# **DIVOCC** in Singapore

THE ESSENTIALS



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#### Disclaimer

- The flow charts represent the typical processes only. For each divorce case, depending on the facts and circumstances, the Judge has full discretion to direct the best possible course of action at any point in time.
- This publication is produced for general information only.
- FJC disclaims any and all liabilities in connection with the contents of this publication.
- Always seek legal advice when in doubt.



#### Introduction

#### If you are considering a divorce...

This booklet details typical divorce proceedings to help you better understand the processes involved. You and your spouse will go through the simplified track if (1) you both agree on the divorce; or (2) you both agree on the divorce and all ancillary matters such as the division of matrimonial assets, maintenance, and the custody, care and control and access of your child(ren). All other applications will go through the normal track.

The Family Justice Courts (FJC) and its partners provide assistance and support in resolving family disputes with a focus on mediation and counselling to reduce conflict and acrimony, which can impact the child(ren) negatively. Parents should cooperate to minimise the possible stress and work out a plausible plan for the future.

#### Before filing for divorce...

#### STEP 1

**Ensure** your marriage qualifies for divorce under **Singapore Law** 

#### Are you...

A Singaporean citizen or have lived in Singapore for the past 3 years?



Married for at least 3 years or have obtained permission from court to file for divorce before 3 years?



#### STEP 2

Adultery

#### Establish the facts to rely on in support of a divorce

What does it mean?

If your spouse cheats on you by having sexual relations outside of marriage, and you find it intolerable to live with him/her.

You may file for divorce on this fact as soon as

infidelity is known.

You may file for divorce

on this fact as soon as an

When can I file for divorce?

Evidence of the act (or intention of) including videos, photographs, SMS/ email exchanges, etc.

Evidence of any act, active

or passive; or failure to act,

of your spouse.

What proof must I produce?

#### Unreasonable behaviour



If your spouse inflicts physical or mental abuse, or has behaved in a manner that you cannot reasonably be expected to live with him/her.

If your spouse has left you

against your wishes and

completely rejected the

marital relationship.

incident has taken place.

You have to wait for



2 years.



Evidence of the intention

apart and end the right to

companionship and marital

of both parties to be

Evidence of deserting

spouse's intention, and

You have to wait for 3 years if your spouse agrees to the divorce (uncontested), or

You may file for divorce as soon as you and your spouse agree that the

#### STEP 3

File for divorce...

- on a simplified track
- on a normal track

#### Note

- If you are married under Syariah Law, you must file for divorce in the Syariah Court Singapore.
- If you have any children under 21 years old, you will be required to attend the Mandatory Co-Parenting Programme (CPP) conducted by an MSF-funded Social Service Agency before filing for divorce (See page 16 for details).
- You will be issued with a Certificate of Completion at the end of the CPP. This certificate must be filed together with the Originating Application for Divorce or the cross-application (if you are a respondent).

#### Separation

Desertion



Mutual agreement

If you and your spouse have been living separately at different addresses, or at the same address but maintaining different households.

If you and your spouse

agree that the marriage

has irretrievably broken

down.

4 years otherwise.

broken down.

A written agreement in the relevant Form of the Practice Directions. marriage has irretrievably

association.



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# Matrimonial application for divorce on a simplified track

If you and your spouse can agree on the divorce before the filing of the Originating Application for Divorce, the simplified track would be applicable to you.

Pou will need to consider the following:

1 The reason the marriage has irretrievably broken down:

• Adultery;
• Unreasonable behaviour;
• Desertion;
• Separation; or
• Mutual agreement

Child(ren)'s care arrangements:



- · Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care of the child(ren) on a daily basis; the parent the child(ren) live with)
- Access (i.e. how often the parent who does not have care and control sees the child(ren))
- Maintenance (i.e. how much to contribute towards towards the child(ren)'s expenses)

Wife's or incapacitated husband's maintenance:



- Nominal maintenance;
- A specific sum per month and whether it is for a fixed period of time:
- One-time lump sum maintenance; or
- No maintenance

4 Assets distribution:



- Which assets to be divided (e.g. house)
- How the asset(s) will be divided (e.g. CPF monies, monies in joint bank accounts)



- Paid by one party;
- Shared between both parties; or
- Each party bears own costs





You and your spouse may wish to attend counselling and/or any of the support programmes available at the Strengthening Families Programme@Family Service Centres (FAM@FSC) / Divorce Support Specialist Agency (DSSA) or seek legal advice from a divorce lawyer or at the legal clinics situated at the Legal Aid Bureau (LAB) or the Community Justice Centre (CJC).

