**Form 21**

|  |
| --- |
| R. 56 |
| (DEFENCE AND/OR COUNTERCLAIM FORM) |
| IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE |
| Divorce Writ No. |
| Between |
| [*Plaintiff’s Name*] (ID No.      )      *Plaintiff* |
| And |
| [*Defendant’s Name*] (ID No.      )      *Defendant* |
|  |
| DEFENCE\* AND COUNTERCLAIM\* |
| 1. Particulars of Defendant |
| Age: |
| Citizenship: |
| Religion: |
| Educational Level: |
| Current occupation: |
| Current address: |
|  |
| 2. Defence |
| *(a)* To deny or admit the paragraphs of the Statement of Claim (and Statement of Particulars). To state full particulars of the facts relied on but not the evidence by which they are to be proved. |
| *(b)* To state whether any, and if so what, agreement or arrangement has been made or is proposed to be made between the parties for the support of the wife or any child of the marriage. |
| *(c)* If any statements set out in the Statement of Claim concerning the living children of the marriage are disputed, full particulars of the facts relied on are to be stated in the Defence. |
| *(d)* If any information on the following matters has not been provided in the Statement of Claim, or if any statement set out in relation to the following matters in the Statement of Claim is disputed, the Defence is to furnish information on the same, with the details as set out in sub-paragraphs (i) and (ii) below: |
| Whether there are or have been other proceedings in Singapore or elsewhere with reference to the marriage, or to any children of the marriage, or between the Plaintiff and the Defendant with reference to maintenance or to any property of either or both of them. |
| (i) Nature of the proceedings, i.e. whether: |
| (A) Matrimonial proceedings; and/or |
| (B) Family violence (between the Plaintiff, Defendant and any children of the marriage); and/or |
| (C) Custody, care and control and/or access to the children of the marriage; and/or |
| (D) Proceedings in youth court in respect of the children of the marriage; and/or |
| (E) Maintenance (for wife and any children of the marriage); and/or |
| (F) Matrimonial Property; and/or |
| (G) Other proceedings which may be relevant to the present proceedings (such as bankruptcy proceedings). |
| (ii) Details of the proceedings |
| [*to state in relation to each of the proceedings set out in paragraph* (i) *above*] |
| (A) The suit number: |
| (B) The date of any decree or order or judgment: |
| (C) Decree or order or judgment made: |
| (D) If no decree or order or judgment has been made, the status of the proceedings: |
| (iii) There are bankruptcy proceedings against the Defendant pending as at [*to state date, which shall not be later than 7 days immediately preceding the filing of the Defence and/or Counterclaim*]: |
| (A) The suit number: |
| (B) Whether creditor’s bankruptcy application or debtor’s bankruptcy application: |
| (C) Name of Creditor: |
| (D) Amount of debt claimed:  (E) Status of proceedings; |
|  |
| 1. Counterclaim\*   The Defendant is required to attend a parenting programme by the Ministry of Social and Family Development before filing a Counterclaim. |
| \*The Defendant has participated in a parenting programme and has been issued with a Certificate of Completion by the Ministry of Social and Family Development, before filing the Counterclaim.  A copy of the Certificate of Completion is annexed herein (Annex [*to state number*])  OR  \*The Defendant has not participated in a parenting programme but:  (a) has been issued with a Note of Exclusion by the Ministry of Social and Family Development; or  (b) has obtained an Order of Court allowing the Defendant to file the Counterclaim pursuant to section 94A(4) of the Women’s Charter.  A copy of the Note of Exclusion/Order of Court\* is annexed herein (Annex [*to state number*]). |
| (1)The Defendant repeats paragraph(s) [*to state the numbers of the relevant paragraphs*] of the Statement of Claim. |
| (2)The Defendant is/is not\* a bankrupt. |
| (3)Ground on which Relief is Sought. |
| The marriage is void |
| (*a*) \*(For marriages that took place after 1st June 1981) The marriage is not valid under section 105 of the Women’s Charter: (*Choose one or more of the following*) |
| (i) by virtue of section 3(4)/5/9/10/11/12/22\* of the Women’s Charter |
| (ii) (*for marriages celebrated outside Singapore*) for the lack of capacity |
| (iii) (*for marriages celebrated outside Singapore*) under the law of the place in which the marriage was celebrated. |
| (*b*) \*(For marriages that took place on or before 1st June 1981) The marriage is not valid for the reasons stated in the Counterclaim.  (c) \*(For marriages that took place on or after 1 July 2016) The marriage is not valid by virtue of s11A of the Women’s Charter. |
|  |
| OR |
