**Form 6**

|  |
| --- |
| R. 44, 48, 83 |
| (STATEMENT OF CLAIM (DIVORCE/JUDICIAL SEPARATION) 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* |
|  |
| STATEMENT OF CLAIM FOR NULLITY\*/DIVORCE\*/JUDICIAL SEPARATION\*/PRESUMPTION OF DEATH AND DIVORCE\* |
| 1. The Marriage between Plaintiff and Defendant (the marriage) |
| (*a*) Date and place of solemnization of the marriage: |
| (*b*) Date and place of registration of the marriage: |
| (*c*) \*Marriage Certificate Number (for marriage registered in Singapore): |
| (*d*) \*The date of the marriage is less than 3 years before the date of filing of this Writ. The court has granted leave to the Plaintiff to file this Writ before the said 3 years have passed on [*to state date*] in Originating Summons Number [*to state number*]\*. |
| [*The Statement of Particulars shall annex a copy of the marriage certificate.*] |
| 2. Particulars of Parties |
| (*a*) Plaintiff |
| |  |  |  |  | | --- | --- | --- | --- | | **Age:** |  | **Citizenship:** |  | | **Religion:** |  | **Education Level:** |  | | **Occupation:** |  | **Current address:** |  | |
|  |
| (*b*) Defendant   |  |  |  |  | | --- | --- | --- | --- | | **Age:** |  | **Citizenship:** |  | | **Religion:** |  | **Education Level:** |  | | **Occupation:** |  | **Current address:** |  | |
| (*c*) The last address at which the parties to the marriage have lived together as husband and wife: |
| [*to state address*] |
| 3. Jurisdiction |
| (*a*) \*The court has jurisdiction based on domicile. [*Choose one of the following*] |
| (i) The Plaintiff/The Defendant/Both the Plaintiff and the Defendant\* is a/are\* Singapore citizen(s). |
| (ii) Neither the Plaintiff nor the Defendant is a Singapore citizen. [*The Statement of Particulars shall set out the reasons for which the court has jurisdiction based on domicile.*] |
| (*b*) \*The court has jurisdiction based on habitual residence. [*Choose one of the following*] |
| (i) The Plaintiff has been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of the writ. |
| (ii) The Defendant has been habitually resident in Singapore for a period of 3 years immediately preceding the date of the filing of the writ. |
| [*The Statement of Particulars is to state the relevant details in either case, including:* |
| (A) *Address(es) of the place(s) of residence; and* |
| (B) *The length of residence at each place.*] |
| 4. Children |
| [*To state, in respect of each living child of the marriage*]   |  |  |  |  |  | | --- | --- | --- | --- | --- | | S/N | **Name of child:** |  | **BC/ID number:** |  | |  | **Date of Birth:** |  | **Gender:** |  | |  | **Any disability or illness?** | [*If the child is suffering from serious disability or chronic illness or from the effects of that illness, state the nature of the disability or illness and in the Statement of Particulars, attach a copy of any up-to-date medical report which is available.*] | | | |  | **Child over 21 (whether in educational institution, national service, or mentally/physically disabled** | [*In the case of a child above the age of 21 years, to state whether he is receiving instruction at an educational establishment or undergoing training for a trade, profession or vocation and whether he is suffering from a mental or physical disability and whether he is or will be serving full‑time national service.\**] | | | |  | **Is child under care?** | [*If the child is under the care or custody of an approved school or approved home established under the Children and Young Persons Act (Cap. 38), give details, and state the date of any order for care or custody and the circumstances which gave rise to its being made.*] | | | |
| The following child(ren) are born to the wife during the marriage:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | S/N. | **Name of child:** |  | **BC/ID number:** |  | |  | **Date of Birth:** |  | **Gender:** |  | |  | **Is there a dispute whether the living child is a child of the marriage?** |  | | |   5. Related Proceedings |
| To state if there are or have been other proceedings in [*Singapore/elsewhere (to specify)*] 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. |
| If there are or have been such proceedings, to complete the following section:   |  |  |  |  |  | | --- | --- | --- | --- | --- | | S/N | **Nature of proceedings:** |  | | | |  | **Suit number:** |  | **Date of Decree/order/judgment:** |  | |  | **Date of application** |  | **Country where proceedings filed:** |  | |  | **Details of Order applied/made:** |  | | | |  | **Status of Proceedings if no Decree/order/judgment made:** |  | | | |  | **Plaintiff Bankruptcy Details:** |  | | | |  | **Pending Bankruptcy Details:** | [*The Statement of Particulars is to state details of the pending bankruptcy proceedings.*] | | | |
| 6. Ground on which Relief is Sought [*Choose one of the following*]  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 Statement of Particulars.  (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 Defendant 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 Defendant was suffering from venereal disease in a communicable form, and the Plaintiff was at the time of the marriage ignorant of the facts alleged. |
| (vi) That at the time of the marriage the Defendant was pregnant by some person other than the Plaintiff and the Plaintiff 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 Statement of Particulars.  [*Full particulars of the individual facts relied on but not the evidence by which they are to be proved, and any other relevant information, to be stated in the Statement of Particulars.*] |
| OR |
| The marriage has broken down irretrievably\* |
