

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 3 OF 2015

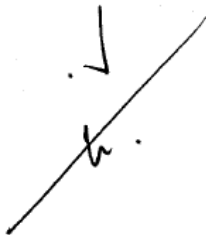
1. It is hereby notified for general information that the Family Justice Courts Practice Directions will be amended as follows with effect from 1 October 2015 -
 - (a) the existing paragraph 12 will be deleted and replaced by the following new paragraph:

[New paragraph 12](#)
 - (b) the existing paragraph 159 will be deleted and replaced by the following new paragraph:

[New paragraph 159](#)
 - (c) the existing paragraph 161 will be deleted and replaced by the following new paragraph:

[New paragraph 161](#)
2. The amendments in 1(a) and 1(c) are due to the relocation of certain services of the Family Justice Courts to new premises at 5 Maxwell Road, #04-00, Tower Block, MND Complex, Singapore 069110.
3. The amendment in 1(b) is due to the change in hours of the Duty Registrar and Duty Magistrate.

Dated this 29th day of September 2015.



CHIA WEE KIAT
REGISTRAR
FAMILY JUSTICE COURTS

12. Mandatory Counselling & Mediation

- (1) Section 50(3A) of the Women's Charter (Cap. 353) provides for mandatory counselling/mediation sessions at the Child-Focused Resolution Centre ("CFRC"). The first phase, beginning in September 2011, was for divorcing parents with any child or children below 8 years of age. The second phase, involving divorcing parents with any child or children below 14 years of age, was implemented for cases filed from 1st July 2013. The final phase was implemented for cases filed from 1 October 2014 and extended to all divorcing parents with any child or children below 21 years of age.
- (2) Notice(s) of attendance for mandatory counselling/mediation sessions with location details will be sent to the plaintiff and defendant in the divorce proceedings. Attendance by the parties is compulsory. Attendance by the parties' respective counsel, if any, is required only when specifically stated in the notification.
- (3) Counsel and parties are required to attend a Family Dispute Resolution Conference ("FDR Conference") for a preliminary discussion of the issues relating to the child or children of the marriage. The purpose is to crystallise the issues on matters relating to the child or children and to agree on mutually convenient dates for the parties to attend counselling/mediation. Any unresolved issue relating to the divorce (including any ancillary issues such as the question of maintenance or the division of matrimonial assets) may also be discussed.
- (4) Counsel and parties are expected to come prepared to discuss all issues relating to or impacting the child or children.
- (5) After the FDR Conference, the parties alone will attend an Intake and Assessment Session with their assigned Family Counsellor.
- (6) Subsequent counselling sessions involving only the parties, may be fixed by the assigned Family Counsellor and the parties.
- (7) A Mediation date will be given to the parties and counsel at the FDR Conference if appropriate for the case. It is important that parties attend on the dates given and use the opportunity to discuss and resolve the issues with the help of a Judge-Mediator and/or Family Counsellor. Counsel and parties are to prepare a Summary for Mediation in Form 191 in Appendix A to these Practice Directions prior to the mediation for submission and discussion during the mediation together with all relevant documents as may be directed by the Court.
- (8) Any consensus reached during counselling sessions will be recorded as a draft agreement. A copy of the draft will be given to the parties who are advised to consult their counsel (if any). Where interim judgment has been granted, the agreement will

be recorded as a consent order by the Judge-Mediator at a subsequent mediation session upon confirmation of the terms.

