

Family Justice Courts Practice Directions (Amendment No. 3 of 2016)

Part V – Alternate Dispute Resolution

11. 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~~(4)~~ of the Women’s Charter (Cap. 353) or section 26(9) of the Family Justice Act 2014 ([Act 27 of 2014](#))) to encourage parties to resolve the matter amicably and assist parties in reaching an agreement or to narrow the issues in contention. [Sub-paragraphs \(2\) to \(10\) below apply to private mediations ordered by the Court, and sub-paragraphs \(11\) to \(19\) below apply to mediations and/or counselling conducted by the Court.](#)
- [\(1A\) It is the professional duty of advocates and solicitors to advise their clients about mediation. Mediation should be considered at the earliest possible stage in order to facilitate an amicable resolution of the dispute.](#)

Court Ordered Private Mediation

- [\(2\) With effect from 1 October 2016, the Court will no longer conduct mediation in relation to proceedings \(including divorce proceedings, applications pursuant to section 121B of the Women’s Charter \(Cap. 353\) and proceedings for a grant of probate or letters of administration in respect of the estate and effects of a deceased person\) which meet the following criteria:](#)
- [\(a\) there is a contested issue relating to assets where the gross value of all known assets is S\\$3 million or above;](#)
- [and](#)
- [\(b\) there are no contested child issues \(i.e. disputes relating to the custody, care and control of and/or access to any child\).](#)
- [\(3\) The Registrar or the Judge may order that parties in proceedings which meet the criteria attend private mediation conducted by the Singapore Mediation Centre \(“SMC”\), unless parties have agreed upon a mediator \(“Agreed Private Mediator”\). The Registrar or the Judge may also make any orders necessary, including any orders pertaining to the payment of the mediation and its related fees.](#)
- [\(4\) For mediations conducted by the SMC, the parties and/or counsel shall provide the Registrar or the Judge with the necessary information for the SMC to contact them to](#)

arrange for the mediation. The Registrar or the Judge will give directions and timelines for parties to agree on a mediation date and to exchange case information, documents and mediation briefs. The Registrar or the Judge will fix a return date for parties and/or counsel to update the Court on the outcome of the private mediation.

- (5) For mediations conducted by the Agreed Private Mediators, the parties or their counsel shall inform the Registrar or the Judge of the identity of their Agreed Private Mediator, the management of the mediation and the agreed date for mediation. The Registrar or Judge may make any order necessary for the timely and efficacious disposal of the case, including fixing return dates for the parties or their counsel to update the court, and/or re-directing the case to the SMC
- (6) Parties and their counsel must personally attend all mediation sessions, unless otherwise stated by the private mediator.
- (7) For nullity, divorce and judicial separation proceedings in which interim judgment or judgment of judicial separation has been granted, if the dispute is resolved at the SMC mediation or other private mediation, the parties and/or counsel may file the draft consent order for the Court's approval in accordance with the requirements in Paragraph 116 of these Practice Directions. Alternatively, the parties may request to attend before the Court for the privately mediated agreement to be recorded as a consent order by the Registrar or the Judge upon confirmation of the terms by the parties and/or counsel.
- (8) Where interim judgment or judgment of judicial separation has not been granted, if the dispute is resolved at the SMC mediation or other private mediation, the parties and/or counsel shall inform the Court accordingly on the return date given by the Registrar or the Judge pursuant to sub-paragraphs (4) or (5) above, as the case may be, and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.
- (9) For all other proceedings not covered by sub-paragraphs (7) and (8) above, parties and/or counsel may either file the draft consent order in accordance with Paragraph 116 of these Practice Directions, or have it recorded as a consent order by the Registrar or the Judge upon the confirmation of the terms by the parties and/or counsel.
- (10) If the dispute is not resolved at the private mediation, the Registrar or the Judge will give the necessary directions at the return date to enable the case to proceed accordingly.

Mediation conducted by the Court

- (11) 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.

- (12) For non-child related proceedings, the Registrar or the Judge may direct parties to attend mediation and/or counselling, whichever is appropriate.
- (13) Counsel is not expected to attend any counselling sessions directed by the Court. However, ~~counsel and parties~~ and counsel must personally attend all mediation sessions.
- (14) For all mediation sessions, (whether child-related or otherwise) the parties and their c ~~Counsel and parties~~ are to prepare a Summary for Mediation in the prescribed format in Form 191 in Appendix A 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.
- (15) 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).
- (16) 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.
- (17) For all other proceedings not covered by sub-paragraph (167) 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.
- (18) 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 unless otherwise stipulated by law. If the dispute is not resolved at the mediation session, the District Judge or 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 Registrar conducting the mediation.
- (19) 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.

