

Family Justice Courts Practice Directions (Amendment No. 2 of 2017)

24. Pre-hearing matters

- (1) The applicant and respondent in family violence and maintenance proceedings under Part VII and VIII of the Women's Charter must inform the District Judge presiding over the Mentions Court of all relevant matters that may affect the hearing of the case including, but not limited to, the following matters:
 - (a) Applications for discovery for maintenance cases;
 - (b) Applications for stay of proceedings for maintenance cases;
 - (c) Applications to strike out the whole or parts of affidavits which:-
 - (i) had been exchanged between the parties in the proceedings; or
 - (ii) where such affidavits had been used in other proceedings, are being referred to and intended to be used in the proceedings;
 - (d) The number and identity of the witnesses that will be called to give evidence and who had agreed to give evidence for the party concerned;
 - (e) Challenges to expert reports; and
 - (f) Related proceedings which are pending in any Court including that of the Syariah Court.
- (2) All applications under Part 5, Divisions 3 and 4 of the Family Justice Rules, other than for the main applications in family violence and maintenance proceedings and applications for discovery, shall be made via the portal of the electronic filing service known as the Integrated Family Application Management System ("IFAMS") under "Other applications". ~~in Form 207 of Appendix A to these Practice Directions.~~
- (3) An application for discovery under rule 102(4) of the Family Justice Rules is to be made via the IFAMS portal under "Applications for discovery". ~~shall be in Form 208 in Appendix A to these Practice Directions.~~
- (4) The applicant and respondent in family violence and maintenance proceedings are to make their own arrangements for the witnesses they intend to call to give evidence at

the hearing of their application, including applying for a Summons to a Witness where necessary.

~~(3)~~(5) An application by a party for a Summons to a Witness to give evidence must be made via the IFAMS portal under “Application for summons to give evidence”.

~~(4)~~(6) The party applying for a Summons to a Witness to give evidence must provide the reasons for the application. Any application which does not comply with the directions in this part may be rejected. The approval of such applications shall be at the discretion of the Court.

Part VIIA – Electronic Filing Service under Division 68A of Part 18 of the Family Justice Rules

26A. Application

- (1) The Practice Directions in this Part apply only in relation to proceedings under rule 929A of the Family Justice Rules.
- (2) All applications which have been specifically provided under rule 929A of the rules must be e-filed.
- (3) Any application which is not e-filed in accordance with the directions contained in this Part may be rejected.
- (4) The directions in this Part must be read in conjunction with Part 18 Division 68A of the Family Justice Rules.

26B. Establishment of Electronic Filing Service and appointment of network service provider

- (1) In exercise of the powers conferred by rules 929C and 929D of the Family Justice Rules, the Registrar, with the approval of the Chief Justice, hereby establishes an Electronic Filing Service known as the Integrated Family Application Management System (“IFAMS”).
- (2) IFAMS is accessible at:
 - (a) <https://ifams.gov.sg> for a party who acts in person or an advocate and solicitor appointed to act on a party’s behalf.
 - (b) <https://ifams.gov.sg/FSA> for individuals designated as authorised agents by any qualifying entity as defined in Rule 929B which are authorised users of the electronic filing system.

26C. Authorised users and authorised agents

- (1) Under rule 929E(1) of the Family Justice Rules, any individual may access IFAMS as an authorised user using his Singapore Personal Access (“SingPass”) ID. The identification code of an authorised user who is an individual shall be the authorised user’s SingPass ID.

- (2) Under rule 929E(2) of the Family Justice Rules, the qualifying entities granted access to IFAMS as authorised users by the Registrar are as follow:
 - (a) Law firms and law corporations as defined in section 2 of the Legal Profession Act (Cap 161);
 - (b) Designated Family Service Centres (“FSCs”);
 - (c) Designated Divorce Support Specialist Agencies (“DSSAs”);
 - (d) Designated Family Violence Specialist Centres (“FVSCs”); and
 - (e) Such other entity as the Registrar may authorise from time to time.
- (3) In the case of law firms and law corporations, only advocates and solicitors can be designated as authorised agents to access the electronic filing system.
- (4) For the purpose of rule 929E of the Family Justice Rules, the identification code of an authorised user which is a qualifying entity or its authorised agent shall be the authorised user’s CorpPass ID or such other ID that may be issued by the Registrar to the authorised user.
- (5) Authorised users shall be responsible for all transactions conducted and liable for all fees and charges incurred by any of their designated authorised agents in IFAMS.