- (9) Where interim judgment or judgment for judicial separation has been granted, any agreement reached by the parties at any time may be recorded as a consent order by the Judge-Mediator at a mediation session or any other Judge sitting as a Judge in Chambers upon confirmation of the terms by the parties and/or counsel. Where interim judgment or judgment of judicial separation has not been granted, the agreement will be formally recorded by the Judge and directions will be given for the setting down of the divorce on an uncontested basis on an expedited basis.
- (10) Under section 50(3B) of the Women's Charter (Cap. 353), the court may dispense with the attendance of the parties at mediation/counselling if it deems that it is not in the interest of the parties concerned to do so (e.g. where family violence has been committed or where Child Protection Services is involved in the case).
- (11) Counsel should advise his/her client of the consequences of non-attendance under section 50(3D) and (3E) of the Women's Charter (Cap. 353).
- (12) Mediation will be conducted on a without prejudice basis. All communications made in the course of mediation will be treated in strict confidence and will not be admissible in any court unless otherwise stipulated by law. If the dispute is not resolved at the mediation session, the District Judge or Registrar will give the necessary directions to enable the case to proceed to trial, and the case will be heard by a Judge other than the District Judge or Registrar conducting the mediation.
- (13) Where there is a disagreement between the parties on the terms of the agreement which were recorded at mediation, either party may write in to court for a clarification before the Judge-Mediator.

159. Duty Registrar and Duty Magistrate

- (1) The duties of the Duty Registrar are —
 - (a) to hear applications made *ex parte* or by consent (except probate matters) provided that the summons has been entered in the summonses book;
 - (b) to grant approval for any matter pertaining to the administration of the Registry, including giving early or urgent dates and allowing inspection of files;
 - (c) to sign documents to effect sale and transfer of matrimonial assets; and
 - (d) to sign and certify documents.
- (2) The duties of the Duty Magistrate shall include the examination of complainants when they file a Magistrate's Complaint.
- (3) The duty hours shall be as follows:
 - (a) Mondays to Fridays - 9:30 a.m. to 1:00 p.m., and
2:15 p.m. to 5:30 p.m.
 - (b) Saturdays - 9:30 a.m. to 1:00 p.m.
- (4) Only solicitors (or, where a party is not represented, a litigant in person) shall appear before the Duty Registrar.
- (5) Except where the attendance of the advocate and solicitor is required under subparagraph (9), the filing of the relevant documents will be sufficient for the Duty Registrar's disposal of any application or matter. Documents which are filed using the Electronic Filing Service will be returned to the solicitor through the Electronic Filing Service to the inbox of the law firm's computer system or through the service bureau. Documents which are not electronically filed shall be collected from the relevant Family Registry not earlier than one clear day after the documents have been filed.
- (6) All documents which are not required to be filed using the Electronic Filing Service should be duly stamped before presentation to the Duty Registrar for his signature and/or decision.
- (7) A solicitor who wishes to attend before a Duty Registrar and to refer him to documents filed using the Electronic Filing Service must either —

- (a) file the document sufficiently far in advance before attending before the Duty Registrar such that the documents are already included in the electronic case file for the Duty Registrar's reference (and in this regard, solicitors should only attend before the Duty Registrar after they have received notification from the Court that the document has been accepted); or
 - (b) attend before the Duty Registrar with the paper documents, if these exist (and in this regard, the Duty Registrar will require the solicitor to give an undertaking to file all the documents by the next working day after the attendance before dealing with the matter).
- (8) Solicitors should register at the relevant Family Registry counter prior to attending before the Duty Registrar.
- (9) The advocate and solicitor's attendance is compulsory only -
 - (a) when he is requesting an early or urgent date for hearing before the Registrar or Judge;
 - (b) when an application or document is returned with the direction "Solicitor to Attend" ; or
 - (c) when so required by any provision of law.
- (10) A solicitor may, if he wishes to expedite matters, attend before the Duty Registrar even if his attendance is not ordinarily required.
- (11) When dealing with the ancillary matters, the Court may grant orders under section 31 of the Family Justice Act empowering the Registrar to sign the documents to effect the sale and transfer of matrimonial assets. These orders fall into two categories -
 - (a) an order empowering the Registrar to sign the relevant documents without further notice to the party whom the Registrar is signing the documents on behalf of ("Category A orders"); and
 - (b) an order empowering the Registrar to sign the relevant documents only in the event of a default by a party in signing the relevant documents ("the other party") despite written notification to him/her to sign the relevant documents ("Category B orders").
- (12) Applications to obtain the signature of the Registrar pursuant to Category A orders and Category B orders shall be made before the Duty Registrar in the Family Justice Courts. The documents to be signed by the Duty Registrar shall contain the following endorsement -

