

Part IIIA - Therapeutic Justice Model

7A. Introduction

- (1) Parties to Court proceedings in the Family Justice Courts (“FJC”) and their solicitors are required to conduct themselves in a manner that is consistent with the FJC Therapeutic Justice Model (“TJ Model”).
- (2) The TJ Model is issued under “Registrar’s Circular No. 2 of 2024 – Family Justice Courts Therapeutic Justice Model” and is also accessible online at the SG Courts website at www.judiciary.gov.sg.

7B. Definition and objectives of Therapeutic Justice

- (1) Therapeutic Justice (“TJ”) at the FJC is about helping families accept the past and move towards their best possible future. It involves a judge-led process where parties and their solicitors, along with other professionals, work together to find timely and enduring solutions to the family’s disagreements, within the framework of the law.
- (2) To meet the aims of TJ (as defined in paragraph 7B(1) above), the TJ Model sets out TJ Objectives, which include the following:
 - (a) Parties are to resolve their family disputes amicably, as far as possible. Where feasible, parties are to resolve disputes out of Court.
 - (b) If a case requires the Court’s intervention, everyone involved should endeavour to reduce acrimony and de-escalate conflict, wherever possible.
 - (c) Parties are to focus on resolving their underlying issues in the long-term interests of the family and children, and not just on short-term legal goals.
 - (d) Where children are involved, their welfare should be prioritised.
 - (e) Parties are to be accorded, and to accord others, respect, attention, empathy and support. Parties should feel that they have been given a voice and have been heard.
 - (f) For outcomes to be timely and enduring, so that parties may move forward; and are enabled and equipped (e.g. with enhanced co-parenting skills) to resolve any future disagreements and issues amicably by themselves, without having to resort to further litigation in Court.

7C. Purpose and application

- (1) The purpose of this Part is to set out:
 - (a) the key elements of TJ in Court proceedings under the TJ Model; and

- (b) the details of the participation required of parties and their solicitors in order to achieve the aims of TJ.
- (2) While the TJ Model applies to all applications commenced under Part 10 of the Women’s Charter 1961, this Part applies only to applications that are filed under the “Non-Simplified Track”. This Part does not apply to applications filed under the “Full Simplified Track” (i.e. cases where all matrimonial issues, including ancillary matters, have been resolved prior to the filing of the application in Court). The categories of cases to which this Part applies may be extended when appropriate.

7D. The tracks and the triage process

- (1) Under the TJ Model, cases filed under the Non-Simplified Track may be allocated to the “Standard Track” or the “Teams Track”.
- (2) Within 6 weeks after the commencement of proceedings, parties and / or their solicitors (if parties are legally represented) will be directed, by way of a Registrar’s Notice, to submit a Joint Triage Checklist (“JTC”). Parties are to submit the JTC within 2 weeks after the date of the said Registrar’s Notice.
- (3) After the JTC is submitted, parties may receive a Registrar’s Notice directing them to attend a Therapeutic Justice Cooperative Conference (“TJCC”). Directions for the exchange of documents and proposals will also be issued in this Registrar’s Notice, to prepare parties for the TJCC.
- (4) The TJCC is presided over by a mediation judge. A Court Family Specialist (“CFS”) (i.e. Court counsellor) will also be present, if the case involves minor children below the age of 14 years. For cases where a TJCC is directed, it serves as the first substantive Court event that parties are required to attend in person, together with their solicitors, if they are legally represented. At the TJCC, the Court seeks to: (a) set the tone for the problem-solving approach and the conduct expected of the parties; (b) distil key issues; (c) discuss parties’ proposals with them; (d) consider referring parties to external agencies / professionals for therapeutic or other related support services / programmes; and (e) schedule the next court event.
- (5) Cases will be allocated to the Standard Track or Teams Track in the Court’s sole discretion. In determining which track a case will be allocated to following the TJCC, the Court will consider parties’ indications in the JTC submissions and / or at the TJCC.

7E. Standard Track

Under the Standard Track, cases are managed by case management Assistant Registrars until they are ready for mediation or hearing. Thereafter, they may be fixed before a mediation judge or a hearing judge as appropriate. Cases may be docketed at a later stage to a single judge to manage until the conclusion of the case.

7F. Teams Track

- (1) Under the Teams Track, cases will be managed by a multi-disciplinary team comprising TJCC / mediation judge, hearing judge and CFS (collectively, the “Team”). Generally, the same members of the Team will manage the case, including linked cases (if any) involving the same family, from an early stage until the conclusion of the case. “Linked cases” include applications for orders relating to children under the Guardianship of Infants Act 1934, applications for personal protection orders under Part 7 of the Women’s Charter 1961 and maintenance summons applications under Part 8 of the Women’s Charter 1961.
- (2) In a Team, the Court’s mediation and counselling processes continue to be carried out on a confidential and without prejudice basis. Only the following limited types of information may be shared with the hearing judge, to facilitate the management of the case:
 - (a) any safety and / or other imminent risks;
 - (b) the underlying issues of the case; and
 - (c) recommendations to refer parties / children for therapeutic support services.
- (3) Under the Teams Track, the Team may consider applying the approaches set out in subparagraphs (4) to (10) below in customising the management of a case, depending on the specific needs of the family and circumstances of the case.