#### **How to apply**

Once you and your spouse have reached an agreement, prepare the following documents and sign them where necessary:

- Originating Application for Divorce ("OAD") [Form No. 2A] (to include bankruptcy searches on both spouses, copy of marriage certificate)
- Certificate of Completion of CPP from both parties (if you have child(ren) below 21 years of age)
- Spouse's Consent to Simplified Proceedings (if applicable) (within section 9B of OAD)
- Applicant's Affirmation for Simplified Proceedings (including request for hearing date) (within section 9A of OAD)

The documents above may be found at https://www.judiciary.gov.sg/forms

\* Documents must be signed before a Commissioner for Oaths (if the person signing it is in Singapore) or before a Notary Public or Consular at the Singapore Embassy (if the person signing it is overseas).

#### How to file

To begin the divorce proceedings, ensure all necessary documents have been signed and submit them to the FJC at:

#### CrimsonLogic Service Bureau

1 Havelock Square Level 2, State Courts Singapore 059724 Tel. No.: 6538 9507 Operating Hours
Mon to Fri: 8:30am to 5pm
Sat: 8:30am to 12:30pm
Sun and Public Holidays: Closed



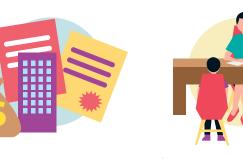
# During the simplified divorce proceedings

# After the simplified divorce proceedings















are in order, a hearing date will be given within 4 to 6 weeks of filing the matrimonial application for divorce. You and your spouse are usually not required to attend the hearing – usually conducted in Chambers – and no member of the public is allowed to attend the hearing.



Interim Judgment if it is satisfied that parties' marriage has broken down irretrievably. If there is an agreement on the ancillary matters, the court may record the agreement as a consent order. You may then extract the Interim Judgment at CrimsonLogic Service Bureau. Where there is no agreement on the ancillary matters, refer to section on "Ancillary Matters Process".

#### Once the Interim

Judgment has been extracted, you and your spouse will have to wait for 3 months after the grant of the Interim Judgment (or after the conclusion of the ancillary matters, whichever is later) to extract the Final Judgment at CrimsonLogic Service Bureau to finalise and complete the divorce process.



the ancillary matters is recorded, you will need to ensure that you adhere to the agreement between you and your spouse by, for instance, selling the flat and ensuring that maintenance is paid as agreed between you and your spouse.

If a consent order on

You and/or your child(ren), if any, may be directed to attend a support programme conducted by FAM@FSC / DSSA. If not directed by the court, you and/or your child(ren), if any, may also wish to attend counselling and/or any of the support programmes available at the FAM@FSC / DSSA for families affected by divorce. A non-exhaustive list of support programmes and the respective agencies can be found at page 16 of this booklet.

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# Matrimonial application for divorce on a normal track

If you and your spouse are unable to reach an agreement on the divorce before the filing of the Originating Application for Divorce, the normal track would be applicable.

# Before application You will need to consider the following: The reason the marriage has irretrievably broken down: • Adultery; • Unreasonable behaviour; • Desertion; • Separation; or • Mutual agreement

Child(ren)'s care arrangements:



- Custody (i.e. who makes the major decisions)
- Care and Control (i.e. who takes care
  of the child(ren) on a daily basis; the parent
  the child(ren) live with)
- Access (i.e. how often the parent who does not have care and control sees the child(ren))
- Maintenance (i.e. how much to contribute towards the child(ren)'s expenses)

Wife's or incapacitated husband's maintenance:



- Nominal maintenance;
- A specific sum per month and whether it is for a fixed period of time:
- One-time lump sum maintenance; or
- No maintenance

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#### **Assets distribution:**



- Which assets to be divided (e.g. house)
- How the asset(s) will be divided (e.g. CPF monies, monies in joint bank accounts)



- Paid by one party;
- Shared between both parties; or
- Each party bears own costs





Amicable resolution of disputes (parties to give sufficient consideration to resolving their disputes amicably before commencing or during the course of the matrimonial application for divorce)



You and your spouse may wish to consider attending counselling and/or any of the support programmes available at the FAM@FSC / DSSA. If you have any child(ren) under 21 years old, you will be required to attend the CPP conducted by an MSF-funded Social Service Agency. Given the level of complexity and numerous divorce papers that have to be filed in a contested divorce, you may wish to seek legal advice from a lawyer, or at the legal clinics situated at the LAB or the CJC.

