

EMBARGOED TILL DELIVERY ON 20 FEBRUARY 2017, 12 NOON

Making Justice Real for Families

The Family Justice Courts (“FJC”) will be refining processes, widening its schemes, enhancing standards for family practice and conducting research on the effectiveness of various child-centric initiatives on parents and children to help troubled families and youths.

2. Speaking at FJC’s Work Plan Seminar held on 20 February 2017 at the Supreme Court, Judicial Commissioner Valerie Thean, Presiding Judge of FJC (“PJFJC”), emphasised the Courts’ role in meeting the various needs of dysfunctional families embroiled in legal disputes. PJFJC highlighted the need to ensure access to justice for families and to ready family justice for the future.

(a) Access to justice for families

3. Meeting needs for families is challenging because family practice requires working with varied and sometimes competing demands of justice. FJC was set up as a specialist court in order to deal with all these needs in a multi-dimensional, multi-disciplinary way. It is important to deal with these facets so that families experience access to justice when they face family dysfunction.

The child remains at the heart of family justice

4. While strict adjudication of rights require an examination of the past, families require a vision of the future to move forward. Parents need to learn to prioritise their children’s welfare above their own distresses; cooperation and the reduction of acrimony is key for successful joint parenting. The sooner parties are able to move beyond their past, the sooner they piece together a new logic to their relationships, with their children and each other as parents, for the future. Thus the courts emphasise the role of both parents and facilitates this at a practical level. In mediation and counselling, FJC had an 80% resolution rate for its *Child Inclusive Dispute Resolution* programme (See [Annex A](#)). For high conflict cases, FJC will be widening the *Parenting Coordination* scheme with the involvement of parenting coordinators from the social science fields (See [Annex B](#)).

5. Looking to the future, *FJC will be partnering the National Institute of Education (“NIE”) on a longitudinal research* to examine the impact of the Court’s child-centric approach, in the area of counselling and mediation, on both parents and children (See [Annex C](#)). Such social science research which takes into account our local circumstances will be invaluable in refining our suite of child-focused mediation tools as well as the development of our law.

Reducing conflict throughout the family justice process

6. FJC has implemented various cases management changes since its establishment to improve efficacy and efficiency of its process and in so doing reduced animosity engendered throughout the span of each case. The Courts reported an increase in the number of divorce cases disposed of (including ancillaries) within the same year it was filed; from 46% in 2012 to 74% in 2016¹ while cases that proceeded onto contested Ancillary Matters hearing saw a drop². In its continual bid to enhance Court processes, FJC will be extending the *Individual Docketing System* to all divorce cases in the second half of 2017. With this, each case will be managed more effectively and with less acrimony (See [Annex D](#)).

7. A new *Family Protection Centre* (“Centre”) and an electronic case management system for Personal Protection and Maintenance cases or *iFAMS* will be launched in the latter half of the year. The Centre will offer those exposed to family violence with a more private and calming environment where their applications for Personal Protection Orders will be handled seamlessly and comprehensively. Complementing the Centre is a new IT system called *iFAMS* that will enable a more efficient and faster application process. Parties can file their applications either at the Family Court Registry or at the Family Violence Specialist Centres. This offers the distressed litigant access to the court from familiar community touch points which helps to mitigate their distress.

¹ For cases disposed of in the same year, the average time taken for divorce cases to be granted Interim Judgement has been reduced by a quarter, from 68.6 days (more than 2 months) in 2012 to 53.1 days (less than 2 months) in 2016. The average time taken for Final Judgement to be granted has also reduced by a quarter from 155.2 days (5.2 months) in 2012 to 114.6 days (3.8 months) in 2016.

² A comparison of the 2012 and 2014 cohorts of cases also indicates a drop in the cases that proceeded onto contested Ancillary Matters. In 2012, 524 AM cases were contested out of 6,275 cases filed. In the 2014 cohort, only 429 AMs were contested out of 6,019 divorces.

(b) Readying family justice for the future

8. PJFJC also spoke about meeting the needs of the future by anchoring services more deeply within the family justice community and making sure the international elements of cases are well dealt with.

9. A key plank for longer term development of the family justice eco-system is collaboration with the law profession. The Law Society of Singapore and FJC launched today a consultation paper on *amendments to the Professional Conduct Rules* (See Annex E). This proposed set of professional conduct rules will help family law practitioners navigate the difficult ethical issues they are confronted with due to the many competing demands they face. The consultation paper will also seek views on suggested topics to be covered in a Best Practices Guide for Family Law Practitioners. After a month-long consultation with family law practitioners, the amendments will be submitted to the Professional Conduct Rules Working Group.

10. It was also announced that, with support from the Singapore Tourism Board, Singapore has been chosen as the venue for the *2020 World Congress Family Law and Children's Rights*. (See Annex E). PJFC noted that Singapore being chosen as the venue for the August conference is an affirmation of FJC's work and thought leadership in the area of family justice. More importantly, the hosting of such well-regarded international forums facilitates much needed discourse on trending and future issues as well as connects us with international networks that are vital in dealing with the increasingly international nature of our work.

11. See the enclosed factsheets at Annex A to G for more information on the various programmes mentioned above.

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About the Family Justice Courts

Established in 2014, the Family Justice Courts (“FJC”) are a restructure of our Court system to better serve litigants by bringing together all family related work under a specialised body of courts. The FJC is comprised of the Family Division of the High Court, the Family Courts and the Youth Courts and is administered by the Presiding Judge of the FJC. The cases dealt with by the FJC include those relating to divorce and ancillary matters, family violence, maintenance, adoption and guardianship, youth court, mental capacity and probate and succession. Its mission is to make justice accessible to families and youth through effective counselling, mediation and adjudication.