26D. Electronic filing of written complaints

- (1) All complaints are to be e-filed through the IFAMS portal. For the avoidance of doubt, the written complaints shall be e-filed in the following manner:
 - (a) Advocates and solicitors acting for complainants shall file a written complaint which complies with the requirements of rule 131B(1)(a) of the Family Justice Rules.
 - (b) Complainants acting in person who access the system as authorised users using their SingPass shall file a written complaint which complies with the requirements of rule 131BA(2)(a) of the Family Justice Rules.
 - (c) Written complaints filed by an authorised user described under paragraph 26C(2)(b) to (e) of these Practice Directions on behalf of a complainant shall comply with the requirements of rule 131(BA)(2)(b) of the Family Justice Rules.

26E. Documents

- (1) All documents must be e-filed using the Portable Document Format (PDF).
- (2) The proper document type must be selected and a clear and appropriate document description must be entered. The document description should not be abbreviated.
- (3) It is not necessary for documents to have a cover page or backing sheet.
- (4) Every page of a document must be paginated consecutively so that the pagination on the actual document corresponds with the pagination of the Portable Document Format (PDF) document in the electronic case file, and the page number must be inserted at the top right hand corner of the page.
- (5) Under rule 929F(5) and rule 929F(6) of the Family Justice Rules, a party must file, before the commencement of the trial, an electronic reproduction of the document in IFAMS unless the Court allows the document to be tendered during the trial. For the purposes of these rules, the Mentions Court will determine whether a party should file the documents in IFAMS before the trial or otherwise.

26F. Documents which cannot be converted into electronic format

- (1) If a document cannot be converted in whole or in part into an electronic format for any reason, the hard copy of the document must be tendered to the Court.
- (2) A document which is not wholly converted into an electronic format without good reason may be rejected as the Court sees fit.

26G. Amendment of documents

Where a document is required to be amended, a fresh copy of the document must be produced and e-filed, regardless of the number and/or length of the amendments sought to be made.

26H. Limits on size and number of documents submitted using electronic filing service

- (1) The following limits shall apply to the filing of documents:
 - (a) the total number of pages in a single document must not exceed 999; and
 - (b) the size of a single transmission must not exceed 4 mega-bytes.
- (2) The resolution for scanning, unless otherwise directed by the Court, must be no more than 200 DPI.
- (3) In the event that any party wishes to file documents which exceed the limits specified in sub-paragraph (1), he may make multiple submissions.

26I. Bundles of Authorities

- (1) In all proceedings under this part, any party to the proceedings or his counsel shall submit their own bundle of authorities. In this regard, the following shall be complied with:
 - (a) The bundle of authorities to be prepared by each party should:
 - (i) contain all the authorities, cases, statutes, subsidiary legislation and any other materials relied on;
 - (ii) be properly bound with plastic ring binding or plastic spine thermal binding in accordance with the requirements set out in Paragraph 90(8)(c) of these Practice Directions;
 - (iii) be paginated consecutively at the top right hand corner of each page (for which purpose the pagination should commence on the first page of the first bundle and run sequentially to the last page of the last bundle); and
 - (iv) contain an index of the authorities in that bundle and be appropriately flagged for easy reference.
 - (b) Only authorities which are relevant or necessary for the trial shall be included in the bundles. No bundle of authorities is necessary in cases where parties are not relying on any authority at the trial. In cases where the Court is of the opinion that costs have been wasted by the inclusion of unnecessary authorities, the Court will have no hesitation in making a special order for costs against the relevant person.

- (c) The bundle of authorities shall be submitted to the Court and served on all relevant parties at least 3 working days before trial.
- (2) Bundles of authorities should not be filed electronically.

