

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF SINGAPORE

PRACTICE DIRECTIONS

AMENDMENT NO. 1 OF 2019

1. It is hereby notified for general information that, the Family Justice Courts Practice Directions will be amended as follows with effect from 18 January 2019:-

(a) The existing paragraph 12(1) will be deleted and replaced with the following paragraph:

[Paragraph 12\(1\)](#)

(b) The existing paragraph 15(6)(b) will be deleted and replaced with the following paragraph:

[Paragraph 15\(6\)\(b\)](#)

(c) The existing paragraph 17(3)(f) will be deleted and replaced with the following paragraph:

[Paragraph 17\(3\)\(f\)](#)

(d) The existing paragraph 18(2) will be deleted and replaced with the following paragraph:

[Paragraph 18\(2\)](#)

(e) The existing paragraphs 19(1) and 19(4) will be deleted and replaced with the following paragraph:

[Paragraphs 19\(1\) and 19\(4\)](#)

(f) The existing paragraph 76 will be deleted and replaced with the following paragraph:

[Paragraph 76](#)

- (g) The existing paragraphs 86(2)(e) and 86(2)(g) will be deleted and replaced with the following paragraph:

[Paragraphs 86\(2\)\(e\) and 86\(2\)\(g\)](#)

- (h) The existing paragraph 116 will be deleted and replaced with the following paragraph:

[Paragraph 116](#)

- (i) The existing Form 4 will be deleted and replaced with the following new Form:

[Form 4](#)

- (j) The following new Form 64-1 will be inserted after Form 64:

[Form 64-1](#)

- (k) The following new Form 64-2 will be inserted after Form 64-1:

[Form 64-2](#)

- (l) The following new Form 64-3 will be inserted after Form 64-2:

[Form 64-3](#)

- (m) The following new Form 64-4 will be inserted after Form 64-3:

[Form 64-4](#)

- (n) The following new Form 246A will be inserted after Form 246:

[Form 246A](#)

2. The amendments in 1(a), (c) and (g) are to update the location references in relation to mandatory counselling/ mediation sessions.
3. The amendments in 1(b), (d), (e), (f), (h) and (i) are to clarify the requirements of a draft consent order and the modes of recording a consent order in Court.
4. The amendments in paragraph 1(h) and (n) are to introduce a Checklist which parties must sign in the event they seek to record a consent order dealing with changes in ownership of a property under section 112 or 121G of the Women's Charter.

5. The amendments in paragraph 1(j) to (m) are to introduce the forms of orders made pursuant to Parts 16A and 16 B of the Family Justice Rules.

Dated this 17th day of January 2019

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 Family Justice Courts. 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.

15. Request for simplified hearing track for divorce proceedings where parties have agreed on ancillary matters

(6) ...

(b) Statement of Particulars with the following annexures:-

- (i) the draft Interim Judgment with agreed ancillary issues in compliance with sub-paragraph 116(5) of these Practice Directions;
- (ii) the bankruptcy searches of both parties, conducted in accordance with Paragraph 14(7) above;
- (iii) the consent from Defendant to the simplified uncontested divorce in Form 193 of Appendix A;
- (iv) a copy of the Marriage Certificate;
- (v) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable.

17. Status conferences

- (3)
 - (f) directions for parties to attend mandatory counselling and mediation at the Family Justice Courts;

18. Uncontested Matrimonial Proceedings in Chambers

- (2) The party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the following:
 - (a) where the plaintiff is proceeding on the statement of claim, the Affidavit of Evidence in Chief in Form 201 in Appendix A to these Practice Directions to attest to the veracity of the contents found in the statement of claim and statement of particulars;
 - (b) where the defendant is proceeding on the counterclaim, the Affidavit of Evidence in Chief in Form 202 in Appendix A to these Practice Directions to attest to the veracity of the contents of the counterclaim;
 - (c) where there is a Private Investigator's (PI) report to be adduced as evidence, the Affidavit of Evidence in Chief of the PI exhibiting the PI report;
 - (d) the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the agreement, if any;
 - (e) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable; and
 - (f) Form 203 in Appendix A to these Practice Directions, a copy which shall be sent to the other party at the same time by the filing party.