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FACT SHEET 1

The Child Inclusive Dispute Resolution Model

1. In July 2015, FJC's Counselling and Psychological Services (CAPS) completed a successful pilot study deploying a Child Inclusive Dispute Resolution model in helping divorcing couples with children find a way forward after divorce.
2. The Child Inclusive Dispute Resolution is designed as a pre-trial dispute resolution process to better assist parties to focus on their ongoing parenting responsibilities, and consider with greater sensitivity the developmental issues of their children in their dispute.
3. The approach incorporates a therapeutic interview with the affected children for a sense of how the parental dispute has affected them. This is then followed by a feedback session between the parents and the counsellor about the unique development needs and psycho-emotional adjustment needed for each child within the family.
4. Early results of the pilot study in 2015 show that 75% of the families that participated reached agreement on all children issues³.
5. The Child Inclusive Dispute Resolution process is currently being implemented for selected cases. FJC will also be training and deploying specialist counsellors for this area of work.
6. In 2016, 62 cases went through child inclusive counselling at CFRC. Out of those cases, 80% of them had at least one or all children's issues settled by the time they completed their mediation at CFRC.

³ The pilot study was conducted with 20 families who were going through divorce mediation at the Child Focused Resolution Centre. 40 parents and 35 children participated in the study. Out of these 20 cases, 15 of them reached an agreement on all the children's issues.

CASE STUDY

Background

Mr Tan and Ms Chao were match-made and they had only communicated over the phone for a few months before getting married. During the long-distance courtship, Ms Chao was not aware of Mr Tan's hoarding behaviour. After marriage and giving birth to Sam, Ms Chao embarked on her plan to make a new life for herself – to get a job, become self-subsistent and get out of the marriage.

The family lived in poverty. Ms Chao shared that during her pregnancy, their neighbours would hang a loaf of bread on her door because they knew she had limited funds for food. She would also ask for leftover liver (that can no longer be sold the next day) from the butcher and pick up discarded vegetables from the vegetable sellers at the market. After Ms Chao started work, she put in very long hours and left Sam in Mr Tan's care. The combination of Ms Chao's long hours away from home and Mr Tan's hoarding behaviour led to the breakdown of the marriage and the couple became increasingly bitter and resentful towards each other as the years went by. The couple filed for divorce after 13 years.

Impact on Sam

Sam grew up in an unconducive living environment; with basic food and a cramped living space. He is badly affected by the conflict between his parents. Often crying after witnessing these fights, Sam wishes he could build a wall to separate them. During the Child-Inclusive interviews, Sam had expressed fear of seeing his parents together as he is fearful that they will quarrel and fight. Feeling hurt after finding out that Ms Chao had a boyfriend, the situation was exacerbated when Ms Chao showed Sam photographs of herself and her boyfriend in affectionate poses and brought Sam to meet him. Sam feels betrayed by Ms Chao and is reluctant to see her anymore. Now living in a condominium with her boyfriend, Ms Chao has offered Sam a more conducive living environment but Sam has chosen to remain with Mr Tan. Sam has shared that Mr Tan cares for him.

Adopting the Child Inclusive Dispute Resolution Model

In applying the Child-Inclusive approach, the CAPs Counsellor ("Counsellor") had conducted therapeutic interviews and counselling with Sam as well as feedback sessions with his parents. At the start of the interviews, Sam was very reticent about articulating his feelings - he blames himself for his parent's divorce. Eventually Sam opened up and was able to share his fears and sense of helplessness with the Counsellor. The Counsellor in turn communicated Sam's feelings to his parents in a bid to help them become more reflective. Overwhelmed and consumed with their personal hurt and pain, the parents had underestimated the impact of their marital conflict on Sam and neglected to consider his emotional well-being.

Outcome

Having undergone the Child Inclusive Dispute Resolution process, Mr Tan and Ms Chao are now cognisant of the negative impact their marital dispute has on Sam. Instead of contesting over care and control, they are now committed to focus on Sam's needs. The way forward after divorce has been mapped but remains challenging. As co-parents, Mr Tan and Ms Chao need to learn to work together for Sam. Separately, Mr Tan needs to address his hoarding habit and improve Sam's living conditions which he has agreed to do with the help of MSF and assistance of FSC.

FACT SHEET 2

Parenting Coordination

1. In high-conflict parenting situations, disagreements frequently arise over how access is to be carried out by the parents after the divorce. These disagreements continue the acrimony between the parents. The children, caught in the middle, may suffer developmental harm as a result of the mental stress engendered.

2. Parenting Coordination is a child-focused post-divorce or post-separation conflict resolution process designed for parties undergoing divorce or separation, where their relationship is marked by intense high-conflict, and there are continuing concerns about the adjustment of the children and the parents to the divorce or separation. The process had its roots in the United States, where it has proven itself useful and beneficial for parents. Other countries like Hong Kong have piloted the process as well.

3. For Singapore, a parenting coordinator is appointed by the court to assist parents in the implementation of parenting orders, including the child access arrangements. Parenting coordinators, in working directly with the parents, can facilitate communication, educate and help them resolve disagreements concerning the child in a timely manner. This better supports the parents in joint parenting, and minimizes the hurt on the children of any on-going conflict between the parents.