| The marriage is voidable |
| (*a*) \*(For marriages that took place after 1st June 1981) The marriage is voidable under section 106 of the Women’s Charter on the following ground(s): (*Choose one or more of the following*) |
| (i) That the marriage has not been consummated owing to the incapacity of either party [*please specify*] to consummate it. |
| (ii) That the marriage has not been consummated owing to the wilful refusal of the Plaintiff to consummate it. |
| (iii) That the Plaintiff/Defendant\* did not validly consent to the marriage, in consequence of duress\* and/or mistake\* and/or unsoundness of mind/lack of capacity\* and/or the facts stated in the Statement of Particulars [*please specify in the Statement of Particulars*]\*. |
| (iv) That at the time of the marriage the Plaintiff/Defendant\* though capable of giving a valid consent, was suffering (whether continuously or intermittently) from mental disorder within the meaning of the Mental Health (Care and Treatment) Act (Cap. 178A) of such a kind or to such an extent as to be unfit for marriage. |
| (v) That at the time of the marriage the Plaintiff was suffering from venereal disease in a communicable form, and the Defendant was at the time of the marriage ignorant of the facts alleged. |
| (vi) That at the time of the marriage the Plaintiff was pregnant by some person other than the Defendant and the Defendant was at the time of the marriage ignorant of the facts alleged. |
| (*b*) \*(For marriages that took place on or before 1st June 1981) The marriage is voidable for the reasons stated in the Counterclaim. |
| [*Full particulars of the individual facts relied on but not the evidence by which they are to be proved.*] |
| OR |
| The marriage has broken down irretrievably |
| Fact(s) relied on for the irretrievable breakdown of the marriage (for the purposes of section 95A of the Women’s Charter): |
| (*Choose one of the following*) |
| (*a*) That the Plaintiff has committed adultery and the Defendant finds it intolerable to live with the Plaintiff. |
| (*b*) That the Plaintiff has behaved in such a way that the Defendant cannot reasonably be expected to live with the Plaintiff. |
| (*c*) That the Plaintiff has deserted the Defendant for a continuous period of at least 2 years immediately preceding the filing of the writ. |
| (*d*) That the parties to the marriage have lived apart for a continuous period of at least 3 years immediately preceding the filing of the writ and the Plaintiff consents to a judgment being granted. The Plaintiff’s consent is exhibited at Annex [*to state number*]\* (if available). |
| (*e*) That the parties to the marriage have lived apart for a continuous period of at least 4 years immediately preceding the filing of the writ.  *(f)* That the parties to the marriage agree that the marriage has irretrievably broken down. |
| [*Full particulars of the individual facts relied on to be stated but not the evidence by which they are to be proved.*] |
| 4. Relief Claimed |
| [*To state the particulars of relief claimed by the Defendant.*] |
| (*a*) That the claim be dismissed |
| (*b*) Costs |
| (*c*) Others [*please specify*] |
| For cases where a Counterclaim has been filed\*: |
| (*Choose one or more of the following, providing particulars of the relief claimed where possible.*) |
| (*a*) That the claim be dismissed. |
| (*b*) On the Counterclaim: That the marriage be declared null and void\*. |
| OR |
| That the marriage be dissolved\*. |
| OR |
| That a judgment of judicial separation be granted\*. |
| (*c*) Custody\* of and/or care and control\* of the child/children\* of the marriage |
| (*d*) Access to the child/children\* of the marriage |
| (*e*) Division of the matrimonial home |
| (*f*) Division of the matrimonial assets (other than the matrimonial home) |
| (*g*) Maintenance for the wife/incapacitated husband\* |
| (*h*) Maintenance for the child/children\* of the marriage |
| (*i*) Costs |
| (*j*) Others [*please specify*] |
| 5. Persons to be served with this Defence/Defence and Counterclaim\* |
| (*a*) Plaintiff |
| Name: |
| Address: Plaintiff is a person under a disability\*. |
| [*To state particulars of Plaintiff’s disability*] |
| (*b*) Co-Defendant/Defendant in Counterclaim/Other Party (*please specify*)\* |
| Name: |
| Address: |
| Co-Defendant/Defendant in Counterclaim/Other Party (*please specify*)\* is a person under a disability\*. |
| [*To state particulars of Co-Defendant’s/Defendant in Counterclaim’s/Other Party’s disability*] |
| 6. The Defendant is aware of\*, or has been informed by the solicitor acting for him about\*, the options of family mediation or counselling, before filing the defence. |
| Signature:  Name of Defendant/Defendant’s Solicitor\*:  Date: |
| \*Delete where inapplicable. |