19. Uncontested Matrimonial Proceedings in open court hearings

- (1) In uncontested matrimonial proceedings under sections 105 and 106, Part X of the Women’s Charter (Cap 353), the party filing the Request for Setting Down Action for Trial on an uncontested basis shall, at the same time, file the following:
 - (a) where the plaintiff is proceeding on the statement of claim, the Affidavit of Evidence in Chief in Form 201 in Appendix A to these Practice Directions to attest to the veracity of the contents found in the statement of claim and statement of particulars;
 - (b) where the defendant is proceeding on the counterclaim, the Affidavit of Evidence in Chief in Form 202 in Appendix A to these Practice Directions to attest to the veracity of the contents of the counterclaim;
 - (c) where there is a Private Investigator’s (PI) report to be adduced as evidence, the Affidavit of Evidence in Chief of the PI exhibiting the PI report;
 - (d) the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the agreement, if any;
 - (e) CPF Checklist for Consent Orders, in compliance with Paragraph 116(1)(d) of these Practice Directions, if applicable; and
 - (f) Form 204 in Appendix A to these Practice Directions, a copy of which shall be sent to the other party at the same time by the filing party.

....
- (4) If parties have reached an ancillary matters agreement, and intend to have it recorded at the open court hearing, counsel shall file the draft consent order, in compliance with Paragraph 116(5) of these Practice Directions, incorporating the terms of the said agreement at least 7 working days prior to the open court hearing. The document name selected for the draft consent order in the Electronic Filing Service shall be “Draft Consent Order”.

76. Summonses

- (1) All interlocutory applications must be made by way of summons.
- (2) Ordinary summonses shall be endorsed “*ex parte*” or “by consent” where applicable. When the summons is endorsed “*ex parte*”, it must bear a certificate to that effect signed by the solicitors for the applicant. When the summons is endorsed “by consent” and the respondent to the summons is unrepresented, the signature of that respondent with the following endorsement:

“I acknowledge that I have considered the terms of the agreement and have also been informed of my right to seek independent legal advice.”

must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the parties in the proceedings.

- (3) After the filing of any “*ex parte*” or “by consent” summons, the application will be examined by the Judge or Registrar as the case may be. If he is satisfied that the application is in order and all other requirements have been complied with, he may make the order(s) applied for on the day fixed for the hearing of the application without the attendance of the applicant or his solicitor.
- (4) Summonses that are filed using the Electronic Filing Service will be routed to the inbox of the applicant solicitor’s Electronic Filing Service account. Where the summons is filed through the service bureau, it may be collected at the service bureau.
- (5) Enquiries by telephone will not be entertained.
- (6) Where a summons is filed in a matter for which a trial date has been fixed, the summons must be filed using the Electronic Filing Service with a special request informing the Registry of Family Justice Courts of the trial date(s).

86. Case conferences

(2)

(e) for parties to attend mandatory counselling and mediation at the Family Justice Courts;

....

(g) directions on the conduct of mediation and counselling;

116. Draft Consent Orders

Orders relating to disposition or transfer of property

- (1) In any request or application for a consent judgment or order involving any disposition or transfer of property, the parties must provide the following information to the Court:
 - (a) the identity of the owner of the property subject to disposition or transfer;
 - (b) whether the owner of the property is incapacitated by reason of insolvency from effecting a disposition or transfer of the property;
 - (c) whether the property is subject to any encumbrance which would affect a disposition or transfer thereof;
 - (d) where Central Provident Fund (“CPF”) funds were utilised in the acquisition of the property, the CPF Checklist for Consent Orders in Form 246A in Appendix A to these Practice Directions; and
 - (e) any other relevant information which ought to be considered by the Court in granting the consent judgment or order.
- (2) The Court may require the information referred to in sub-paragraph (1) to be provided by way of an affidavit, which should exhibit the relevant searches where applicable.

Recording of consent orders

- (3) For the convenience of parties and to expedite the recording of consent orders agreed between parties, parties can apply for the grant of a consent order by submitting a draft consent order in the following manner, in addition to seeking such orders at hearings:-
 - (a) before any judge sitting in case conference for that case;
 - (b) before a duty judge;
 - (c) before any Judge-Mediator; or
 - (d) via correspondence.

Content of the draft consent order

- (4) When an agreement has been reached between the parties on the custody and care of children, access to them, maintenance, division of matrimonial assets or other ancillary matters subsequent to the granting of an interim judgment (“the agreement”), a draft consent order may be prepared for submission to the Court for an order in terms of the agreement.