#### **How to apply**

Once you have decided what your views are in relation to custody, care and control and access of the child(ren), maintenance, division of assets and costs, prepare the following documents and sign them where necessary:

- Originating Application for Divorce [Form No. 2A] (to include bankruptcy searches on both spouses, copy of marriage certificate, copy of child(ren)'s birth certificates, if applicable)
- Certificate of Completion of CPP (if you have child(ren) below 21 years of age)
- Notice to contest [Form No. 4]

The documents above may be found at https://www.judiciary.gov.sg/forms

\* Documents must be signed before a Commissioner for Oaths (if the person signing it is in Singapore) or before a Notary Public or Consular at the Singapore Embassy (if the person signing it is overseas).

#### How to file

To begin the divorce proceedings, ensure all necessary documents have been signed and submit them to the FJC at:

#### CrimsonLogic Service Bureau

1 Havelock Square Level 2, State Courts Singapore 059724 Tel. No.: 6538 9507 Operating Hours
Mon to Fri: 8:30am to 5pm
Sat: 8:30am to 12:30pm
Sun and Public Holidays: Closed



#### Divorce to proceed on an uncontested or contested basis

A divorce case number will be assigned to your application. The divorce papers must then be served on your spouse (a) personally by an authorised process server, by your lawyers or their employee, or by yourself (if you are self-represented); or (b) in a manner agreed between the parties.



#### Request for Trial / Hearing Date

To inform the court that your case is ready to be heard, you or your spouse must file a request for a trial or hearing date [Form No. 6]. This document may be found at https://www.judiciary.gov.sg/ forms



#### **Case Conference**

The court will then notify parties or your lawyers, if any, of the date to attend in court for a case conference.

A case conference is a court session where the judge will give directions on how to best manage your divorce case moving forward.

The court may, for example, direct:

- that you/your spouse to attend mediation and counselling (to facilitate an amicable settlement on the issues that you and your spouse disagree on); or
- that you and your spouse and your child(ren), under 21 years of age, attend mediation and counselling at the Family Dispute Resolution Division (FDR Division) of the Family Justice Courts, especially if the stress from the divorce affects your child(ren) negatively.



#### Other scenarios:

**Scenario 1:** You and your spouse agree to the divorce proceeding on an uncontested basis on the Originating Application for Divorce, the cross-application, or both.

**Scenario 2:** Your spouse does not file his/her NTC within 14 days after being served with the matrimonial application for divorce.

**Scenario 3:** Your spouse does not file his/her reply within 28 days after being served with the matrimonial application for divorce.



Contested divorce

Uncontested

divorce

#### **Status Conference:**

If you have not requested for a trial or hearing date within 6 weeks of filing your divorce papers, the court may schedule a case conference for parties to update the court on the status of the divorce proceedings.





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must file: a notice to contest (NTC) [Form No. 4] within 14 days after being served with the matrimonial application for divorce;

Once your divorce papers have been

served on your spouse, if he/she is not

agreeable to the divorce, your spouse

• a reply within 28 days after being served with the matrimonial application for divorce.

If, in addition to contesting any allegation made in your application, your spouse also wishes to apply for the marriage to be dissolved for different reasons, your spouse must file and serve on you a crossapplication within 28 days of receiving your application.

If your spouse files a cross-application, you have 28 days to file a reply to the cross-application.





Once your divorce papers have been served on your spouse, if he/she is agreeable to the divorce or informs the court (using a NTC) that he/she is agreeable to the divorce, the divorce can be scheduled for an **Uncontested Dissolution Hearing.** 







# During the contested divorce proceedings (cont'd)

#### Case Conference (cont'd)

The court will direct parties to file affidavits, including the Affidavit of Evidence-in-Chief (Contested) [Form No. 20]. The Affidavits are to be signed before a Commissioner for Oaths in Singapore or a Notary Public or consular in the Singapore embassy (if party is overseas).