“Signed on behalf of {insert name of party in default} by Registrar, Family Justice Courts, pursuant to order of court dated {insert date}”

- (13) Counsel shall furnish the following documents to the Duty Registrar when making such applications:
 - (a) For Category A orders
 - (i) The sealed copy of the order of court empowering the Registrar to sign the relevant documents; and
 - (ii) A duplicate copy of each of the documents to be signed by the Registrar, which will be retained by the Court.
 - (b) For Category B orders
 - (i) The documents set out in sub-paragraph (13)(a)(i) and (ii) above.
 - (ii) An affidavit showing the other party’s default in signing the relevant documents.
- (14) The sealed copy of the order of court empowering the Registrar to sign will be returned after the signing of the documents.

161. Use of Skype

- (1) The Family Justice Courts will allow solicitors to use Skype, a free and accessible service, to mention *ex parte* applications and/or cases in which parties have a consent order.
- (2) This will enable solicitors to mention their cases via Skype instead of personally attending Court for many short mentions which generally will not last beyond 10 minutes.

Guidelines and Procedures

- (3) Solicitors mentioning their cases via Skype must comply with the guidelines and procedures set out in the Annex to this Paragraph (see below).

Court etiquette

- (4) A solicitor mentioning a case via Skype must proceed with the hearing as if he or she were appearing before the Judge in person, and must comply with all Court rules of etiquette as prescribed in these Practice Directions and any relevant Registrar's Circular.

Adjournment of Skype hearing

- (5) If for any reason the presiding Judge or Registrar considers that it is not expedient for any hearing to continue via Skype, he or she may –
 - (a) adjourn the matter and require parties to attend Court personally on an appointed date and time;
 - (b) conduct the hearing via telephone; or
 - (c) make any other direction that may be appropriate in the circumstances of the case.

Hearing Records

- (6) Hearings conducted via Skype shall not be recorded on video or audio tape or any other form.

Queries and Assistance

- (7) Any queries or requests for assistance pertaining to Skype hearings may be sent to FJCourts_Family_Registry@fjcourts.gov.sg.

ANNEX

GUIDELINES AND PROCEDURES FOR HEARINGS VIA SKYPE

1. Log into your Skype account and set your status to 'available'.
2. You may access the relevant hearing list at <http://www.familyjusticecourts.gov.sg>.
3. Check the chambers assigned to hear your case.
4. Then identify the corresponding **Skype contact** from the following -

Family Justice Courts Registry	
For hearings at 3 Havelock Square, Singapore 059725	
Chambers C	FJCourts_Ch_C
Chambers D	FJCourts_Ch_D
Chambers E	FJCourts_Ch_E
Chambers J	FJCourts_Ch_J
For hearings at 5 Maxwell Road, #04-00, Tower Block, MND Complex, Singapore 069110	
Chambers 1	fjcourts.ch1
Chambers 2	fjcourts.ch2
Chambers 3	fjcourts.ch3
Chambers 4	fjcourts.ch4
Chambers 5	fjcourts.ch5

5. Send an instant message to the relevant Chambers using Skype to inform the Judge that you are ready and state your name, law firm and case number. E.g., if your matter is fixed for hearing in Chambers J, you will send your message to '*FJCourts_Ch_J*'. Your instant message will state "*John Tan, ABC Law Firm, ready at 3:15 p.m., D 12345/20XX/A*". **Note that the Judge will not call you unless you have previously sent a message to indicate your readiness to proceed with the Skype hearing.**
6. When the Judge is ready to deal with your matter, he/she will call you. Accept the *video call* and start the hearing. **Do not attempt to call the Judge.**
7. Where there is a queue, priority will be given to the solicitors who are physically present in court.
8. If you encounter any problem, you may call Family Justice Courts Registry for assistance at –

- (a) 6435 5473 (for hearings at 3 Havelock Square),
- (b) 6236 9050 (for mediation/counselling sessions at the MND Complex); or
- (c) 6435 5864 (for Mental Capacity/Adoption/Probate cases at the MND Complex).

8. If the problems cannot be resolved, you may be required to personally attend Court to mention your case.