

**Table of New Provisions in the Family Justice Rules and Practice Directions**

This is a short summary of new key changes found in the Family Justice Rules (“FJR”) and Practice Directions (“FJC PD”) regarding court processes and court documents. The FJR and the PD take effect from January 2015. It contains important points for lawyers to note about FJC proceedings.

The FJR is an omnibus set of rules that consolidates the Women’s Charter (Matrimonial Proceedings Rules), applicable provisions in the ROC, Women’s Charter (Garnishee Proceedings) Rules as well as applicable fees presently prescribed in relevant subsidiary legislation. Therefore the majority of its provisions are a re-organisation and collation of existing rules in different pieces of subsidiary legislation into one coherent set of rules.

Alongside the FJR, the FJC PD will apply to all proceedings heard in these courts. All Forms relating to proceedings in the FJC can be found in the FJC PD.

Subject Matter	Rules		PD		Summary	Important Points for Lawyers
	1 Oct – 31 Dec	From 1 Jan 2015	1 Oct/Nov – 31 Dec	From 1 Jan 2015		
<b>NEW CHANGES IN CONDUCT OF COURT PROCEEDINGS</b>						
Hearings in Family Justice Courts generally in camera			Para 86 of State Courts PD;  Para 163 of Supreme Court PD;	Para 87 FJC PD	<p>Pursuant to Section 10(1) of the Family Justice Act, all matters and proceedings in the Family Justice Courts shall be in camera.</p> <p>However, the court has the power to hear any matter in an open and public court to which the public may generally have access, if it is satisfied that it is expedient in the interests of justice, or for other sufficient reason to do so. The Practice Directions will specify such matters which include, but are not limited to :</p> <p>a. Trials or hearings under sections 105 and 106 of the Women’s Charter;</p> <p>b. Uncontested trials or hearings under sections 95 and 101 of the Women’s Charter which were</p>	Family proceedings involve the private concerns and matters of families in dispute. Having proceedings in camera allows the identities of litigants and their children to remain confidential.

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					<p>adjourned from chambers to Open Court; and</p> <p>c. Mentions for proceedings under Part VII and VIII of the Women’s Charter on family violence and maintenance.</p>	
<p>Judge-Led Approach</p> <p>(Judicial Case Management)</p>	<p>Orders 34A, 35 of ROC</p>	<p>Rules 22 – 28 of the FJR</p>	<p>Para 90(A) of State Courts PD;</p> <p>Para 168 of Supreme Court PD</p>	<p>Para 6 of FJC PD</p>	<p>These rules allow the court to proactively control and lead the direction and conduct of proceedings in each dispute on a case-by-case basis and where appropriate, in a manner suitable to the matter.</p> <p>The courts’ intention is to help parties focus on the relevant issues, reduce the cost of litigation and the deployment of judicial resources, and expedite the fair and just resolution of cases.</p>	<p>Your case may be assigned to one or more tracks by the specialised case conference ARs, for example: the international track (in which the main issues involve international child abduction, relocation or conflict of laws).</p> <p>A specific Judge and Assistant Registrar may be assigned to your case to manage all applications until matter is completed. This judge will likely take a holistic approach to the resolution of all pending applications in the case.</p> <p>Lawyers should be well prepared as to the facts and the interlocutory applications in their case before attending before the assigned judge. This is because the assigned judge may give directions on:</p>

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						how the case is to be managed, what are the disputed issues; which interlocutory applications are relevant, and whether mediation would be useful.
Judge-led Approach  Case Conferences				Para 86 FJC PD	<p>This PD states the purpose of case conferences, what counsels/parties should prepare before attending case conferences, and the nature of information they are to provide to the case conference judge.</p> <p>There is a new Form 243 which the court may direct parties or their counsel to file (Summary of Relevant Information for Ancillary Matters for Divorce). This is found in Appendix A to the PD.</p>	<p>Please note the judge takes a holistic approach to the case and can consider all relevant matters relating to the case, during case conference. The case will be proactively managed during case conference. Depending on the particular facts and lifespan of each case, parties/counsel may be directed to file Form 243 more than once.</p> <p>The principal solicitors having conduct of the case are to personally attend, and be thoroughly prepared to engage the court on all relevant matters raised by the judge. The solicitors must already possess instructions from their clients as to desirability of referring the dispute to mediation/counselling.</p>