If, at any time during the **Contested** process, you and your spouse manage to agree on the divorce, proceed as **Uncontested**.





# Request for an Uncontested Dissolution Hearing

To proceed on an uncontested basis, either of the following documents must have been filed:

- NTC signed by your spouse (respondent), confirming he/ she is not contesting
- Acknowledgment of service signed by your spouse (respondent)
- Affidavit of service filed by you or on your behalf

You can request for the application to be heard on an uncontested basis by filing the following documents:

- Request for a hearing date [Form No. 6]
- Affidavit for Uncontested Dissolution Hearing [Form No. 7]
   The documents above may be found at https://www.judiciary.gov.sg/ forms
- \* Slightly different procedures and Forms may be involved if you and your spouse agree to proceed on the crossapplication instead of or in addition to the Originating Application for Divorce.

#### **Contested Hearing**

You and your spouse (and your witnesses, if any) will have to attend the hearing and are expected to take the stand and present evidence.

If the court grants the divorce at the hearing, you will then have to apply at CrimsonLogic Service Bureau to extract the Interim Judgment.



#### **Ancillary Matters**

Once the Interim Judgment has been extracted, the court will schedule further case conferences on the ancillary matters, if they have not been agreed upon. These include the custody, care and control, and access of your child(ren), maintenance, division of your assets (including your HDB flat, if any) and costs.



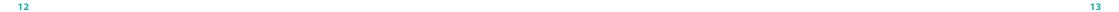
Matters

process")



This is a private hearing. You and your spouse (and your lawyers, if any) do not have to attend the hearing.

If all the papers are in order and the court grants the divorce at the hearing, you can then apply at CrimsonLogic Service Bureau to extract the Interim Judgment.



#### Ancillary Matters Process

If you and your spouse are not able to agree on all the ancillary matters, the court may direct that both of you attend mediation or further mediation.



Interim
Judgment
granted

Are all
ancillary
matters
agreed?

Yes

#### Ancillary Affidavits and Binding Summary of Positions

If an agreement cannot be reached after mediation, the court will direct you and your spouse to exchange a First Ancillary Affidavit setting out the claims for ancillary relief and all documents that are relevant to the claims [Form No. 15]. You and your spouse may file and serve on each other a Second Ancillary Affidavit to answer the matters raised in the First Ancillary Affidavit within 28 days after the exchange, or by any other time period directed by the court. If you find that you require more documents from your spouse that are necessary for the ancillary matters, you may file and serve a Summons for Disclosure [Form No. 84] on your spouse.

After all Ancillary Affidavits are filed, the court will schedule a date for you and your spouse to sign and file a **binding summary** in [Form No. 17A] setting out a summary of parties' respective positions in respect of the outstanding ancillary issues.

If, at any time during
the **Contested** process, you and
your spouse manage to agree on
all ancillary matters, proceed
as **Uncontested.** 

#### **Consent Order**

If at any time during the divorce, you and your spouse come to an agreement on all the ancillary matters, you are to file a draft **ancillary reliefs order** [Form No. 8] (signed by both of you before the Commissioner for Oaths or by a lawyer representing you). The court will grant it if the terms are in order.

# Contested Ancillary Matters Hearing Date

The court
will schedule
a contested
ancillary matters
hearing date.
Both you and
your spouse will
be notified to
attend.



#### Contested Ancillary Matters Hearing

You and your spouse (or your respective lawyers, if you are represented), will have to attend the contested hearing.

Once orders are made for the ancillary matters, you or your spouse (or lawyers, if any) may proceed to extract the "Order of Court".

Should you or your spouse wish to appeal the order, you may do so at the Family Division of the High Court within 14 days.

Proceed to CrimsonLogic Service Bureau to extract the Consent Order and/or Order of Court.



Once the order of court has been extracted, and if 3 months have passed since the court granted the divorce (that is the date of order on your Interim Judgment), you or your spouse may extract the **Final Judgment** to finalise and complete the divorce process.

# After the contested divorce proceedings

Once the Final Judgment has been extracted, you and your spouse will need to adhere to the Consent Order/Order of Court by, for instance, selling the flat, ensuring that maintenance is paid, and giving access to the child(ren), as agreed between you and your spouse or as decided by the court.