4. There are currently 24 lawyers involved in Parenting Coordination in Singapore. A pilot Parenting Coordination project by the courts is at present underway.

5. This scheme will be expanding this year with the involvement of parenting coordinators from the social science fields.

FACT SHEET 3

FJC-NIE Research on Outcomes of Counselling and Mediation at FDR

1. Starting 2017, the Family Justice Courts (“FJC”) and the National Institute of Education (“NIE”) intend to collaborate on a longitudinal research to explore the outcomes of 300 families that undergo Counselling and Mediation at the Family Dispute Resolution (“FDR”) Division of FJC regarding divorce and ancillary matters. The research is currently awaiting approval from the Nanyang Technological University’s Institutional Review Board.
2. This study will measure the impact of FDR’s child-centric approach on both parents and children over the course of one year. Over 1,000 parents and children are expected to be followed up at various points for a one-year period, after they have received Court’s Counselling and Mediation, to better understand the changes in parental conflict, parent-children’s relationships, and most importantly, the children’s wellbeing.
3. Since 2011, divorcing parents who have at least one child below the age of 21 years are required by law to undergo mandatory counselling and mediation at FDR. This provides an opportunity for families to avert an adversarial trial process which is often detrimental to the post-divorce parental relationship. Parental hostility, when not diffused, often harms the wellbeing of their children even after the divorce is over.
4. Research has pinpointed parental acrimony as one of the key factors which may influence the wellbeing of children during and after divorce. If parents could strive to keep their marital conflict away from their children, attune themselves to the developmental needs of their children and encourage close relationship between the other parent and their children, children are able to be resilient and weather through divorce without any long term harm. The reverse would be true where high parental conflict adds more stress to children, leading to problems in their academic, social and personal development.
5. With this in mind, Counselling and Mediation at FDR provides an alternative dispute resolution process for parents, to re-direct the focus from the marital conflict to the importance of parental cooperation, from needs of hurting adults, to the sometimes unseen needs of children.
6. Counselling, especially, uses a child-centric approach where court counsellors help parents focus on the unique developmental needs of their children and how their children can be hurt by parental conflict. If successful, parent can then make appropriate decisions about the family after divorce and agree on good co-parenting plans and arrangements that will ensure healthy parent-child relationships and wellbeing of their children. Where appropriate, court counsellors will also meet with their children to better understand the experience of their children living in conflict and their struggles, and to reflect sensitively the voices of their children for parents to understand and help their children.

7. This child-centric approach at Counselling and Mediation at FDR draws from social science theories and practices. Research in Australia and in the United States using these approaches have found positive outcomes for families facing divorce/separation: over a one-year period, parents are less acrimonious and more cooperative, children are significantly less distressed over their parents' discord, and there are higher satisfaction in care and contact arrangements and more stability in these parenting arrangements for their children.

8. The FJC-NIE longitudinal research aims to assess whether our approach and processes can contribute similarly to positive outcomes for families in Singapore. Previous international research have centred on families from a largely Caucasian population and this would be the first large-scale research of these approaches on a predominantly Asian population.

9. In particular, the Principal Investigator of this research project is NIE's Associate Professor Vivien Huan who is also a panel advisor at the Youth Court as well as an expert panellist with the Family Justice Courts. At the national level, she is a member of the National Youth Guidance and Rehabilitation Research Committee.

10. Thus in partnership with FJC, NIE hopes to use the findings from this research to inform and provide both the community and teachers with greater insight into understanding the multifaceted needs of these children in their care. Hopefully, the findings will also help mitigate the deleterious impact of divorce and separation on children and their families in Singapore.

FACT SHEET 4
Individual Docket System

“Family Justice is a unique field in the administration of justice. In some respects, the judicial task can be likened to that of a doctor with a focus on diagnosing the problem, having the appropriate bedside manner to engender trust and convey empathy and the wisdom to choose the right course of treatment so as to bring a measure of healing.”

*The Honourable the Chief Justice Sundaresh Menon
@ The Opening of the Family Justice Courts on 1 Oct 2014*

1. In tandem with the unique approach stated by the Chief Justice at the opening of the Family Justice Courts in October 2014, FJC commenced docketing for selected categories of cases to designated judges so that they can be more familiar with the issues confronting the parties and be able to manage the case from start to end, ensuring better outcomes for parties who may have multiple applications and proceedings in court. The approach also helped in expediting the disposal of cases as the judge would lead the pace of the case and control the timelines based on the complexity of the case. This has resulted in faster clearance of cases pending before the court.

2. In the second half of 2017, FJC will extend the docketing system to all divorce cases in which the parties indicate that the writ is contested from the outset. Cases which had been completed but which then involved further applications were also identified for docketing under this phase. This move continues the original mandate for ensuring better outcomes of cases and the expeditious conduct of proceedings through robust case management, and fair resolution of family disputes before a single judge who has consummate understanding of each case.

3. Phase 1 of the extended docket system commenced on 1 July 2016 comprising 8 judges.

Phase 2 of the extended docket system commenced on 9 January 2017 with an additional 8 judges.