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Judge-led Approach  (Judicial Communications between Jurisdictions)			Para 85 of State Courts PD;  Para 162 of Supreme Court PD;	Para 7 of FJC PD	<p>This PD facilitates cooperation in cross-border cases between courts in different jurisdictions, and the parameters within which judicial communications take place.</p> <p>The matters which may be the subject of judicial communications include, but are not limited to :</p> <p>a. scheduling the case in the foreign jurisdiction:</p> <p style="padding-left: 40px;">(i) to make interim orders, eg, support, measure of protection</p> <p style="padding-left: 40px;">(ii) to ensure the availability of expedited hearings</p> <p>b. establishing whether protective measures are available for the child or other parent in the jurisdiction to which the child would be returned in the case of a child abduction case and, in an appropriate case, ensuring the available protective measures are in place in that jurisdiction before a return is ordered;</p> <p>c. ascertaining whether the foreign court can accept and enforce undertakings offered by the parties in the initiating jurisdiction; and</p> <p>d. ascertaining whether the foreign</p>	<p>Direct judicial communications can be initiated by the judge seised of the matter or by the parties.</p> <p>If your client requests for direct judicial communications, please be prepared to address the court on the desirability and need for such communications.</p> <p>Bear in mind that the judge in deciding whether to commence direct judicial communications, will have regard to speed, efficiency, cost effectiveness and the factors stated in paragraph 7(12) of the PD.</p> <p>If you represent a party who objects to the proposed communications, please note the judge will direct submissions from all parties, and if necessary, direct an oral hearing before deciding on the matter.</p>

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					<p>court can issue a mirror order (ie, same order in both jurisdictions).</p> <p>A record of all communications is kept and will be made available to the parties.</p>	
Simplified Uncontested Proceedings		Rule 83 of FJR		Para 15 of FJC PD	<p>Before 1 January 2015, it would not be possible to set down a matter on a uncontested basis at commencement of Writ, even if parties agreed on the ground of divorce and all the ancillary matters.</p> <p>The new simplified uncontested track allows parties to set down the case for an uncontested hearing at the commencement of the divorce proceedings. Counsel/parties need not attend court.</p> <p>The simplified hearing track is available where —</p> <p>(a) the parties have reached an agreement through a Collaborative Family Practice process (CFP), whether conducted by the Singapore Mediation Centre or through private mediators using the CFP;</p>	<p>In order for the court to approve the application, the following must be done:</p> <p>(1) when filing the divorce proceedings, the applicant must select “Simplified” as the type of filing in eLitigation.</p> <p>(2) the applicant must file all the documents stated in subparagraph 15(6) of the PD, which includes the consent from Defendant to the simplified uncontested divorce in Form 193 of Appendix A to the PD.</p>

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					<p>or</p> <p>(b) the parties have negotiated privately and reached an agreement with or without the assistance of counsel; and where</p> <p>(i) the negotiations lead to a settlement;</p> <p>(ii) the parties agree to proceed with an uncontested divorce and also file a draft consent order in respect of to the ancillary matters; and</p> <p>(iii) the requisite documents are in order.</p>	
Changes to Recording of Consent Orders				Para 116 FJC PD	<p>The courts have introduced a change in the mode of recording consent orders, to allow for expeditious recording. The courts have introduced this practice gradually since 1 November 2014.</p> <p>In the past, a Consent Order hearing date would be fixed for parties/counsel to record a consent order before the District Judge. With effect from 1 November 2014, consent order hearings on Wednesdays have ceased. Parties can record a consent order in any of the following ways:</p> <p>a. E-filing a draft consent order before a case conference and asking the</p>	<p>This helps parties to save costs of court appearance solely for purpose of recording a consent order.</p> <p>If you wish for your draft consent order to be approved in the ways stated in (a) to (d), please ensure the following is done before you e-file/apply:</p> <p>1. If other party is litigant-in-person, that his/her signature was before a Commissioner for Oaths.</p> <p>2. Bring a signed copy of the</p>

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					<p>judge sitting in the case conference to grant an Order in Terms (OIT)</p> <p>b. E-filing a draft consent order and attending before a duty judge to apply for an OIT to be granted</p> <p>c. Applying for an OIT of the DCO before a judge in CFRC or FRC (for mediated cases)</p> <p>d. E-filing a draft consent order and writing in to Court to ask for an OIT to be granted.</p>	draft consent order to the case conference/duty judge/mediation judge chambers.
Enhanced Role of Mediation and Counselling			<p>Paras 91 to 93 of State Courts PD;</p> <p>Paras 169 to 171 of Supreme Court PD</p>	Paras 11 to 13 of FJC PD	<p>All divorcing parents with any child under the age of 21 years will be directed to the Child Focused Resolution Centre programme under s50(3A) of the Women’s Charter. At the same time, in line with section 26(9) of the Family Justice Act, suitable cases involving children will be directed to counselling and mediation from the Registry. Parties will be asked to attend an initial Family Dispute Resolution (“FDR”) Conference together with their lawyers, if any, to crystallise issues in contention. Thereafter, parties or their child/children may be directed to co-mediation with a mediator and counsellor, mediation or counselling.</p>	<p>The courts have enhanced the role of mediation and counselling in all child-related cases with the view to reduce opportunities for acrimony to increase due to protracted contested proceedings, by assisting the parties to crystallise their issues and focus on the interests of the child(ren).</p> <p>For cases in which parties have child(ren), the lawyers should prepare their clients ahead of the 1<sup>st</sup> CFRC session (which is a case conference at CFRC) to expect to have counselling and to attend for mediation on a subsequent date.</p>