- (5) The draft consent orders must be signed —
- (a) in the case where both parties are represented, by both parties' counsel; or
 - (b) in the case where any party is unrepresented, by that party personally, except that the signature of that party in person must be witnessed by an advocate and solicitor or a commissioner for oaths not acting for any of the parties in the proceedings.
 - (c) in the case where any party is unrepresented, the following endorsement below shall be inserted immediately below the party's signature.

"I acknowledge that I have considered the terms of the agreement and have also been informed of my right to seek independent legal advice."

- (6) Where one party is unrepresented, counsel for the other party shall inform the unrepresented party of his/her right to seek independent legal advice before signing the draft consent order.
- (7) The document name selected for the filing of the draft consent order in the Electronic Filing Service is "Draft Consent Order".

Recording a consent order in the manner set out in sub-paragraph (3)(a) to (c)

- (8) Counsel shall file the draft consent order incorporating the agreement in the prescribed template in the Electronic Filing Service at least 5 working days prior to the appearance in sub-paragraph (3)(a) to (c) above.
- (9) If the draft consent order has not been electronically filed in the Electronic Filing Service by the time of the appearance, a physical copy of the draft consent order bearing the signature of both parties or their counsel must be submitted in court for the approval of the Court during the appearance before the judge.

Recording a consent order in the manner set out in sub-paragraph (3)(d)

- (10) Parties may file a draft consent order and via correspondence to the Court, request for an order in terms in accordance with sub-paragraph (3)(d) above. The Court may consider and approve the draft consent order submitted by the parties, and grant an order in terms of the same before the next date of appearance in Court. The next date of appearance in Court will then be vacated thus obviating the need for the parties to attend in Court for the sole purpose of recording the consent order. In such a situation, the Court will notify parties of the grant of the consent order through a Registrar's Notice.

Extracting an Order granted by Consent

- (11) Parties need not submit a further draft consent order for approval after the hearing.
- (12) Counsel need only file the engrossed copy of the consent order after the draft consent order is granted.

FORM 4

R. 41, 42

(SUMMONS FORM)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF
SINGAPORE

Case No.

Between

[*Plaintiff's Name*] (ID No.) *Plaintiff*

And

[*Defendant's Name*] (ID No.) *Defendant*

SUMMONS (EX-PARTE*)

1. Orders Applied For
2. Grounds of application
[*Choose one of the following.*]
 - (a) The grounds of the application are set out in the affidavit(s)* filed in support of this application.
 - (b) The grounds of the application are set out herein.
3. Party Filing this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)
4. Party/Parties* to be Served with this Summons (e.g. Plaintiff, Defendant, Co-Defendant, etc.)
5. Consent*

I hereby consent to this Summons. I acknowledge that I have considered the terms of the agreement and have been informed of my right to seek independent legal advice./We hereby consent to this Summons.*

Signature:

Name and ID No. of Party consenting to this Summons/Name of the Solicitor of Party consenting to this Summons*:

Date:

This Summons is taken out by [*to state name of party taking out this summons*]
[*to state Plaintiff's solicitor's name and name and address of law firm (if Plaintiff represented by solicitor) or Plaintiff's address for service in Singapore*]

*Delete where inapplicable.

FORM 64-1

R. 286C

(LIMITED CIVIL RESTRAINT ORDER)
IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF
SINGAPORE

Case No.

Date of Order:

Made By:

Between

*Plaintiff/Appellant**

And

*Defendant/Respondent**

Nature of Hearing in Open Court

Parties Present at the Hearing

Orders Made:

1. The (party) is restrained from making any further application in (the legal proceedings in respect of which this order is made) without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force for the duration of (the legal proceedings in respect of which this order is made) / until (date).
4. (state the order on costs or any other orders made by the Court).

Important Message:

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to make an application in the legal proceedings mentioned in this order, you must serve the application for leave, and the supporting affidavit, on every intended respondent to the application and, if this order was made on the application of the Attorney-General, on the Attorney-General.
3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.

4. If you attempt to make an application in the legal proceedings mentioned in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your application will be treated as dismissed without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

This form requires sealing by the Court and the signature of the Registrar.

*Delete as appropriate

FORM 64-2

R. 286C

(EXTENDED CIVIL RESTRAINT ORDER)
IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF
SINGAPORE

Case No.

Date of Order:

Made By:

Between

*Plaintiff/Appellant**

And

*Defendant/Respondent**

Nature of Hearing in Open Court

Parties Present at the Hearing

Orders Made:

1. The (party) is restrained from commencing any action or making any application, in (specify the court), concerning any matter involving, relating to, touching upon or leading to (the legal proceedings in respect to which this order is made) without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force until (date).
4. (state the order on costs or any other orders made by the Court).