4. With a view to bringing a case to final disposition in a holistic, just and expeditious manner, each docket judge will rely on our rules in particular the judge led rules in Rule 22 of the Family Justice Rules to manage the assigned case by early identification and narrowing of issues in dispute, ascertaining the degree of difficulty or complexity of the issues, minimising unnecessary interlocutory steps, exploring options for alternative dispute resolution early; and where necessary facilitate the expeditious hearing and disposal of the case

5. The docket judges are assisted by case managers and registry officers in handling of their assigned cases.

FACT SHEET 5

Consultation Paper on

- (a) **Proposed Amendments to Legal Profession (Professional Conduct) Rules for Family and Related Proceedings; and**
- (b) **Best Practices Guide for Family Law Practitioners**

"...our judge-led system carves out an important role for the lawyer. It retains what I would call "the best of our traditional adversarial system". Lawyers know their case and how best to present it to the court. If they do this in a problem solving and constructive way, their clients benefit from the orderly and properly informed adjudication of all issues. At the same time, they have to advise their clients to look beyond the immediate legal issues - to consider for instance the financial, emotional impact on the family which are all too often shrouded in the fog of litigation. Most importantly, many family cases have a vulnerable patient or child at the centre of the dispute: clients must be advised that the court is guided by their best interests."

*Judicial Commissioner Valerie Thean
Presiding Judge FJC*

"Family law practitioners face unique and challenging demands. On the one hand, they represent their client's interests and on the other hand, have to consider the child's best interests. Beyond this, it is important for the parties to be aware of the various appropriate dispute resolution options which may be adopted to resolve the marital conflict. In dealing with the competing demands and the ethical issues which may arise, it is timely that family law practitioners have a reference in the proposed Professional Conduct Rules and Best Practices Guide for Family Practitioners to assist them in navigating the ethical issues and the practice of family law."

*Mr Yap Teong Liang,
Member of the Ethics Work Group*

Consultation Period:

One Month

Introduction

1. The Law Society of Singapore ('Law Society') and the Family Justice Courts ('FJC') are seeking feedback on: (a) proposed amendments to the Legal Profession (Professional Conduct) Rules 2015 ('PCR 2015') in the context of family and other related proceedings; and (b) a "Best Practices Guide for Family Law Practitioners" which sets out best practice guidelines for legal practitioners conducting family proceedings in Singapore. The draft amendments to PCR 2015 are to be submitted for consideration to the Professional Conduct Rules Working Group after consultation.

Background

2. Over the years, family law practitioners have seen changes to the family law landscape, in terms of the processes and procedures to be adopted and the approach towards the practice of family law. On 1 October 2014, the Family Justice Act 2014 came into operation, establishing the FJC. On 1 January 2015, the Family Justice Rules and FJC Practice Directions came into effect.

3. An area of family law practice which is of vital importance is that of ethics. Family lawyers may face many unique and challenging ethical issues when acting in their client's best interest in matrimonial and children cases, including in their dealings with fellow members of the bar, the courts or *vis-à-vis* clients. The solution to ethical problems is often varied in one of the most dynamic and challenging areas of the law as it often involves considerable emotional upheaval in parties' lives.

4. The PCR 2015 provides specific rules for the conduct of criminal proceedings. However, there is an absence of guidelines in relation to family proceedings, making it timely to consider amendments to address the specific challenges faced by family lawyers.

5. On 27 September 2016, the Family Law Practice Committee ('FLPC') organised a seminar entitled "Ethics in Family Law Seminar – Right and Wrong and Being Strong", which was well-attended. This seminar aimed to help family law practitioners keep up with, and highlight, potential ethics traps; and also explore steps that may be taken in ethical decision-making. The seminar concluded with a general consensus that ethics had an important role in family practice. At the inaugural International Family Law Conference organised by the FJC from 29 to 30 September 2016, a session on "The Future of Family Justice: The Evolving Role of Family Practice and Ethics" was held.

6. On 9 January 2017, the Honourable the Chief Justice Sundaresh Menon mentioned in the Opening of the Legal Year 2017 that it would be "beneficial to spell out professional standards that will apply specifically to family law practitioners who are often placed in precarious position because of the many competing demands they face". At the same time, the President of the Law Society, Mr Gregory Vijayendran, reinforced the point that part of "honouring the highest ethical standards this year includes upping our game in family bar ethics".

7. An Ethics Workgroup comprising family law practitioners, academics and members of the judiciary⁴ was formed to consider the ethical issues faced by family law practitioners. The FJC and the FLPC will work with practitioners to develop clear standards of professional conduct that apply in family proceedings.

Proposed Amendments to the Legal Profession (Professional Conduct) Rules 2015

8. The proposed introduction of a new Rule 15A and 15B in the PCR 2015 relating specifically to the practice of family law, read in conjunction with proposed

⁴ See Annex B.

Practice Directions which will be issued by either the Law Society or the Professional Conduct Council, will provide legal practitioners with a useful set of principles to guide them in the ethical practice of family law. This is particularly relevant and important given that the practice of family law often presents some of the most difficult ethical issues which confront lawyers, given the sometimes divergent interests of their clients and the children involved in the proceedings.

9. The broad intention of these amendments is to: (a) reduce the adversarial nature of family proceedings by ensuring that practitioners consider and advise their clients on different available dispute resolution options; and (b) ensure that the interests of any children involved in family proceedings are considered by practitioners. In brief, the proposed amendments seek to:

- (a) Ensure that practitioners take a constructive and conciliatory/non-confrontational approach towards the resolution of family proceedings.
- (b) Ensure that practitioners inform their clients about alternative dispute resolution options such as mediation and counselling, and advise their clients to consider an amicable resolution of family proceedings whenever it is possible to and on a reasonable basis.
- (c) Where a matter has to be adjudicated, ensure that practitioners advise their clients to adopt a constructive and reasonable approach to the resolution of the family proceedings.
- (d) Make it clear that practitioners have a duty to advise their clients to consider the welfare of, potentially adverse impact of the family proceedings on, any children who may be involved in the family proceedings.
- (e) Set out the duties of practitioners in relation to conflicts of interest where they are appointed as Child Representatives and/or Parenting Coordinators.

