

ACP Singapore - Divorce proceedings Cheat Sheet by elementalhalo via cheatography.com/26073/cs/7177/

Proving the Divorce			Proving the	Divorce (co	nt)
Only 1 ground for divorce - irretrival of marriage s95(3) of the Women's Charter has amount to an irretrivable breakdow			adulterer test continuou		
Adultery Defendant	Unreas- onable behaviour Defendant	2 Years Desertio	he/she Separa must be n a party to the		
has committed adultery and plaintiff finds it intolerable to live with defendant	behaves in a way that Plaintiff cannot reasonably be expected to live with Defendant	deserted Plaintiff f a continuo period of at least 2 yrs immedi- ately	dings or for at least Stage 12-Resolution of Divorce	court	
If plaintiff lives with Defendant for >6 months, adultery will not work	If live with >6 months wont work	Defend- ant's intention must be proven	5. Set down for hearing on or lived dissolution of marriage apart for at 6. Court decides on dissolution least 4 of marriage – Interim Judgment years granted, made final in 3 months without (Final Judgment) consent 1. Plaintiff files requisite court		solution adgment amonths

- -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

1. Plaintiff files requisite court

- us -Notice of Proceedings (Co-defendant)
 - -Agreed/Proposed Parenting Plan
 - -Agreed/Proposed matrimonial property plan & Particulars of Arrangements for Housing (HDB)

2. Plaintiff serves court

- Service of writ to defendant/ co-defendant - Personally or registered post with everything else

3 & 4. Defendant files and serves Court Documents

- Defendant has to file Memorandum of appearance (decided on whether to contest
- 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 Matrim-onial property and return to plaintiff or file to court and serve on plaintiff defend ant's proposed matrimonial property plan

5&6. Setdown and Judgment of Dissolution

- Plaintiff must set action down for hearing: 2 types, contested and uncont¬ested
- 14 days after expiry of time for filing last pleading
- If uncont¬ested:
- In open court, attendance can be dispensed
- if court is satisfied, interim judgment to be made Final in 3
- 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 counse¬lling if settlement is possible
- Hearing in open court
- If marriage broken down irretr-¬iev¬ably, interim judgment.

Resolution of Ancillary matters

Division	Custody,	Assessment
of	care and	of Mainte-
Matrim-	control	nance of
onial	of Child	Child and
Assets		Wife

S112(10) of Women's Charter (a) any asset acquired before the marriage by one party or both parties to the marriage -



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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 breakdowne;
- (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
- 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:

Novel point of law Application by way of Summons for Transfer

Gross value S\$5M

Rule 81(2): Ancillary matters heard in Chambers Powers of Court:



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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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