Part XIII- General Procedure

157. Stamping of documents

- (1) Only documents filed in the Family Justice Courts will be stamped at the Family Justice Courts' stamp office. The amount of stamp fees payable must be indicated on the top right hand corner of the document. In addition, solicitor's clerks or solicitors must complete and submit the requisition form set out in Form 258 of Appendix A, together with the relevant document(s) to the cashier for stamping.
- (2) Payment should be made with Cash, NETS, local Cashier's Order and Bank Draft (in Singapore currency). Cashier's Orders and Bank Drafts should be crossed and made payable to:

“Registrar, of Supreme Court/AG”

- (3) The stamp office shall be opened during the following hours:
 - (a) Monday to Friday - 9.00 am to 1.00 p.m., and
2.00 p.m. to 4.00 p.m.
 - (b) Saturday - 9.00 am to 12.00 p.m.

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

FAMILY JUSTICE COURTS DOCUMENTS APPLIED FOR

Case No.

Name of Parties cited in case

Complainant:

Respondent:

Court No.

Hearing/Mention Date:

Name of JO

Other Information:

(if any)

<p><i>Type of Document (✓ where applicable)</i></p> <p><input type="checkbox"/> Complaint Form</p> <p><input type="checkbox"/> Notes of Evidence:</p> <p style="padding-left: 40px;"><i>(please specify hearing dates)</i></p> <p><input type="checkbox"/> Court Order No:</p> <p style="padding-left: 40px;"><i>(please specify)</i></p> <p><input type="checkbox"/> Others</p> <p style="padding-left: 40px;"><i>(please specify)</i></p>	<p><input type="checkbox"/> Certified True Copy or</p> <p><input type="checkbox"/> Plain Copy</p>
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Reasons For Application (✓ where applicable)

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

(1) I understand that I am to pay the required fees for the above in accordance with the relevant rules or regulations, 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 Judicial Officer / Authorised Officer

- Total Fees payable : _____	No. of documents collected:	No. of Pages:
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- Paid on: _____ Receipt No: _____

Document(s) collected by:

Name & Signature of Collector

NRIC/Passport/ FIN No:

Date:

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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 court 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
Complaint Form	\$5 for each type of document requested in the application and \$0.50 per page thereof, subject to a minimum of \$15 per document.	Payable upon Application
Notes of Evidence & other documents for MSS and SS Proceedings in non-appeal cases	\$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>
For judgment orders (plain copies) for MSS and SS Proceedings in non-appeal cases	\$5 plus \$0.15 per page.	
Notes of Evidence & other documents for CPO and BPC Proceedings in Youth Courts in non-appeal cases	\$5 plus \$0.50 per page thereof, subject to a minimum of \$15 per document.	
Notes of Evidence & other documents (certified true copies) for MSS and SS Proceedings in non-appeal cases	\$8 plus \$5 per page	
For judgment orders (certified true copies) for MSS and SS Proceedings in non-appeal cases	\$8 plus \$5 per page	

Refund of Fees Paid

5. The applicant must furnish the photocopies of the applicant's NRIC or Passport.

Payment Modes

6. Local Applicants: Cash, NETS or Ez-Link
7. Overseas Applicants: Bank Draft in Singapore Currency (payable to "Registrar, Supreme Court/AG")
Payment should also include all bank charges.

Contact Us

- For enquiries pertaining to family & youth matters, please email to us at FJCourts_MAINTPOS@fjcourts.gov.sg or contact us at (65) 6435 5471.

**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 by cheque made payable to “Registrar, ~~of~~ Supreme Court/[AG](#)”;
- (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 ~~e~~ounselCounsel/defendant's ~~C~~ecounsel* 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.

Para 158

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 by cheque no. _____ made payable to "Registrar, ~~of~~ Supreme Court/AG" * as part of the Bailiff's expenses in executing the Order.

OR

I undertake to place a deposit of \$300 by cheque made payable to "Registrar, ~~of~~ Supreme Court/AG"* 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