Important Message:

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to commence an action or make an application, in a court specified in this order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings mentioned in this order, you must serve the application for leave, and the supporting affidavit, on every intended defendant to the action or every intended respondent to the application (as the case may be) and, if this order was made on the application of the Attorney-General, on the Attorney-General.

3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.
4. If you attempt to commence an action or make an application in a court specified in this order, concerning any matter involving, relating to, touching upon or leading to the legal proceedings mentioned in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your action or application will be treated as struck out or dismissed (as the case may be) without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

This form requires sealing by the Court and the signature of the Registrar.

*Delete as appropriate

FORM 64-3

R. 286C

(GENERAL CIVIL RESTRAINT ORDER)
IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF
SINGAPORE

Case No.

Date of Order:

Made By:

Between

*Plaintiff/Appellant**

And

*Defendant/Respondent**

Nature of Hearing in Open Court

Parties Present at the Hearing

Orders Made:

1. The (party) is restrained from commencing any action or making any application, in (specify the court), without the leave of the Court.
2. The (party) may apply to amend, vary or discharge this order, only if the (party) has the leave of the Court to make the application.
3. This order remains in force until (date).
4. (state the order on costs or any other orders made by the Court).

Important Message:

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to commence an action or make an application in a court specified in this order, you must serve the application for leave, and the supporting affidavit, on every intended defendant to the action or every intended respondent to the application (as the case may be) and, if this order was made on the application of the Attorney-General, on the Attorney-General.
3. If you apply for leave to make an application to amend, vary or discharge this order, you must serve the application for leave, and the supporting affidavit, on every party to the application pursuant to which this order was made.

4. If you attempt to commence an action or make an application in a court specified in this order, or attempt to make an application to amend, vary or discharge this order, without first obtaining the leave of the Court, your action or application will be treated as struck out or dismissed (as the case may be) without the Court having to make any further order, and without the need for any other party to be heard on the merits of your application.
5. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

This form requires sealing by the Court and the signature of the Registrar.

*Delete as appropriate

FORM 64-4

R. 286H

(ORDER UNDER SECTION 74(1) OF SUPREME COURT OF JUDICATURE ACT)

IN THE FAMILY JUSTICE COURTS OF THE REPUBLIC OF

SINGAPORE

Case No.

Date of Order:

Made By:

Between

*Plaintiff/Appellant**

And

*Defendant/Respondent**

Nature of Hearing in Open Court

Parties Present at the Hearing

Orders Made:

1. No legal proceedings are to be instituted without the leave of the Family Division of the High Court by (the person against whom this order is made) in (specify the court or subordinate court).
2. Any legal proceedings instituted by (the person against whom this order is made) in (specify the court or subordinate court) before the making of this order must not be continued by him/her/it* without the leave of the Family Division of the High Court.
3. (state the order on costs or any other orders made by the Court).

Important Message:

1. You must obey the directions contained in this order. If you disobey any direction contained in this order, you will be guilty of contempt of court and may be sent to prison or fined.
2. If you apply for leave to institute any legal proceedings, or to continue any legal proceedings instituted by you before the making of this order, you must serve the application for leave, and the supporting affidavit, on the Attorney-General and on every party to the legal proceedings to be instituted or continued.
3. If you attempt to institute any legal proceedings, or to continue any legal proceedings instituted by you before the making of this order, without first obtaining the leave of the

Family Division of the High Court, any other party to those legal proceedings, or to the application pursuant to which this order was made, may apply for those legal proceedings to be struck out. The Court may also on its own motion strike out those legal proceedings.

4. If you do not understand anything in this order, you should consult a solicitor as soon as possible.

This form requires sealing by the Court and the signature of the Registrar.

*Delete as appropriate

**Checklist For Consent Orders For Disposal or Transfer of Properties
Funded With CPF Moneys**

How To Use This Checklist:

1. You will have to sign this Checklist if:
 - a) You or the other party are going to apply for a **consent order** (“**Order**”) dealing with changes in ownership (e.g. sell, transfer etc.)¹ of a property (the “**Property**”) under section 112 or 121G of the Women’s Charter ; **and**
 - b) Central Provident Fund (“**CPF**”) moneys have been withdrawn from any CPF account(s) in respect of the Property. This includes using CPF moneys to purchase the Property, and/or pledging the Property to withdraw moneys from the CPF Retirement Account.
2. You do **not** need to sign this Checklist if the order is for the Property to be transferred (other than by way of sale) with **partial or no CPF** refunds.
3. The signed Checklist must be submitted to the courts at the same time as when you are submitting the draft consent order.

