



## UPCOMING CHANGES TO THE SINGAPORE FAMILY JUSTICE SYSTEM

Singapore's family justice system is set to witness a slew of changes when the new Family Justice Act is passed on 1 October 2014.

A first hint of the changes coming about was in the form of recommendations from the Committee for Family Justice (chaired by the Senior Minister of State for Law and Education, Ms Indranee Rajah, former Justice (now Attorney-General) VK Rajah, and Judge of Appeal Andrew Phang) in its Report of June 2014. The recommendations made by the Committee focused on helping families resolve their disputes by developing a robust and integrated network of assistance and support, as well as enhanced court management processes that will empower the court to resolve such disputes more effectively. The recommendations are meant to help reduce the trauma and acrimony involved in the divorce process.

Organisational and procedural changes will firstly involve the establishment of the Family Justice Courts ("FJC") to hear all family-related proceedings. The FJC will comprise the High Court (Family Division) ("High Court"), the Family Court, and the Youth Court (which takes over the Juvenile Court). The Family Court will hear all family proceedings except those under the Children and Young Persons Act (Cap 38, 2001 Rev Ed), which will be heard by the Youth Court. The High Court (Family Division) will hear appeals against decisions from the Family Court and the Youth Court. Generally, all matters and proceedings save for mentions in the FJC will be heard in camera.

The FJC will have its own Registry and Registrar which will receive, assign, and manage all cases for hearing. It will also have its own Presiding Judge, who will be a Judge or Judicial Commissioner of the Supreme Court, appointed by the President of Singapore on the recommendation of the Chief Justice. The Chief Justice, Judges of the Supreme Court, Presiding Judge of the FJC, and Registrar of the FJC will form a committee to formulate the Family Justice Rules ("FJR") which will regulate the procedure and practice of the FJC. The FJR will form a single omnibus of procedural rules and will encourage use of simpler language in drafting court documents.

Secondly, judges will play a more hands-on role in case management. Case management in the FJC will be run on differentiated tracks: there will be a clear child track through the Child Focused Relations Centre ("CFRC"); urgent cases and cases which involve domestic violence may be put on the expedited track; and complex, high conflict or high value cases may require specialised attention. There will be a docket system where one judge will manage assigned cases until final disposition and hold necessary case conferences to monitor the progress of the cases. This is aimed at ensuring that family disputes will be made less acrimonious and traumatic in court. Instead of allowing the litigation to remain completely adversarial and in the hands of parties and counsel, judges will take a more proactive and central role in court proceedings – for instance, by identifying relevant issues, identifying the evidence that needs to be adduced, regulating court procedure, and proposing options to move matters along. Consistent with this new judge-led approach, judges will also be given the power to direct parties to mediate their disputes or seek other types of family support services and expert assistance, as well as involve social workers, psychologists, and counsellors at any point in the proceedings.



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Thirdly, children's interests will be given greater priority. Before divorce proceedings are filed in the Family Court, couples with children will undergo mandatory counselling, unless they are able to agree on the divorce and all ancillary matters beforehand. This is to ensure that disputes can be resolved more effectively and also to ensure that parents appreciate the impact of a divorce on their children. In appropriate cases, Child Representatives will be appointed to conduct interviews, ascertain the child's wishes and provide guidance to the court as to what would be in the best interests of the child. For applications that involve children, mental health professionals will also work with families to provide judges with bipartisan recommendations so that judges can make decisions regarding children in accordance with their best interests.

Fourthly, there will be greater and easier access to family justice. Court processes will be streamlined and simplified so that even unrepresented litigants who comprise an overwhelming majority of family court users will not be daunted when making applications before the court. Further, a Family Court Friends Scheme will be introduced to assist unrepresented litigants in filing court forms, taking notes on court proceedings and other administrative and procedural matters throughout the court process. However, Family Court Friends cannot provide legal advice and will have no right of audience before a court.

Fifthly, there will be a Family Law Practitioner accreditation scheme for lawyers. Lawyers who have undergone specialist training (such as techniques in mediation, family financial advisory practice, case management, family and relationship psychology, family dynamics and collaborative law practice) to practise family law in a manner that is consistent with and promotes the ethos of the new family justice system will be accredited. While not compulsory, lawyers who intend to practise family law will be strongly encouraged to obtain accreditation.

Finally, it is anticipated that there will be greater community support to families in need. Community touch points such as the police, schools, hospitals, family service centres and other community agencies – which often play the role of the first-port-of-call – would be equipped with the necessary information and skills to better facilitate their work. A whistle-blowing mechanism will be established so that cases of child abuse, neglect, or delinquency can be reported to the authorities. Specialist agencies handling divorce and family violence issues will be enhanced with resources for awareness programmes, non-legal advice, managing disputes, counselling, and tailored programmes for highly troubled families.

Apart from the changes anticipated to come into force on 1 October 2014, a second wave of change is expected to take place on 1 January 2015, which will include the transfer of probate and estate cases which will be heard in the FJC. A more simplified form of uncontested divorce proceedings is also in the pipeline.

The Committee for Family Justice is expected to continue its work and make further recommendations on other specific aspects of the family justice system such as the enforcement of maintenance orders and training and resourcing of social service professionals and judges.