| Fact(s) relied upon for the irretrievable breakdown of the marriage (for the purposes of section 95A of the Women’s Charter): [*Choose one or more of the following*] |
| (*a*) That the Defendant has committed adultery and the Plaintiff finds it intolerable to live with the Defendant. |
| (*b*) That the Defendant has behaved in such a way that the Plaintiff cannot reasonably be expected to live with the Defendant. |
| (*c*) That the Defendant has deserted the Plaintiff 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 Defendant consents to a judgment being granted. [*The Statement of Particulars is to annex a copy of the Defendant’s consent 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 but not the evidence by which they are to be proved, and any other relevant information, to be stated in the Statement of Particulars.*] |
| OR |
| That the Defendant be presumed dead and the divorce be granted\* |
| (*a*) Circumstances in which Parties Ceased to Cohabit |
| [*To state the circumstances in which the parties ceased to cohabit, and the last place at which they cohabited.*] |
| (*b*) Last Contact with Defendant |
| (i) Date when the Defendant was last heard of: |
| (ii) Place where the Defendant was last seen: |
| (*c*) Steps Taken to Trace the Defendant |
| [*To state particulars of steps taken to trace the Defendant and any other relevant information in the Statement of Particulars*.] |
| In the circumstances, from [*to state date*] until now, the Defendant has been continually absent from the marriage life with the Plaintiff and the Plaintiff has no reason to believe that the Defendant has been living within this time. |
| 7. Relief Claimed |
| To state the particulars of relief claimed by the Plaintiff, including any claim for ancillary relief. [*Choose one or more of the following*] |
| (*a*) That the marriage be declared null and void\*. |
| OR |
| That the marriage be dissolved\*. |
| OR |
| That a judgment of judicial separation be granted\*. |
| OR |
| That a judgment of presumption of death and divorce be granted\*. |
| (*b*) Custody\* of and/or care and control\* of the child/children\* of the marriage |
| That the Plaintiff/Defendant\* be granted sole/joint\* custody of the child/children\* of the marriage with care and control to the Defendant/Plaintiff\*. |
| (*c*) Access to the child/the children\* of the family |
| That the Plaintiff/Defendant\* be granted reasonable/liberal\* access to the child/children\* of the marriage or access as follows: [*to state terms of access*] |
| (*d*) Division of the matrimonial home |
| That the matrimonial home at [*to state the address of the matrimonial home*] be sold in the open market and the sale proceeds/loss\*, after deducting the outstanding loan and costs and expenses of sale are to be divided [*to state the manner of division*]. Parties are to refund moneys into their respective CPF accounts from their own share of the sale proceeds. |
| OR |
| That Plaintiff’s/Defendant’s\* right, title and interest in the matrimonial flat at [*to state the address of the matrimonial home*] shall be transferred (other than by way of a sale) to the Defendant/Plaintiff\* upon the Plaintiff/Defendant\* [*to state the consideration for the transfer*]. The Plaintiff/Defendant\* is to bear the cost and expenses of the transfer. |
| OR |
| That Plaintiff’s/Defendant’s\* right, title and interest in the matrimonial flat at [*to state the address of the matrimonial home*] shall be sold to the Defendant/Plaintiff\* upon the Plaintiff/Defendant\* [*to state the consideration for the sale*]. The Plaintiff/Defendant\* is to bear the cost and expenses of the sale. |
| OR |
| That the matrimonial home at [*to state the address of the matrimonial home*] be surrendered to the Housing Development Board and any proceeds/loss\* to be divided [*to state the manner of division*] between the parties. |
| OR |
| Others [*please specify*] |
| (*e*) Division of the matrimonial assets (other than the matrimonial home) |
| [*To specify the asset and the nature of division*] |
| (*f*) Maintenance for the wife / incapacitated husband\* |
| That the Plaintiff/Defendant\* shall pay $[*to state the amount*] each month as maintenance for the Plaintiff/Defendant\* with effect from [*date*] and thereafter on the [*day of the month*] of each month. Payment into the Plaintiff’s/Defendant’s [*to state name of bank*] bank account number [*to state the bank account number*]. |
| OR |
| That there be no maintenance for Plaintiff/Defendant\*. |
| OR |
| Others [*please specify*] |
| (*g*) Maintenance for the child/children\* of the marriage |
| That the Plaintiff/Defendant\* shall pay $[*to state the amount*] each month as maintenance for the child/children\* of the marriage with effect from [*date*] and thereafter on the [*day of the month*] of each month. Payment into the Plaintiff’s/Defendant’s/Child’s [*to state the name of the child*] [*to state name of bank*] bank account number [*to state the bank account number*]. |
| (*h*) Costs |
| That there is no order as to costs. |
| OR |
| That the Defendant pay costs of the divorce proceedings fixed at |
| [*to state amount of costs*]. |
| (*i*) Others [*please specify*]: |
| 8. Housing and Development Board (HDB) flat |
| One of the matrimonial assets in respect of which relief is being sought is an HDB flat. |
| (*a*) The Agreed/Proposed\* Matrimonial Property Plan (For Housing and Development Board flats only) is filed together with this Writ. |
| (*b*) The Plaintiff/Plaintiff’s Solicitor\* has made enquiries with HDB/HDB and the Central Provident Fund Board (CPFB)\* on  [*to set out respective dates*] and has not received any reply from HDB/CPFB/HDB and CPFB\*. [*The Statement of Particulars shall annex copies of the said letters.*] |
| \*Delete where inapplicable. |