

Proving the Divorce			Proving the Divorce (cont)			1. Plaintiff files requisite court documents (cont)			5&6. Setdown and Judgment of Dissolution		
Only 1 ground for divorce - irretrievable breakdown of marriage			Objective must be continuous adulterer test			-Notice of Proceedings (Co-defendant) -Agreed/Proposed Parenting Plan -Agreed/Proposed matrimonial property plan & Particulars of Arrangements for Housing (HDB)			- Plaintiff must set action down for hearing: 2 types, contested and uncontested - 14 days after expiry of time for filing last pleading - If uncontested: - In open court, attendance can be dispensed - if court is satisfied, interim judgment to be made Final in 3 months - If parties agree on ancillary matters, consent order can be recorded at interim judgment - If contested: - fixed pre-trial conference - Parties will be sent for mediation or counselling if settlement is possible - Hearing in open court - If marriage broken down irretrievably, interim judgment.		
s95(3) of the Women's Charter has 5 facts that amount to an irretrievable breakdown of marriage			he/she named Separation must be a party to the proceedings for at least 3 years			2. Plaintiff serves court documents					
Adultery	Unreasonable behaviour	2 Years Desertion	Defendant deserted Plaintiff a continuous period of at least 2 yrs immediately preceding the filing of Writ	Defendant either lived apart from Plaintiff for at least 3 years with Defendant's consent to Judgment being granted	Stage 1 - Resolution of Divorce 1. Plaintiff files requisite court documents 2. Plaintiff serves court documents on parties 3. Defendant files court documents 4. Defendant serves court documents on parties 5. Set down for hearing on or dissolution of marriage apart for at least 4 years granted, made final in 3 months without consent 1. Plaintiff files requisite court documents -Writ of Divorce - Rule 54(4) Appearance - 8 / 21 days - Rule 56 (1) Defence - 14 days - Rule 56 (9) Proposed parenting plan - 14 days - Rule 56 (10) Proposed Matrimonial property plan - 14 days -Statement of Claim -Statement of Particulars						
Defendant has committed adultery and plaintiff finds it intolerable to live with defendant	Defendant behaves in a way that Plaintiff cannot reasonably be expected to live with Defendant	Defendant deserted Plaintiff a continuous period of at least 2 yrs immediately preceding the filing of Writ	Defendant either lived apart from Plaintiff for at least 3 years with Defendant's consent to Judgment being granted	3 & 4. Defendant files and serves Court Documents - Defendant has to file Memorandum of appearance (decided on whether to contest divorce) - 22 days after receipt to complete agreement to Proposed Parenting plan and return it to Plaintiff OR file to court and serve on Plaintiff Proposed parenting plan (by defendant) - 14 days after CPF replies standard query, sign agreement to proposed Matrimonial property and return to plaintiff or file to court and serve on plaintiff defendant's proposed matrimonial property plan							
If plaintiff lives with Defendant for >6 months, adultery will not work	If live with >6 months wont work	Defendant's intention must be proven	Defendant either lived apart from Plaintiff for at least 4 years granted, made final in 3 months without consent				Resolution of Ancillary matters Division of Matrimonial Assets Custody, care and control of Child Assessment of Maintenance of Child and Wife				
									Division of matrimonial assets S112(10) of Women's Charter (a) any asset acquired before the marriage by one party or both parties to the marriage —		



Division of matrimonial assets (cont)

(i) ordinarily used or enjoyed by both parties or one or more of their children while the parties are residing together for shelter or transportation or for household, education, recreational, social or aesthetic purposes; or
 (ii) which has been substantially improved during the marriage by the other party or by both parties to the marriage; and
 (b) any other asset of any nature acquired during the marriage by one party or both parties to the marriage, but does not include any asset (not being a matrimonial home) that has been acquired by one party at any time by gift or inheritance and that has not been substantially improved during the marriage by the other party or by both parties to the marriage.

Custody, Care and control of Children

Sections 122 - 126 of Women's Charter
 Paramount consideration to be the welfare of the child
 Section 125 Women's Charter

Custody, Care and control of Children (cont)

(1) The court may at any time by order place a child in the custody of his or her father or his or her mother or of any other relative of the child or of any organisation or association the objects of which include child welfare, or of any other suitable person.
 (2) In deciding in whose custody a child should be placed, the paramount consideration shall be the welfare of the child and subject to this, the court shall have regard —
 (a) to the wishes of the parents of the child; and
 (b) to the wishes of the child, where he or she is of an age to express an independent opinion.

Assessment of Maintenance of Child

Section 127 of Women's Charter

Assessment of Maintenance of Child (cont)

127. —(1) During the pendency of any matrimonial proceedings or when granting or at any time subsequent to the grant of a judgment of divorce, judicial separation or nullity of marriage, the court may order a parent to pay maintenance for the benefit of his child in such manner as the court thinks fit.

Assessment of Maintenance of Wife

(a) the income, earning capacity, property;
 (b) the financial needs, obligations and responsibilities of both parties;
 (c) the standard of living enjoyed by the family before the breakdown;
 (d) the age of each party and the duration of the marriage;
 (e) any physical or mental disability of either of the parties;
 (f) the contributions made by each of the parties to the welfare of the family;
 (2) in the financial position in which they would have been if the marriage had not broken down

Stage 2

1. Filing and exchange of affidavits on ancillary matters
2. Court hears parties on ancillary matters and makes orders
3. Making Interim Judgment Final

Exchange of affidavits on ancillary matters

Pre Trial Conference to set dates for exchange of affidavits on ancillary matters and date of hearing
 Rule 89 FJR and Para 21 FJCPD
 Parties file and exchange Affidavit of Assets and Means Form 206
 ALL assets should be disclosed
 Exchange of reply affidavits (total up to 2 rounds w/o leave of Court)

2. Court makes orders on ancillary matters

S 3 FJA : Family Justice Courts comprises Family Division of High Court
 S 26(4) FJA : the Chief Justice may by order published in the Gazette direct that any class or description of family proceedings ... shall be heard and determined by the Family Division of the High Court.
 Family Justice Court seminar on 22 October 2015 :
 Gross value S\$5M
 Novel point of law
 Application by way of Summons for Transfer
 Rule 81(2) : Ancillary matters heard in Chambers
 Powers of Court:



2. Court makes orders on ancillary matters (cont)

Section 112 Women's Charter – Power of Court to Order Division of Matrimonial Assets

Section 113 Women's Charter– Power of Court to Order Maintenance for Wife

Sections 123 & 124 Women's Charter– Power of Court to Order Arrangements for Welfare of the Child

Section 127 Women's Charter– Power of Court to Order Maintenance for Children

Making Interim Judgment Final

Interim Judgment can be made Final no less than 3 months by submitting application to make IJ final

After Ancillary Matters order made

Not after the expiration of 1 year after IJ

Registrar will cause a search to ensure :

No appeal is pending

No extension of time for appeal

No appearance/affidavit to show cause against IJ

Final Judgment (Form 33):

Issued by the Court

Conclusion of all Court proceedings



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