10. The full text of the proposed amendments and a brief commentary are found at **Annex A** to this document.

Best Practices Guide for Family Law Practitioners

11. The time is ripe for the establishment of a Best Practices Guide for Family Law Practitioners. The motivation behind such a best practices guide is to provide a reference with realistic examples to assist family law practitioners in their practice.

12. This would not be unique to Singapore. In Australia, there is the Best Practice Guidelines for Lawyers Doing Family Law Work published by the Law Council of Australia in 2010. In Ireland, there is the Family Law Code of Practice 2008. In 2005, the Law Society of Singapore published The Art of Family Lawyering and the book's 2nd edition was published as an e-book in January 2013.

13. The proposed Best Practices Guide for Family Law Practitioners hopes to provide a useful and practical guide for family law practitioners in their dealings with

the FJC, clients, fellow practitioners and litigants-in-person. It also seeks to provide illustrations which practitioners may come across.

14. The suggested topics to be covered by the Best Practices Guide are:

- (a) General duties of the family law practitioner
- (b) Relationship with the Court
- (c) Relationship with the client
- (d) Relationship with other practitioners
- (e) Relationship with litigants-in-person
- (f) Dispute resolution options
- (g) Relationship with children
- (h) Conduct of litigation and preparation and drafting of Affidavits
- (i) Communications and Correspondence

15. The FLPC will be organising dialogue sessions with members of the profession on the proposed amendments to the PCR 2015 and the Best Practices Guide for Family Law Practitioners.

Invitation for Views and Feedback

16. The Law Society and the FJC invites members to provide their views and feedback on the proposed amendments to the PCR 2015 and the “Best Practices Guide for Family Law Practitioners”.

17. The consultation period is from 20 February 2017 to 20 March 2017 (both dates inclusive). All views and feedback may be sent in electronic form to represent@lawsoc.org.sg.

Annex A

Proposed Amendments	Remarks
<p>Proposed inclusion of Rule 15A under: “Part 3 Rules Applicable to Practice of Singapore Law and Practice in Singapore Courts; <i>Division 1 – Role in administration of justice</i>”</p> <p>Conduct of family proceedings 15A. (1) The following principle guides the interpretation of this rule:</p> <p style="text-align: center;"><i>Principle</i></p> <p>A legal practitioner, acting in the context of family disputes, must always be alert to the fact that a client's best interest is often impacted by other considerations such as the best interests of the child, the psychological health of the client, and the resultant desirability to reduce conflict. A legal practitioner must adopt a constructive and conciliatory approach, whenever it is reasonably possible to do so, in the conduct of family proceedings from the time such proceedings are contemplated until their resolution.</p> <p>(2) The legal practitioner must:</p> <p style="padding-left: 40px;">(a) inform his or her client about all available dispute resolution options (including but not limited to mediation and counselling) that are reasonably available to the client, so as to enable the client to make an informed decision regarding the resolution of family proceedings (including when such proceedings are contemplated);</p> <p style="padding-left: 40px;">(b) advise his or her client to consider an amicable resolution of family proceedings (including when such proceedings are contemplated) whenever it is reasonably possible to do so; and</p> <p style="padding-left: 40px;">(c) advise his or her client to adopt a constructive and reasonable approach in the adjudication of family proceedings.</p> <p>(3) Where there are issues concerning minor children, the legal practitioner must:</p> <p style="padding-left: 40px;">(a) advise his or her client that the court will prioritise the best interests of the children which will prevail over the</p>	<p>This follows the general approach as set out in Ireland's Guide to Good Professional Conduct for solicitors, section 2.2; and Appendix 4: Family Law in Ireland, Code of Practice 2008.</p> <p>Similar wording found in Ireland's Guide to Good Professional Conduct for solicitors; Hong Kong's Code of Conduct, section 116A; NZ's Lawyers and Conveyancers Act (Lawyers: Conduct and Client Care) Rules 2008, section 13.4; Australia's Legal Profession Uniform Law Australian Solicitors' Conduct Rules 2015, Section 7.2.</p> <p>Similar wording found in Canada's Model Code of Professional Conduct, Clause 3.2-4.</p> <p>Similar wording found in Ireland's Guide to Good Professional Conduct for</p>