You and/or your child(ren), if any, may also wish to attend counselling and/or any of the support programmes available at the **Strengthening Families Programme@Family Service Centres (FAM@FSCs) or Divorce Support Specialist Agency (DSSA)** for families affected by divorce.

#### Useful Contacts

Should you require assistance during the divorce process, the following support programmes and agencies may help.

# Do you need counselling services or the Mandatory Co-Parenting Programme (CPP)?

#### Contact: Strengthening Families Programme@Family Service Centres (FAM@ FSCs) and Divorce Support Specialist Agency (DSSA)

Court users may refer to MSF's website for the updated list of agencies and contact information: https://www.msf.gov.sg/our-services/directories#famtab



## Are you looking for preliminary legal advice for your situation?

#### **Contact: Legal Clinics**

Walk-in Legal Clinic @ Community Justice Centre

1 Havelock Square, Basement 1 State Courts Singapore 059724 Tel.: 6557 4100

#### Call the Hotline: 1800 776 2666 to make an

Call the Hotline: 1800 776 2666 to make an appointment at one of the following locations:

 North West District (Near Woodlands MRT Station)
 900 South Woodlands Drive, #06-13 Woodlands Civic Centre, Singapore 730900 Operating Hours: Mon (7.30pm to 9.30pm)

- South East District (Near Paya Lebar MRT Station)
   Geylang Wisma Serai, 1 Engku Aman Turn, #03-02, Singapore 408528
   Operating Hours: Tues (7pm to 9pm)
- South West District (Near Jurong East MRT Station)
   Jurong Town Hall Road, #26-06 The JTC Summit, Singapore 609434 Operating Hours: Wed (7pm to 9pm)
- Central Singapore District (Near Toa Payoh MRT Station)
   490 Toa Payoh Lorong 6, #07-11 HDB Hub via Biz Three Lift Lobby 1, Singapore 310490
   Operatina Hours: Thurs (7pm to 9pm)

#### Contact: Lawyers in private practice

A list of lawyers in private practice may be found at:

https://eservices.mlaw.gov.sg/lsra/search-lawyer-or-law-firm

## Do you need legal representation but can't afford to hire your own lawyer?

#### **Contact: Legal Aid Bureau**

45 Maxwell Road, #07-11 The URA Centre (East Wing), Singapore 069118
Tel.: 1800-CALL-LAW (1800 2255 529)
Operating Hours
Mon to Fri: 8:30am to 5:30pm
Sat: Closed (Hotline available from 8:30am to 12:30pm)
Sun & Public Holidays: Closed

A person who wishes to apply for legal aid must satisfy the Means Test and the Merits Test. More information on the Means Test and the Merits Test is available on the Legal Aid Bureau's website at www.mlaw.gov.sg

The Legal Aid Bureau will be able to ascertain if you qualify for legal aid. You may thus wish to make an appointment to attend at the Legal Aid Bureau even if you are of the view that you do not qualify for legal aid based on your calculations and the information provided on the Legal Aid Bureau's website.

## Are you acting in person and ready to file the divorce papers yourself?

#### **Contact: CrimsonLogic Service Bureau**

1 Havelock Square Level 2, State Courts Singapore 059724 Tel. No.: 6538 9507 Operating Hours Mon to Fri: 8:30am to 5pm Sat: 8:30am to 12:30pm Sun and Public Holidays: Closed

## Are you acting in person but need some help with the court process?

#### **Contact: Community Justice Centre (CJC)**

Friends of Litigants in Persons (FLIPs) FLIPs are volunteers who provide the unrepresented litigants with emotional support and practical guidance on basic court processes. However, they are not your lawyers and will not be able to give you any legal advice.

#### Primary Justice Project (PJP)

The PJP provides you with a lawyer who will give you basic legal advice and facilitate settlement of your dispute at a fixed fee.

The lawyer will work with you to negotiate a settlement. He or she may also suggest other dispute resolution methods such as mediation.

## More information may be obtained from the CJC located at the following locations:

- 1 Havelock Square, Basement 1 State Courts, Singapore 059724
- Level 3, Family Justice Courts

Tel.: 6557 4100

If you are planning a visit to these agencies, kindly call the respective numbers or check out their websites beforehand for updated operating hours.