Important Notes:

- A. The Order should be promptly served on the Central Provident Fund Board² (the “**CPF Board**”) before the change in ownership of the Property.
- B. Changes in ownership of any HDB Flats will be subject to HDB rules and regulations.
- C. For more options on the division of CPF-related matrimonial assets, e.g. transferring a property (other than by way of sale) with partial or no refunds, please refer to the CPF Board’s Suggested Clauses in Order of Court available at the Family Justice Courts’ website.

¹ Including sale, surrender, assignment, transfer other than by way of sale, compulsory acquisition and other changes in ownership of the Property.

² Please refer to:

- (a) Regulation 7 of the CPF (Division of Fund-Related Assets in Matrimonial Proceedings) Regulations; and
- (b) Regulation 13 of the CPF (Lifelong Income Scheme) Regulations.

Parties/lawyers are required to serve the sealed copy of the order of court on the CPF Board in the manner stated in the Regulations.

Checklist

<p>1. I understand that the required CPF refunds must be made according to CPF laws dealing with refund of CPF moneys <u>at the time of completion of the transaction leading to the change in ownership of the Property.</u></p>	<input type="checkbox"/>
<p>2. I understand that the <u>transaction leading to the change in ownership</u> of the Property cannot be completed if the required CPF refunds have <u>not</u> been made. If the proceeds are not enough to make the refunds, any shortfall must be topped up in <u>one lump sum in cash</u> on the date of completion of the Property transaction.</p>	<input type="checkbox"/>
<p>3. I understand that the total amount to be refunded upon sale of the Property, or transfer of the Property other than by way of sale with full CPF refunds, will generally be:</p> <p>a) the total amount(s) of CPF moneys used to buy the Property together with accrued interest; and</p> <p>b) any amount(s) for which the Property is pledged (if applicable) in order to withdraw any Retirement Account savings³.</p> <p><i>Notes:</i></p> <p>i) <i>If the Property will be sold at market value and the sales proceeds after paying the outstanding housing loan (and HDB resale levy if applicable) are not enough to refund (a) plus (b), the shortfall need not be topped up in cash.</i></p> <p>ii) <i>The amount of required CPF refunds may differ depending on the transaction leading to change in ownership of the Property. For information on the required CPF refunds from sale of part share of the Property or other Property transactions not stated here (e.g. surrender, compulsory acquisition etc.), please refer to the CPF Board's website or contact the CPF Board.</i></p>	<input type="checkbox"/>
<p>4. I have checked⁴ and I know the following:</p> <p>a) the total amount(s) of CPF moneys used to buy the Property together with accrued interest;</p> <p>b) any amounts for which the Property is pledged (if applicable) in order to withdraw any Retirement Account savings; and</p> <p>c) that I have to share CPF information with the other party as required by the Family Justice Act, Family Court Practice Directions and the courts.</p>	<input type="checkbox"/>
<p>5. I know that until the date of <u>the transaction leading to the change in ownership</u> of the Property:</p>	<input type="checkbox"/>

³ The Property may have been pledged under the CPF Act in order to withdraw Retirement Account savings. Please check with the other co-owners and the CPF Board as to whether any CPF refunds need to be made in respect of the pledge.

⁴ Parties should frequently check their updated CPF Information in their CPF account(s) as all such information would be current at the date of viewing. Hence, the amounts may change over time.

- a) the amount of CPF moneys used for the Property may increase due to more CPF withdrawals being made;
- b) interest will continue to accrue until the date of completion of the transaction leading to the change in ownership; and
- c) there may be refunds from financiers if excess CPF moneys have been paid to them.

As a result, the amount to be refunded may be different on the date of completion of the transaction leading to the change in ownership as compared to the amount calculated as at the date I signed this Checklist.

IMPORTANT: Please note that every case depends on its facts and is subject to prevailing laws, including CPF rules and regulations as may be amended from time to time. If you are in doubt, please contact the CPF Board for clarifications on CPF-related matters.

I have read and I understand this Checklist.

Party's Signature

Name:

NRIC / Passport no.:

Date*: