Court and Paragraph 113I of these Practice Directions. In particular, P was notified of [*please specify the matters which P was notified of*].

Dated this _____ day of _____ 20____

Signature and name of person effecting notification

Form 35F

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSF No.)

of 20)

In the Matter of Section 20 of the Mental
Capacity Act (Cap 177A)

And

In the Matter of _____

[*name of person alleged to lack capacity*]

(NRIC/FIN/Passport No.: _____), a

person alleged to lack capacity (“P”)

[*name of applicant*]

(NRIC/FIN/Passport No.: _____)

Applicant

AFFIDAVIT

I, _____ [*name of Doctor*], of
_____ [*address of Doctor*],

do make oath / affirm* and say as follows:

1. I am a registered medical practitioner in Singapore.

2. The facts contained in this affidavit and the medical report exhibited herein are within my personal knowledge or are based on documents in my possession.
3. I confirm that the medical report exhibited herein and marked as “A” is mine and that I accept full responsibility for the said report.
4. I am aware that my report is being adduced for the purpose of obtaining a declaration that the person who is the subject of this application, i.e. P, lacks capacity in relation to matters specified in the application.

Sworn (or affirmed) by)
the abovenamed on)
this day)
of 20)
at Singapore)

Before me,

Commissioner for Oaths

This is the exhibit marked “A” referred to in the affidavit
of _____ [*name of doctor*]
and sworn / affirmed before me on this _____
[*date on which the affidavit is sworn or affirmed*].

Before me,

A Commissioner for Oaths

MEDICAL REPORT

SECTION 1: PATIENT'S PARTICULARS

Full name of patient:

NRIC/FIN/Passport no. of patient:

Age of patient:

SECTION 2: DOCTOR'S PARTICULARS

Full name of doctor:

NRIC/FIN/Passport no. of doctor:

MCR no. of doctor:

Hospital / Clinic name and address:

Doctor's qualifications and experience in this area of work:

Doctor-patient relationship:

Please state if you have been seeing the patient regularly over a period of time (if so, please state when you first started seeing the patient and how often you see the patient) or if you saw the patient specifically for this mental capacity assessment only.

SECTION 3: PATIENT'S MEDICAL INFORMATION

Patient's clinical history:

Please also state the source of the information (e.g. from medical records, from the patient, from the applicant etc.).

Findings from physical examination / mental state examination:

Date of physical examination / mental state examination: _____

Relevant investigation results:

Diagnosis:

SECTION 4: OPINION ON PATIENT'S MENTAL CAPACITY

OPINION ON PATIENT'S MENTAL CAPACITY IN RELATION TO PERSONAL WELFARE

In your opinion, can the patient understand information relevant to a decision relating to his or her personal welfare?

Yes No

In your opinion, can the patient retain information long enough to make a decision relating to his or her personal welfare?

Yes No

In your opinion, can the patient weigh information as part of the process of making a decision relating to his or her personal welfare?

Yes No

In your opinion, can the patient communicate his or her decision relating to his or her personal welfare?

Yes No

Taking into consideration the above, in your opinion, does the patient have mental capacity in respect of personal welfare?

Yes No

OPINION ON PATIENT'S MENTAL CAPACITY IN RELATION TO PROPERTY AND AFFAIRS

In your opinion, can the patient understand information relevant to a decision relating to his or her property and affairs?

Yes No

In your opinion, can the patient retain information long enough to make a decision relating to his or her property and affairs?

Yes No

In your opinion, can the patient weigh information as part of the process of making a decision relating to his or her property and affairs?

Yes No

In your opinion, can the patient communicate his or her decision relating to his or her property and affairs?

Yes No

Taking into consideration the above, in your opinion, does the patient have mental capacity in respect of property and affairs?

Yes No

Please state the basis of your opinion above in respect of the patient's mental capacity:

PROGNOSIS

In your opinion, is the patient likely to regain mental capacity?

Yes No Not Sure

If “Yes” or “Not Sure”, please suggest when another assessment of the patient’s mental capacity should be carried out:

In your opinion, would the patient understand if he/she were to be informed of this application?

Yes No

Are you aware of any other doctor who holds a different professional opinion regarding the patient’s mental capacity? If so, please provide details:

SECTION 5: DECLARATION

I have read and understood the provisions in sections 3, 4 and 5 of the Mental Capacity Act.

I believe in the correctness of the opinion set out herein.

I understand that in giving this report my duty is to the Court and I confirm that I have complied with this duty.

Signature: _____

Name: _____

Date: _____

Explanatory notes:

1. *“Personal welfare” refers to matters such as deciding where to live and consenting to medical and dental treatment.*

2. *“Property and affairs”, as the name implies, refers to matters concerning the patient’s financial affairs and property.*
3. *When giving your opinion on the patient’s mental capacity, please note that where it is not patently obvious from the clinical history and examination that the patient has or lacks capacity, you will need to explain the basis for your opinion.*

Section 3 of the Mental Capacity Act

- (1) *The following principles apply for the purposes of this Act.*
- (2) *A person must be assumed to have capacity unless it is established that he lacks capacity.*
- (3) *A person is not to be treated as unable to make a decision unless all practicable steps to help him to do so have been taken without success.*
- (4) *A person is not to be treated as unable to make a decision merely because he makes an unwise decision.*
- (5) *An act done, or a decision made, under this Act for or on behalf of a person who lacks capacity must be done, or made, in his best interests.*
- (6) *Before the act is done, or the decision is made, regard must be had to whether the purpose for which it is needed can be as effectively achieved in a way that is less restrictive of the person’s rights and freedom of action.*

Section 4 of the Mental Capacity Act

- (1) *For the purposes of this Act, a person lacks capacity in relation to a matter if at the material time he is unable to make a decision for himself in relation to the matter because of an impairment of, or a disturbance in the functioning of, the mind or brain.*
- (2) *It does not matter whether the impairment or disturbance is permanent or temporary.*
- (3) *A lack of capacity cannot be established merely by reference to —*
 - (a) *a person’s age or appearance; or*
 - (b) *a condition of his, or an aspect of his behaviour, which might lead others to make unjustified assumptions about his capacity.*
- (4) *In proceedings under this Act (other than proceedings for offences under this Act), any question whether a person lacks capacity within the meaning of this Act must be decided on the balance of probabilities.*
- (5) *Subject to section 21, no power which a person (“D”) may exercise under this Act —*
 - (a) *in relation to a person who lacks capacity; or*
 - (b) *where D reasonably thinks that a person lacks capacity, is exercisable in relation to a person below 21 years of age.*

Section 5 of the Mental Capacity Act

- (1) *For the purposes of section 4, a person is unable to make a decision for himself if he is unable —*
 - (a) *to understand the information relevant to the decision;*
 - (b) *to retain that information;*

- (c) *to use or weigh that information as part of the process of making the decision; or*
 - (d) *to communicate his decision (whether by talking, using sign language or any other means).*
- (2) *A person is not to be regarded as unable to understand the information relevant to a decision if he is able to understand an explanation of it given to him in a way that is appropriate to his circumstances (using simple language, visual aids or any other means).*
- (3) *The fact that a person is able to retain the information relevant to a decision for a short period only does not prevent him from being regarded as able to make the decision.*
- (4) *The information relevant to a decision includes information about the reasonably foreseeable consequences of —*
 - (a) *deciding one way or another; or*
 - (b) *failing to make the decision.*

Form 38A

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

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

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

In the Matter of Section 8 of the International Child Abduction Act
(Cap. 143C)

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:-

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

3. 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;

4. 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;
5. Any such further or other order as this Honourable Court deems fit;
6. 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.*
6. *This summons may not be served more than 6 months after the above date unless renewed by order of the Court.*
7. *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 38B

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

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

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

In the Matter of Section 14 of the International Child Abduction Act
(Cap. 143C)

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”);
2. Any such further or other order as this Honourable Court deems fit; and
3. Costs

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 hereby undertake to serve a copy of my application and all orders made pursuant to my application on the Central Authority.
14. 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*

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 undertake to serve a copy of my application and all orders made pursuant to my application on the Central Authority.

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 55

**NOTING OF APPEARANCE OF
ADVOCATES/PROSECUTORS**

STATE COURTS/FAMILY JUSTICE COURTS – COURT NO: ____	
Case No: DC/MC/DAC/MAC/CI/MSS TAC/PS/PSS/PIC/JAC	
Solicitor's Name/ Prosecutor's Name	
Solicitor's Firm/ Prosecutor's Dept	
Telephone No:	
Fax No:	
Name of Accused/Party he represents:	1. 2. 3.

FORM 59
APPLICATION FOR RECORDS OF CRIMINAL PROCEEDINGS FOR NON-ICMS CASES

Name of Applicant / Solicitor's Firm : NRIC No. : Address : File Reference No: Email: Telephone No: Facsimile No:	Date of Application <hr/> Solicitor Acting For :- (✓ where applicable) <input type="checkbox"/> Complainant <input type="checkbox"/> Respondent <input type="checkbox"/> Others: (please specify)
---	--

DOCUMENTS APPLIED FOR

CRIMINAL JUSTICE DIVISION	FAMILY JUSTICE COURTS
NRIC/ Name of Accused / Complainant / Respondent / Deceased:	Case No. Name of Parties cited in case Complainant: Respondent:
Case No. (Please specify Case Reference No.) DAC/MAC No(s): Coroner's Inquiry No: Others:	Court No. Hearing/Mention Date: Name of JO Other Information: (if any)
Type of Document (✓ where applicable) <input type="checkbox"/> Charges <input type="checkbox"/> Complaint Form <input type="checkbox"/> Notes of Evidence: (please specify hearing dates) <input type="checkbox"/> Registrar's Certificate <input type="checkbox"/> Statement of Facts <input type="checkbox"/> Others (please specify)	Type of Document (✓ where applicable) <input type="checkbox"/> Complaint Form <input type="checkbox"/> Notes of Evidence: (please specify hearing dates) <input type="checkbox"/> Court Order No: (please specify) <input type="checkbox"/> Others (please specify)

Reasons For Application (✓ where applicable)

<input type="checkbox"/> Misplaced Original Copy of the Order/Charge/Others <input type="checkbox"/> For reference	<input type="checkbox"/> To seek legal advice/ representation <input type="checkbox"/> Others : (please specify)
--	---

(1) I understand that I am to pay the required fees for the above in accordance with regulation 2(1)(a) (ii), (1)(b) and (2) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013, paragraph 3 of the Fees (State Courts – Criminal Jurisdiction) Order 2014, or with paragraph 3 of the Fees (Family Justice Courts) Order 2014, as applicable, upon submission of the application form. I also understand that the document(s) applied for can only be collected after the stipulated payment has been made.

(2) I also understand that the Court, upon approval of the application, will only release the document(s) applied for to parties named in the action or their solicitors.

(3) I also understand that my application will be deemed as lapsed if the document(s) applied for is/are not collected within 21 days from the date I am informed on the availability thereof. I also understand that I am required to provide a **Letter of Authorisation** for another person to collect the requested document(s) on my behalf if I am unable to collect them personally.

_____ Signature of Applicant _____ Date

FOR OFFICIAL USE ONLY

The application is: (✓ where applicable)	<input type="checkbox"/> Approved	<input type="checkbox"/> Not approved Reasons for rejection (where applicable):
_____ Name and Signature of District Judge/Magistrate/Deputy Registrar		
- Total Fees payable : _____ - Minimum Fees payable (\$15 x no. of document types applied): _____ - Paid on: _____ Receipt No: _____ - Balance Fees payable (\$0.50 per page, where applicable): _____ - Paid on: _____ Receipt No: _____	No. of documents collected: _____ Document(s) collected by: Name & Signature of Collector NRIC/Passport/ FIN No: Date:	No. of Pages: _____

Collection Time: Mondays to Fridays – 9.00 am to 1:00pm & 2.00pm to 5.00pm

1. All requests for copies of the records of any criminal proceedings are subject to the approval of the court.
2. Once the request has been approved and the applicant has been informed on the availability of the requested document(s) and the cost (where applicable), the said documents will be available for collection for a period of 21 days. Any document(s) not collected within the stipulated period will be destroyed and a fresh request must be submitted thereafter if the applicant still requires the document(s).
3. An application for copies of the records of any criminal proceedings will only be processed after the stipulated payment has been made.

Prescribed Fees

4. The fees payable are as follows:

Document Type	Fee Amount	Remarks
Registrar's Certificate ²	\$20	Payable upon Application
All other documents (including a copy of any Judgment, Sentence, Order, Deposition or other part of the record of any criminal proceedings ³	\$5 for each type of document requested in the application and \$0.50 per page thereof, subject to a minimum of \$15 per document.	Minimum of \$15 (per document) payable upon Application <i>*Any additional amount (based on number of pages) may be payable before collection of the document(s).</i>
Application for an additional copy of the record of any criminal proceedings or the Grounds of Decision ⁴	\$0.50 for each page thereof, subject to a minimum of \$10 for each copy of the record of proceedings and grounds of decision	Minimum of \$10 (per document) payable upon Application <i>*Any additional amount (based on number of pages) may be payable before collection of the document(s).</i>

5. There is a \$5 non-refundable application fee for each type of document applied for. A fee of \$0.50 for each page of the document, subject to a minimum fee of \$15 for each type of document requested is also payable. The total sum of \$15 is payable when the application for the records is submitted.
6. The additional amount of fee (based on the actual number of pages provided) is payable before the document(s) can be collected.

Refund of Fees Paid

7. The \$5 application fee is non-refundable.
8. A refund of the minimum fee already collected will only be made through directly crediting the applicant's bank account. The applicant must furnish the photocopies of the following:
 - a. applicant's NRIC or Passport; and
 - b. applicant's bank statement or savings passbook (reflecting his name and the account number)

Payment Modes

9. Local Applicants: Cash, NETS or local Solicitor's cheque
[For cheque payment, please make the cheque payable to "Registrar, State Courts" and indicate the Case Number at the back of the cheque]
10. Overseas Applicants: Bank Draft in Singapore Currency (payable to Registrar, State Courts)
Payment should also include all bank charges

Contact Us

- For enquiries pertaining to Criminal Justice matters, please email to us at STATECOURTS_CRIME_REGISTRY@statecourts.gov.sg or contact us at (65) 6435 5095
- For enquiries pertaining to family & youth matters, please email to us at FJCOURTS_MAINTPOS@fjcourts.gov.sg or contact us at (65) 6435 5110.

² Pursuant to section 45A(4) of the Evidence Act (Cap. 97).

³ Pursuant to paragraph 3 of the Fees (State Courts – Criminal Jurisdiction) Order 2014, or with paragraph 3 of the Fees (Family Justice Courts) Order 2014, and regulation 2(2) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013, read with section 426(1) of the Criminal Procedure Code (Cap. 68).

⁴ Pursuant to regulation 2(1)(b) of the Criminal Procedure Code (Prescribed Fees) Regulations 2013, read with section 377(6) of the Criminal Procedure Code (Cap. 68).

APPENDIX K:

SAMPLE DECLARATION OF THE VALUE OF MATRIMONIAL ASSETS

Divorce No. 9999 of 2014

Between

ABC ... Plaintiff

And

DEF ... Defendant

- 1 The net value of the matrimonial assets is asserted to be ~~more~~/less* than \$5million.
- 2 The detailed breakdown of the matrimonial assets is as follows:

Assets asserted to be matrimonial assets	Please specify each asset	Current gross value of each asset
	1. Matrimonial Home at 22 Cross Road, Singapore	\$1,000,000
	2. Apartment at 33, Hay Street, #01-01, Singapore	\$400,000
	3. Family Car SAA 1234B	\$60,000
	4. Joint Bank Account at XYZ Bank, account no. 12345	\$80,000
	5. Defendant's Bank Account, particulars unknown	\$300,000
	Total:	\$1,840,000
Outstanding liabilities due to third parties which should be deducted from value of matrimonial assets	Please specify each liability	Amount for each liability
	1. Outstanding Mortgage Loan for 22 Cross Road, Singapore	\$700,000
	2. Outstanding Renovation Loan for 33 Hay Street, #01-01, Singapore	\$60,000
	3. Outstanding Car Loan for SAA 1234B	\$30,000
	4. Overdraft of Plaintiff with ABC Bank, account no. 6789	\$50,000
	Total:	\$840,000
Net Value of the Matrimonial Assets: \$1,000,000 [<i>total gross value of \$1,840,000 less total liabilities of \$840,000</i>]		

- 3 The order is not likely/~~likely~~* to be enforced in another jurisdiction by a party.

4 There is a novel or complex point of law to be determined as follows:-
The apartment at 33 Hay Street #01-01 is owned by a Trust Company set up by the Defendant and 4 other partners, all of whom are foreigners. One of the issues before the Court is whether the apartment is a matrimonial property and the trust was set up to dissipate matrimonial assets to be divided between parties

- 5 The Plaintiff/~~Defendant/Other Party (to specify)*~~ has/~~has not~~* completed filing the affidavits, reports, interlocutory applications and all other documents necessary for the hearing of the contested ancillary matters.
- 6 There ~~is~~/is no* pending interlocutory application* in the ancillary matters proceedings. There is/is no* pending appeal from an interlocutory application in the ancillary matters proceedings.

(signed)

~~Signature of Plaintiff/Solicitors for the Plaintiff/
Defendant/Solicitors for the Defendant/
Other Party/Solicitors for the Other Party (to specify)*~~

Name of ~~party making declaration~~/Solicitors' firm: M/S PQR

NRIC Number ~~*(for parties who are acting in person only):~~

Date: 01/01/2014

* Delete where inapplicable