<p>wishes of either of the parents or the children or both; and</p> <p>(b) advise his or her client to consider the welfare of, and potentially adverse impact of the family proceedings on, the children.</p> <p>15B(1) The following principle guides the interpretation of this rule:</p> <p style="text-align: center;"><i>Principle</i></p> <p>A legal practitioner must ensure that when he acts in a particular capacity, his role in that capacity does not result in a conflict of interests.</p> <p>(2) Paragraph (3) shall apply to legal practitioners who have been appointed to act as a Parenting Coordinator or Child Representative under Part 4 of the Family Justice Rules.</p> <p>(3) A legal practitioner who has acted as a Parenting Coordinator or Child Representative in a dispute must not subsequently act for any party to the family proceedings in relation to:</p> <p>(a) the subject matter of the family proceedings; or</p> <p>(b) any matter relating to the family proceedings which was discussed during the course of the practitioners' appointment as a Parenting Coordinator or a Child Representative.</p>	<p>solicitors, Appendix 4; Canada's Model Code of Professional Conduct, Section 5.1-1, Commentary para [4]; Australia's Best Practice Guidelines for Lawyers doing Family Law Work (Oct, 2011), para 1.5.</p> <p>See USA's The Bounds of Advocacy (American Academy of Matrimonial Lawyers) paragraph 6.</p> <p>This paragraph is similar to the wording in paragraph 8(6) PCR, which details the role of mediators in all proceedings. The aim of this provision is to provide specific guidelines as to conflicts in the specific family law context, where practitioners may be appointed as Parenting Coordinators or as Child Representatives.</p>
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Annex B

The Workgroup comprises:

1. Judicial Commissioner Valerie Thean, Presiding Judge, Family Justice Courts
2. District Judge Yarni Loi, Family Justice Courts
3. District Judge Jonathan Lee, Family Justice Courts
4. Professor Jeffrey Pinsler, S.C.
5. Mr. Ang Cheng Hock, S.C.
6. Mr. Alvin Chen
7. Ms Malathi Das
8. Ms Angelina Hing
9. Ms Michelle Woodworth
10. Mr. Raymond Yeo
11. Mr. Yap Teong Liang

FACT SHEET 6
2020 Singapore World Congress

“The area of family law and children’s rights remain exciting, challenging and fast moving areas of legal scholarship and practice. The World Congress for Family Law and Children’s Rights has established itself as the leading international forum for discussion and deliberation on these issues.

It is therefore with great pleasure to announce that the World Congress on Family Law and Children’s Rights will partner with the Family Justice Courts of Singapore to co-host the 2020 World Congress to Singapore.”

Geoffrey Sinclair
Chairman, World Congress on Family Law & Children’s Rights
on behalf of the Board

1. The World Congress on Family Law & Children's Rights (WCFLCR) exists to enhance, promote and protect the human rights of children and young people. WCFLCR bring together individuals and organisations from across the world who have influence on the legal and justice system.
2. WCFLCR achieve positive change by:
 - i. Developing outcomes that directly benefit those who are especially vulnerable and disadvantaged, particularly children and young people.
 - ii. Holding World Congresses, developing Congress resolutions, building partnerships and funding projects.
 - iii. Using WCFLCR high profile, and the publicity it attracts, to be a catalyst for change in WCFLCR condemnation and, where appropriate, commendation of actions and policies of States which uphold the rights of children.
3. WCFLCR approaches are informed by interdisciplinary dialogue between lawyers, judges, health care professionals, politicians, social workers, community and government representatives, human rights advocates and representatives from the private sector who share a common concern about the rights of children.
4. WCFLCR meets every four years to assess, discuss and exchange ideas on the law, public policy and affiliated professional areas that impact upon the rights of children.
5. Our Congresses and resolutions have addressed areas including:
 - Family violence, child abuse and family conflict

- International child abduction
- Child protection
- Children of same sex couples
- Surrogacy
- Family law and religion
- Children of War
- Child labour
- Trafficking and child exploitation

6. The primary aim of the Congress is to develop outcomes that directly benefit those who are especially vulnerable and disadvantaged, particularly children and young people.

7. The Congresses are attended by lawyers, judges, health care professionals, politicians, community and government representatives, human rights advocates and representatives from the private and business sectors who share a common concern about the rights of children.

8. WCFLCR patrons and honorary chairs have included:

- Hillary Clinton, the then First Lady of the United States;
- Dame Graça Machel Mandela DBE;
- Her Excellency Mary Robinson, The United Nations High Commissioner for Human Rights and Former President of Ireland; and
- Her Royal Highness Crown Princess Mary of Denmark.

FACT SHEET 7

A Hierarchy of Children's Needs in Divorce

Robert Emery

Department of Psychology

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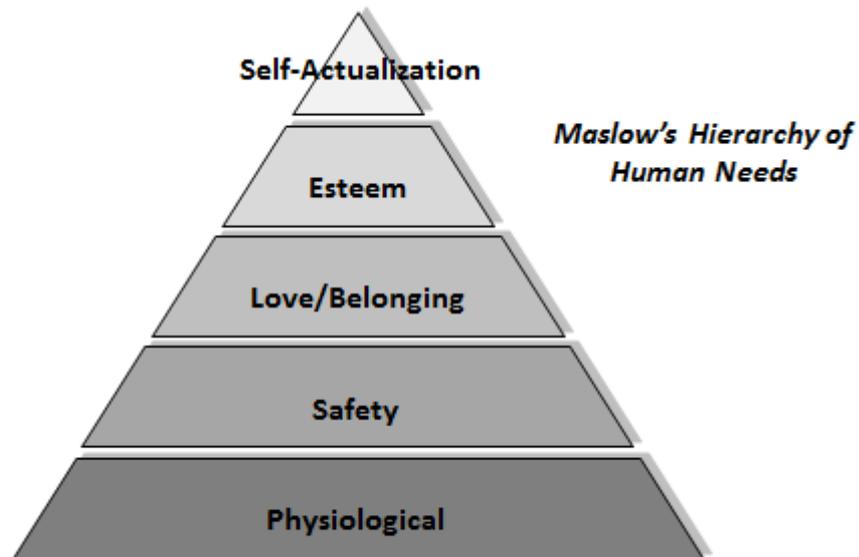
This article is adapted from Chapter 2 of Dr. Emery's new book:
Two Homes, One Childhood: A Parenting Plan to Last a Lifetime

1. Experts agree about what promotes children's healthy adjustment to their parents' divorce:

- Low levels of conflict between parents. Or at least conflict that is contained, so children are protected from parental disputes, while parents cooperate as best they can in childrearing.
- A good relationship with at least one *authoritative* parent, that is, a parent who is both loving and firm with discipline.
- A good relationship with the other parent too, especially if that parent also is authoritative.