More flexible use of mediation and counselling

- (4) The Court may, in its discretion, employ mediation at different points of the proceedings and / or to resolve specific or interim issues. In exercising its discretion, the Court may consider whether parties are receptive and ready for such mediation by hearing from the parties directly. To avoid doubt, mediation and counselling remain mandatory for cases involving minor children.
- (5) Depending on the needs of the case, the Team’s CFS may provide more integrated support to the parties throughout the Court proceedings, from the time the case is allocated to the Team. Early referrals to external agencies / professionals for therapeutic support services may also be recommended.

Calling for child evaluative assessments at an early stage

- (6) In cases involving urgent and / or pressing child issues, the Court may direct that the child be assessed, including calling for a child report containing the advice of a relevant professional, at an earlier stage of proceedings. This is in the Court’s sole discretion, to assist the Court in deciding issues concerning the child’s welfare.

Bifurcation of child issues

- (7) The Court may also bifurcate child issues that are urgent and / or pressing if there are good reasons to do so, having regard to all the circumstances of the case. This means that the child issues are heard first, and final orders are made, before the other ancillary matters in the case are heard and determined.
- (8) The Court may bifurcate child issues on its own motion, or upon the application of one party or both parties.
- (9) If child orders are made following bifurcation, the time for appealing under the Family Justice Rules 2014 is reckoned from the date the orders are made.

Directing that parties personally attend Court sessions and the delivery of child decisions

- (10) Regardless of whether parties are legally represented, the Court may, in its sole discretion, direct that parties personally attend (either through remote means or physically in person) case conferences and / or the delivery of decisions, especially when they relate to child issues, where appropriate.

7G. Role of parties and solicitors under the TJ Model

- (1) Parties are to cooperate with each other, and assist the Court, in achieving the aims of TJ. In particular, parties are to have regard to, and be guided by, the “role of parties” as set out in paragraphs 9(a), 12 and 13 of the TJ Model.
- (2) Solicitors are to explain the aims of TJ to the client, and to bring to the attention of, and explain to, the client paragraphs 9(a), 12 and 13 of the TJ Model. Solicitors are to have regard to, and be guided by, the “role of lawyers” as set out in paragraphs 9(b) and 14 of the TJ Model.
- (3) To encourage conduct by solicitors that is aligned with the TJ Model, the judge (whether a mediation judge or a hearing judge) may commend solicitors who have displayed such conduct at the conclusion of the proceedings and / or in written grounds of decision. Examples of such conduct include:
 - (a) taking active steps to de-escalate acrimony and conflict;
 - (b) collaborating with the Court and the other party (including his or her solicitors) to generate practical options and suitable solutions to address the family’s needs; and
 - (c) making sensible proposals and submissions that facilitate reasonable and amicable outcomes.

7H. Exercise of judge-led powers and the Court's discretion as to costs

- (1) In exercising its judge-led powers under the Family Justice Rules 2014, the Court will have regard to the aims of TJ and the TJ Model.
- (2) In exercising its discretion to make costs orders in respect of a party's conduct, the Court is to have regard to the following considerations:
 - (a) the applicable provisions of the Family Justice Rules 2014;
 - (b) all the circumstances of the case, including the conduct of the parties before and after the commencement of Court proceedings; and
 - (c) whether the party has conducted himself / herself in line with the aims of TJ.
- (3) Where the Court considers it appropriate to make costs orders in favour of a self-represented party ("SRP"), the Court is to have regard to the amount of costs that would reasonably compensate the SRP for the time expended to prepare for the case, as well as all expenses reasonably incurred.
- (4) Illustrations of situations where costs may be ordered in respect of a party's conduct are set out below. These illustrations are not meant to be prescriptive or exhaustive.

Illustrations

- (a) *Party A engages in adversarial conduct by unreasonably filing numerous interlocutory applications, particularly where the reliefs sought in one or more of the applications duplicate or are substantially similar to the reliefs sought at the final hearing.*
- (b) *Party A does not make any reasonable attempt to amicably resolve matters, fails to adhere to directions given for the purposes of facilitating resolution, and pursues conduct and communications that frustrate the other party's efforts at settlement.*
- (c) *Party A displays polarising conduct and non-conciliatory behaviour contrary to the spirit of co-parenting, and engages in disproportionate litigation, insisting that the Court addresses each and every point in dispute, regardless of significance or merit, resulting in a waste of the other party's and the Court's time and resources.*
- (d) *Party A conducts litigation in a manner that generates unnecessary paperwork, files voluminous affidavits that consist of irrelevant information and / or*

indiscriminately compiles and exhibits documents such as unnecessary photographs and video recordings.

- (e) Party A uses the Court processes and / or documents as a platform for personal attacks or insulting and annoying remarks; and/or to gain a perceived advantage in parallel proceedings.*