26J. Change of Solicitors

- (1) A party must file through the IFAMS portal a notice of appointment of solicitor, a notice of change of solicitor, a notice of ceasing to act or a notice of intention to act in person, as the case may be.
- (2) In the case of a solicitor who ceased to act for a party with that party's consent, the solicitor must also file the party's consent in Form 179A of Appendix A to these Practice Directions.
- (3) Despite anything in Part 18 Division 69A of the Family Justice Rules or the filing of any of the applicable notices in this paragraph, parties may be directed by the Court to attend mediation or counselling at the first mention for any application under this part. Parties are therefore required to attend the first mention for any application, unless the Court otherwise directs that their presence is dispensed with.
- (4) Where a solicitor files a notice of ceasing to act, he is to inform the client of the date and time of the next mention or hearing date and that the client is to attend Court for the said mention or hearing, as the case may be.
- (5) The Director of Legal Aid or a solicitor assigned to act for an aided person under the Legal Aid and Advice Act (Cap. 160) need not file the notice of appointment or the notice of ceasing to act as the Grant of Aid or cancellation of Grant of Aid will be filed with the Family Justice Courts Registry.

26K. Request for Court Records

- (1) An application for a copy of any part of the record of any proceedings by authorised users for a case registered in IFAMS or migrated to IFAMS must be made via the IFAMS portal under "Request for Court records".
- (2) An application for a copy of the document mentioned in paragraph (1) by an applicant who is not an authorised user must be made in Form 211 in Appendix A to these Practice Directions.

- (3) The party making any of the aforementioned request shall provide the reasons for the request and documents in support of the request, where applicable. Any requests which does not comply with the directions in this part may be rejected. The approval of such requests shall be at the discretion of the Court.
- (4) Upon approval of the request, parties will be notified of the outcome of the request or receive directions by the Court as the case may be, where appropriate.
- (5) The applicant shall be allowed to 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.

26L. Other Requests

- (1) The following requests relating to or in connection with proceedings under this part for a case registered via the IFAMS must be made via the IFAMS portal:
 - (a) Requests for permission to leave jurisdiction;
 - (b) Requests to cancel a warrant of arrest;
 - (c) Requests to change Court appointments;
 - (d) Requests to restore or reinstate a struck-off case; and/or
 - (e) Requests to withdraw an application.
- (2) The party making any of the aforementioned requests should provide the reasons for the request and documents in support of the request, where applicable. Any request which does not comply with the directions in this part may be rejected. The approval of such requests shall be at the discretion of the Court.
- (3) Upon consideration of the request by the Court, parties will be notified of the outcome or given directions by the Court as the case may be, where appropriate.

26M. Showing proof of payment

- (1) Where an order for enforcement of maintenance arrears provides for a party to show proof of payment via the IFAMS portal, the party required to show proof of payment may do so via the IFAMS portal under “Show proof of payment of maintenance”.
- (2) The Court will notify the party required to show proof of payment through either one or more of the following modes of communication - letter, electronic mail or mobile phone text message if the proof of payment is satisfactory. The notification of the

Court's acceptance of proof of payment will not be communicated orally over the telephone.

- (3) If the proof of payment via IFAMS is for any reason unsatisfactory, the Court may reject the proof of payment and notify the party required to show proof of payment, by the modes of communication specified in sub-paragraph (2) above.
- (4) For the avoidance of doubt, if the proof of payment via IFAMS is rejected, or if the party required to show proof of payment does not receive any notification from the Court exempting him from attending Court on the acceptance of the proof of payment, the party must attend personally at the Maintenance Mediation Chambers, Level 2 of the Family Justice Courts to show proof of payment on or before the date specified in the Order of Court.

26N. Payment in and Out of Court

Where an appeal is to be filed under Part 18 Division 59 of the rules against an order made for proceedings to which rule 929A applies, the application for payment in and out of Court of the security deposit is to be made via the IFAMS portal under "Payment of money into Court" or "Payment of money out of Court", as the case may be.

33. Application for Court Records for Youth Court matters and non-electronically filed cases

- (1) This paragraph shall apply only in respect of Youth Courts proceedings.
- (2) An application for a copy of any part of the record of any 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 ~~(including cases under Part VII, and VIII and IX of the Women’s Charter)~~ must be made in Form 211 in Appendix A 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 Youth Courts 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, or the Family Justice Rules (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 Family Justice Courts and the grant of such an application shall be in the absolute discretion of the Registrar.

46. Documents to be filed

- (1) The originating summons and supporting affidavits for mental capacity proceedings are to be filed in the Family Justice Courts.
- (2) The Court may reject any document filed if there are errors or if the document does not comply with the Family Justice Rules, the~~se~~ Practice Directions, or any other directions made by the Court.
- (3) Explanatory text in Form 217 in Appendix A to these Practice Directions should be excluded from the originating summons. Also, where a choice is set out in the form (e.g. Deputy / Deputies), the inapplicable choice should be deleted.