2. Experts agree about what matters to children. Where experts sometimes disagree is about what matters most. If parents are at war, is it better for children to spend most of their time with only one parent so they will not be living in a war zone? Or is it better for children to spend a lot of time with both parents, even though they will have to deal with a lot of fighting?

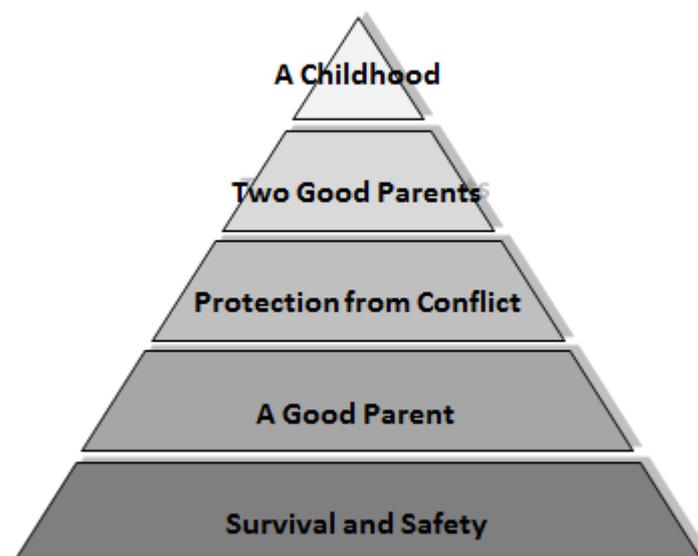
3. Before moving forward to answer these questions, let us step back in time. More than half a century ago, Abraham Maslow created his "Hierarchy of Human Needs." Maslow brilliantly ranked human needs according to the simple figure portrayed below.



4. Maslow placed more essential needs lower on his hierarchy. He put less basic needs higher up. A key principle in his ranking is that people will sacrifice less basic needs, for example, for safety, in order to meet more basic ones, for example, for food. People will do dangerous things – hunt fearsome animals or commit crimes – in order to meet their basic physiological needs.

5. The principle applies to psychological needs as well as to biological ones. For example, people will sacrifice self-esteem in order to obtain love.

6. Children's needs in divorce can be portrayed as a pyramid much like Maslow's. Here is my evidence-based, Hierarchy of Children's Needs in Divorce.



7. Like Maslow's hierarchy, I have placed more basic needs closer to the bottom of the pyramid. Less basic needs go higher up. Physiological and safety needs remain at the base, more critical than any psychological needs. Protecting children's safety must come first, ahead of any and all of their psychological needs.

8. Of course, all of children's psychological needs in divorce are important. But the hierarchy shows in clear, broad strokes which needs are *more* basic. The hierarchy is a guide in circumstances when particular needs may be threatened or cannot be fulfilled. As with Maslow's scheme, children will be better off emotionally if their parents sacrifice less basic psychological needs for more basic ones. For example, protection from conflict is a more basic need than having involved relationships with both parents.

9. Please do not misunderstand me. I absolutely want children to have good relationships with *both* of their divorced parents. However based on research, living in the middle of a war zone between two parents is more harmful to children than having a really involved relationship with only one of them. In order for children to thrive living in two homes, parents have to find a way to contain their conflict and anger.

10. Let me turn back and discuss some key aspects of parenting before returning to discuss research on how parental conflict harms children.

11. Love is number one on most anyone's list of what children need for their healthy social and emotional development, as it is in Maslow's hierarchy and mine too. And there is no doubt, based on all kinds of research, that having at least one healthy, loving parenting is the best predictor of children's successful coping with divorce.

12. Love is the foundation, but children need parental discipline in order to build upon that structure. Children test the limits. This means that parents need to set limits. Authoritative parenting, not indulgent parenting (love without discipline), is essential in my Hierarchy of Children's Needs in a Divorce. An authoritative parent is loving *and* firm but fair in discipline.

13. Ignoring discipline is a mistake that divorced parents sometimes make. But saying "no" actually is an act of love. Typically, it is harder to say "no" than to say "yes." And while saying "no" is more work in the short run, it is less work in the long run. Discipline teaches children the right way to get along. Lack of discipline teaches them the wrong way.

14. Children need parental love and guidance from one and hopefully both parents. Children do *not* need to be caught in the middle of their parents' war. Parental conflict can be toxic to children. I say, "can be," because conflict happens in marriage and certainly in divorce. And conflict often is necessary to move forward, to resolve disagreements. But parents can manage their inevitable conflicts well, or badly.

15. Research has long shown that parental conflict harms children. Research shows that children who live in high-conflict, two-parent families have many more emotional problems than children who live in low-conflict, two-parent families. Dozens of studies also show that children who grow up in low-conflict divorced families have far fewer emotional problems than children in high-conflict divorces.