### Checklist for Divorce Proceedings

Before filing for a divorce, do consider the following.

	onth
Nationality/ Domicile:  Singapore Citizen  Domiciled in Singapore for past 3 years  Citizen  One party to solely maintain child/children	
☐ Have been married for at least 3 years from the date of registration of the marriage ☐ Others	
Marriage has broken down because:  Assets	
□ Spouse's adultery	
□ Spouse's unreasonable behaviour □ The flat will be surrendered to the HDB.	- + t d
Spouse's desertion for at least 2 years  You may wish to contact the HDB on your options the HDB on your options  The Agreement for Lease with the HDB will be sold in the open market.	e terminated.
3 years separation and spouse consents to divorce regarding the flat and	rred to the
4 years' separation possible accommodations    A years' separation	area to the
Mutual agreement your divorce.	
Child/Children	
Other Assets (to specify):	
Custody: Sole Joint	
Care and Control:  Sole Other arrangements, to specify  Costs	
Access:    Reasonable   Liberal   Others:     \$ to be paid by to   To be shared between both parties.	
Maintenance Each party to bear own cost.  ———————————————————————————————————	
Documents to prepare, sign and file with	
Wife/Incapacitated husband:  Nominal maintenance of \$1 the Family Justice Courts (FJC):	
A specific sum per month: \$/month, if for a fixed	
period of time:	
☐ One-time lump sum maintenance: \$ ☐ Bankruptcy records (to be annexed to OAD) ☐ Child(ren)'s birth certificate(s) (to be annexed to OAD)	
☐ No maintenance	

# Checklist for divorce proceedings (cont'd)

#### FOR MATRIMONIAL APPLICATION FOR DIVORCE ON A SIMPLIFIED TRACK ☐ Spouse's Consent to Simplified Proceedings (including consent to draft ancillary relief orders, if any) (within section 9B of OAD) Spouse's Consent to Grant Judgment on 3 Years Separation (if applicable) (within section 9B of OAD) ☐ Draft Ancillary Reliefs Order [Form No. 8] (if not filed with OAD) ☐ Applicant's Affirmation for Simplified Proceedings (including request for hearing date) (within section 9A of OAD) Certificate of Completion for the Mandatory Co-Parenting Programme (CPP) from both parties, if you have child(ren) under 21 years of age (to be annexed to OAD) FOR MATRIMONIAL APPLICATION FOR DIVORCE ON A **NORMAL TRACK** ☐ Notice to contest [Form No. 4] Acknowledgement of service (respondent) [Form No. 77] ☐ Certificate of Completion for the Mandatory Co-Parenting Programme (CPP), if you have child(ren) under 21 years of age (to be annexed to OAD) The documents above may be found at www.judiciary.gov.sg/forms

#### **Understanding the guide**

**Affidavit:** A formal written statement setting out the facts of your case.

Ancillary matters: Issues related to a divorce such as custody, care and control, and access of child(ren), maintenance of spouse and child(ren) or division of matrimonial assets.

**Applicant:** The spouse filing the matrimonial application for divorce

#### **Final Judgment:**

A certificate made by the Registrar of the court in which the judgment was rendered, under the seal of said court. **Consent Order:** A legal

Consent Order: A legal document that confirms the division of matrimonial assets, children and maintenance issues in a divorce

**CPP:** Mandatory Co-Parenting Programme (formerly known as Mandatory Parenting Programme or MPP)

**Cross-application:** A statement presented by the respondent alleging facts in support of divorce based on the respondent's allegations

FDR Division: Family Dispute
Resolution Division

**FJC:** Family Justice Courts

#### **Interim Judgment:**

A provisional order for divorce that will be finalised after 3 months or after ancillary matters are resolved.

**Mediation:** Intervention in a dispute in order to resolve it through the agreement of the parties.

**MSF:** Ministry of Social and Family Development

NTC: Notice to contest

**Order of Court:** An instruction given by a court telling one what they can or cannot do.

**Permission of Court:** Permission obtained from a court to take action, which would not be allowed otherwise.

**Reply:** The statement presented by the respondent, rebutting the applicant's allegations.

#### Reply to cross-application:

The statement presented by the applicant to rebut the respondent's allegations in the cross-application

Respondent: The spouse being served with the matrimonial application for divorce SOPO: Binding Summary of

**SOPO:** Binding Summary Positions