50. 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 Rule 179 of the Family Justice Rules 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; and
 - (d) P's brothers or sisters (aged 21 and above).
- (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 222 in Appendix A 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 222 in Appendix A 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.

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 222 in Appendix A 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.
 - (c) If an applicant has a strong reason for not serving an affidavit or any other document (other than the originating summons) on the organisation providing residential accommodation to P, the applicant may file a summons to seek dispensation of service of such documents on the organisation in question.

61. Order of Court

- (1) An Order of Court shall be in Form 32 in Appendix A 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 rule 678 of the Family Justice Rules within 7 days after the date on which the order was made.
- (3) Pursuant to section 24(10) of the Mental Capacity Act (Cap. 177A), the Court may require a deputy to give security to the Public Guardian for the due discharge of his functions.

R.936D(1)(a)

(Title as in action)

CONSENT TO WITHDRAWAL OF SOLICITOR

I, _____(NRIC No. _____) of _____ (address), the abovenamed complainant/respondent*, consent to the withdrawal of my solicitors _____ (name of solicitor) who will cease to act for me in the above matter.

Signed by the abovenamed)

_____ (name))

On this (date) _____)

Witnessed by _____)

_____ (name)

NRIC/Passport No.)

**delete where appropriate*

FORM 207
[Deleted]

Para 24

**APPLICATIONS IN FAMILY VIOLENCE OR MAINTENANCE PROCEEDINGS UNDER
PART VII OR VIII OF THE WOMEN'S CHARTER**

(Title as in action)

I, _____ (NRIC No. _____) of

(address), the Complainant/Respondent*, hereby apply for
the Court to make the follow orders :-

2. _____ Orders Applied For

(to state the nature of the application)

3. _____ Grounds of the Application

(to state the grounds of the application)

Dated _____ day of _____ 20____.

Affirmed/Sworn* by _____)

_____)

(to state name and NRIC Number) _____)

through the interpretation of* _____)

in *[to state language]*

Before Me

Commissioner for Oaths

* Please delete accordingly.

FORM 208

[Deleted]

Para 24

APPLICATION FOR DISCOVERY IN MAINTENANCE PROCEEDINGS UNDER PART VIII OF THE WOMEN'S CHARTER

(Title as in action)

1. I, _____ (NRIC No. _____) of _____ (address), the Complainant/Respondent*, hereby apply for the Court to order _____ (NRIC No. _____) ("the Other Party") to provide 3 sets of the following documents :-

2. _____

(Describe the documents requested)

S/No.	Title or description of Document	Period from which the document is required (e.g. documents from 2009 to 2011)	Reasons why the document is required	Reasons why you think the other party has the document

Dated _____ day of _____ 20____.

Affirmed/Sworn* by _____)

_____)

(to state name and NRIC Number) _____)

through the interpretation of* _____)

in [to state language]

Before Me

Commissioner for Oaths

* Please delete accordingly.

FORM 217

Para 54

ORIGINATING SUMMONS FOR MENTAL CAPACITY PROCEEDINGS

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSM 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~~this application ~~under section [state the section of the MCA] of the Mental Capacity Act (Cap. 177A) (“MCA”)~~ to the Court.

2. Dispensation

The Court dispenses with the following:

- (i) ~~The n~~Notification of [Name of P] (“P”) of this ~~originating summons application~~ 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 a~~Attendance of the following persons P at all hearings for this ~~originating summons be dispensed with.~~application:

a. _____ P;

b. _____ Dr [state name of doctor] (ID No. [state number]) of (state address).

- ~~(ii) 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.~~

- (iii) ~~The s~~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 Mental Capacity Act (Cap. 177A)(“MCA”)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 ~~then~~ 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 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.~~

(e)(d) Reports to the Public Guardian must contain such information and be in such form as may be required by the Public Guardian and must contain (but are not limited to) the following:

- (i) a record of any decisions made or acts done for the personal welfare of P and the reasons for making or doing them;
- (ii) a record of decisions made or acts done relating to P's property and affairs;
- (iii) an inventory of the assets belonging to P and the value and location of the assets; and
- (iv) statements, vouchers, receipts and other financial records in the administration of P's property and affairs.