16. Many people are pessimists about managing conflict in divorce. They give up on the possibility that divorced parents can get along, even just about parenting. But that is an old model of divorce. More and more parents today realize they have to find a way to coparent effectively, to put their children's needs ahead of their own emotions.

17. What are better ways to handle inevitable conflicts in divorce? Evidence indicates that children are less distressed by parental disputes if:

- The fights are not about the children
- The arguments do not occur in front of the children
- The expression of anger is less emotionally intense
- There is no physical fighting
- Children are not asked or expected to get in the middle or to take sides
- The conflict is resolved, even if parents only agree to disagree

18. In my books for parents, *Two Homes, One Childhood* and *The Truth about Children and Divorce* I guide parents in understanding both their own emotions and their children needs, so they can learn to better manage their conflicts. More basically, I also detail many "do's" and "don'ts" about how divorced parents need to treat their children's other parent.

19. But let me be clear about one thing here. Divorced parents do not need to be friends to have a cooperative, coparenting relationship. Divorced parents only need to treat each other and work together like business partners in order to do their job successfully. Of course, their job is to raise happy and well-adjusted children.

20. Frequent contact with both of their parents is essential to children feeling close to both Mom and Dad. In a study of children and divorce that I conducted with Lisa Laumann-Billings, we collected data from 100 successful college students from divorced families. We included only young people who had bounced back from any struggles owing to their parents' divorce. Yet, here is a startling thing we discovered about these resilient young people, who like most kids from divorced families, lived mostly with their Moms. Nearly one-third of them endorsed the item, "I sometimes wonder if my father really loves me."

21. I think that's a pretty important, and sad, outcome. My number one goal as a father is to make sure my children feel loved.

22. Another important finding was that young adults from divorced families reported the greatest feelings of loss due to divorce if they saw their Dads only once or twice a month while growing up. This is equivalent to the very common “every other weekend” schedule. If the college students saw their Dads at least once a week, their pain was less. Interestingly, the young people who saw their father very infrequently or not at all also reported fewer current feelings of loss.

23. What do these findings mean? We interpreted our results this way: If you did not see your father much after your parents divorced, you grieved the loss. But eventually your mourning ended. If you saw your father a lot, you discovered you really did not have much to grieve after all. Both your parents remained front and center in your life. But seeing your Dad every few weeks was just enough to keep your hopes alive – and to have them constantly dashed.

24. Honestly, I cannot be certain whether our interpretation is right. But the study does suggest that there are some important, hard-to-measure benefits of having a good, involved relationship with both of your divorced parents. Avoiding grief is a pretty big benefit in my view. So is feeling loved by *both* of your parents.

25. How can we increase the number of kids who see their Dads (and Moms) a lot, and decrease the number who see them rarely? Remember. “Protection from Conflict” is a more basic need than “Two Good Parents” in my Hierarchy of Children’s Needs in Divorce.

26. In the 1980s, I began what surely is the most important study I have ever done. I studied 71 families. The parents had just filed a petition for a contested child custody hearing. The custody contest places these parents among the top 10 percent of most angry divorces.

27. I assigned these parents, at random, either to participate in an evaluation of the court (the litigation group) or to try mediation (a very new idea at the time). Random assignment was a key to my study, or any study. This scientific procedure allows researchers to determine causation, not just correlation. In random assignment studies, there is no guesswork. Scientists know what caused what.

28. I found that mediation caused almost *90 percent* of families to settle their custody dispute without ever arguing their case before a judge. In contrast, a judge had to decide the custody plan for 70 percent of the court evaluation group. About 30% in this group settled their case through attorney negotiations prior to trial.

29. More importantly, I followed these families for 12 years. The more cooperative approach of mediation caused both parents to be much more involved in their children’s lives 12 years later. For example, if they went to mediation instead of litigating, *three times* as many parents whose children did not live with them primarily still saw their kids every week. *Five times* as many parents who mediated spoke with their adolescent children on the telephone every week.

30. An average of six hours of mediation twelve years early *caused* these huge differences. Mediation also caused parents to get along with each other better and to rate each other as being better parents twelve years into the future.

31. For the parents in my study, trying to work with their ex in mediation came first. But the effort at cooperation led to more parenting time, better parenting quality, and improved coparenting 12 years into the future – and probably beyond that too.

32. A second study also shows how parents working together is essential to sharing time with children across two homes. An outstanding group of researchers at Arizona State University wanted to know how father involvement versus coparenting conflict predicted the adjustment of children years into the future.

33. When the children in the study were adolescents, the investigators used statistics to identify different patterns of Dads' involvement with their kids. The computer procedure uncovered three groups: (1) fathers who were very involved with their children but had a lot of conflict with their co-parent; (2) fathers who were moderately involved with kids and had low conflict with their ex; and (3) fathers with low involvement with children and moderate conflict with co-parents.

34. The psychologists followed the adolescents for nine years. They then asked the question: What pattern predicts better psychological adjustment during young adult life? What was the answer? Moderate involvement combined with low conflict. High involvement combined with high conflict offered no more benefits to children than low involvement combined with moderate conflict.

35. Conflict is more damaging to children in divorce than having only a limited relationship with one parent. Protection from conflict is a more basic need than a good relationship with both of your parents in my Hierarchy of Children's Needs in Divorce. But if parents can find a way to manage their conflict and coparent effectively, they can meet all of their children's needs in divorce. If divorced parents truly put children first, their children can have a childhood. Their children can be just children, not forever "children of divorce."