(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.*

Para 54

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSM 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 this affidavit is true and correct.

4. **APPLICANT'S PARTICULARS**

(a) Full name:

(b) NRIC/FIN/Passport no.:

(c) Date of birth (DD/MM/YYYY):
--

(d) Age:

(e) Gender: <input type="checkbox"/> Male <input type="checkbox"/> Female
--

(f) Telephone number:

(g) Occupation:

(h) Name and address of employer:
--

(i) **Monthly income:**

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

- Spouse
- Child
- Parent
- Sibling
- Friend
- Others – please specify:

5. **INFORMATION ABOUT APPLICANT**

(a) **Please indicate which options 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

(b) **Please indicate which option 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**

(a) **P's Full name:**

(b) **P's NRIC/FIN/Passport no.:**

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

(d) **P's Age:**

(e) **P's Gender:** Male Female

(f) **P's Marital status:**

- Single
- Married
- Divorced
- Separated
- Widowed
- Unknown

(g) **Address at which P is currently residing:**

(h) Is P living in a nursing home? Yes No

 If “Yes”, please state which nursing home:

(i) 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

(j) P’s care arrangements:
 (Please provide information about how P is being cared for)

(k) P’s monthly expenses:

(l) P’s monthly income and sources of such income:

--

(m) 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
TOTAL	

(n) Please indicate which options 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

(o) Please indicate which options are applicable and provide details where applicable

- 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

(pe) **LASTING POWER OF ATTORNEY**
(Please indicate which of the following is 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

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

(rp) **PREVIOUS LEGAL APPLICATIONS CONCERNING P**
(Please indicate which of the following is 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**

(Please do not leave any blanks. Please state “Nil” if there is no one in the category in question. If a Relevant Person has passed away, please state the person’s name and indicate “(deceased)” after the name.)

(a) P’S SPOUSE		
Full name	NRIC/FIN/Passport No.	Age

(b) P’S PARENTS		
Full name	NRIC/FIN/Passport No.	Age

(c) P’S CHILDREN		
Full name	NRIC/FIN/Passport No.	Age

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

(e) 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

(f) Have you obtained the consent of the Relevant Persons named above?

Yes No

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 ORDERS REQUESTED**

(a) **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:

(b) **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.)	
Office of the Public Guardian search result showing if P has registered a Lasting Power of Attorney	
Office of the Public Guardian search result showing if there is a past Mental Capacity Act or Mental Disorders And Treatment Act Order in respect of P	
Wills Registry search result showing if P has registered a Will	
A copy of P's will	
Other documents	

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

Para 54

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

OSM No.)

of 20)

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

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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 this affidavit is true and correct.

4. **APPLICANT'S PARTICULARS**

(a) **Full name:**

(b) **NRIC/FIN/Passport no.:**

(c) **Age:**

(d) **Telephone number:**

(e) **Occupation:**

(f) **Name and address of employer:**

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

5. **INFORMATION ABOUT P**

(a) **P's Full name:**

(b) **P's NRIC/FIN/Passport no.:**

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

(d) **P's Age:**

(e) **P's Gender:** **Male** **Female**

(f) **P's Marital status:**

- Single**
- Married**
- Divorced**
- Separated**
- Widowed**
- Unknown**

(g) **Address at which P is currently residing:**

(h) Is P living in a nursing home? Yes No

If “Yes”, please state which nursing home:

(i) 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

(j) Details in respect of P’s medical / nursing home bills and recurrent expenses:

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

(l) **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
TOTAL	

(m) **Please indicate which options 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

(n) *Please indicate which options are applicable and provide details where applicable (to the best of your knowledge)*

- 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:

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(on) **LASTING POWER OF ATTORNEY**

(Please indicate which of the following is applicable)

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- 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

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

(g) PREVIOUS LEGAL APPLICATIONS CONCERNING P

_____ (Please indicate which of the following is 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
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6. **INFORMATION ABOUT RELEVANT PERSONS**

(Please do not leave any blanks. Please state "Nil" if there is no one in the category in question. If a Relevant Person has passed away, please state the person's name and indicate "(deceased)" after the name.)

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

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

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

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

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

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Wills Registry search result showing if P has registered a Will	
Other documents	

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