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						<p>Lawyers should also be prepared to update the court on the divorce proceedings and disputed ancillary matters.</p> <p>Please note that there is a new format for the Summary Of Mediation (new Form 191 found in the PD). Lawyers are to attend at CFRC with the completed summary.</p>
Proceedings under Parts VII and VIII of the Women’s Charter - Maintenance and Family Violence		Rules 101 and 115 of FJR		Part VII of FJC PD	<p>Court may direct parties to attend mediation or counselling.</p> <p>The PD also sets out details regarding pre-hearing matters, the filing of documents and affidavits which must be provided by parties, and the circumstances under which maintenance proceedings may be adjourned to Chambers.</p>	<p>Please note that such directions can be given by the trial judge or the mentions judge.</p> <p>Some of these directions are different from what you are used to for MSS/SS matters.</p> <p>For example:</p> <p>For Enforcements of Maintenance Orders pursuant to Section 71 of the Women’s Charter, the judge may limit the issues for cross-examination.</p> <p>For trials under Part VII Women’s Charter (maintenance matters), examination of witnesses at trial may be dispensed with if all EICS are in affidavits.</p>



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						For family violence trials, examination of witnesses may be dispensed with if there is no dispute of facts (only on issues of law).
Transfer of Proceedings from Family Court to High Court and vice versa		Part 18, Division 61 of FJR			<p>Since 1 October 2014, the Family Courts has been the court of first instance for all proceedings, save for probate cases. The past practice of transferring contested cases with assets of an alleged net value of \$1.5million or more to the High Court will no longer be pertinent.</p> <p>Family cases, other than probate proceedings, which are filed at the Family Courts may be transferred to the High Court if the cases are complex, involve an important question of law or there is sufficient reason to do so.</p>	<p>If parties wish to apply to transfer a case, the following process has to be complied with:</p> <ol style="list-style-type: none"> <li>a. To transfer cases from Family Courts to HDFD – party to file summons in Family Courts.</li> <li>b. To transfer HCFD cases to Family Courts – party to file summons in HC(FD).</li> </ol>
Appeals			Para 97 of State Courts PD;  Para 172 of Supreme Court PD	Para 124 FJC PD	<p>This PD clarifies which court parties should appeal to in the event they are dissatisfied with the decision and orders made.</p> <p>An appeal filed on or after 1 October 2014 against the decision of:</p>	<p>Please look at the summary for a quick overview of which court you should appeal to.</p> <p>Please note the appeals counter of the Family Justice Courts Registry (appeals counter) is located at the</p>

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					<p>DJ (FJC) is heard by HC(FD)</p> <p>Reg/DR/AR (FJC) is heard by DJ(FJC)</p> <p>Reg/DR/AR (FJC) for HC(FD) matter is heard by HC(FD)</p> <p>DJ(State Courts) is heard by HC(FD)</p> <p>Reg/DR (State Courts) is heard by DJ(FJC)</p>	<p><u>Civil Registry of the State Courts Building.</u></p>
<p>Appeals</p> <p>Types of Appeals, Filing of records of appeals and written cases</p>		<p>Part 18, Divisions 59 and 60 of FJR</p>		<p>Para 125 of the FJC PD</p>	<p>Part 18, Divisions 59 and 60 of the FJR clarify the appeal requirements against orders made by a DJ (FJC) – it depends on whether the orders made are final or interlocutory orders.</p> <p>These divisions of the FJR exhaustively state the appeal procedures for each type of proceeding in the Family Justice Courts.</p>	<p>Please note this is different from the Rules of Court, which differentiate orders made by a DJ on whether it was heard in Chambers (Order 55C, ROC) or in Open Court (Order 55D, ROC).</p> <p>This distinction is not relevant to FJC proceedings because hearings are in camera.</p> <p><b>Highlight: From 1 January 2015, appeals of the following matters are no longer RAS, but are instead DCA:</b></p> <p>(i) Orders for ancillary relief under Part X of</p>

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						<p>Women's Charter</p> <p>(ii) Orders made in Guardianship of Infants Act proceedings</p> <p>(iii) Orders made under section 17A(2) of the Supreme Court of Judicature Act.</p> <p>If you act for the appellant, please note you are required to file and serve the record of appeal and the Appellant's Case within one month after service of the Registrar's notice informing you the record of proceedings is available.</p> <p>If you act for the Respondent, you must file your Respondent's Case within one month of service of the record of appeal and Appellant's case.</p> <p>Please refer to Rules 827 and 828 of the FJR for full details.</p>

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						<p>Do note that when filing your Notice of Appeal of such matters, provision of security for costs of \$3,000 will apply.</p> <p><b>Prior to 1 January 2015:</b> the requirements stated in Order 55C of the ROC apply to the filing of records of appeal, etc. Please refer to paragraph 125 of the FJC PD.</p>
Expedited Appeals		Part 18, Rules 815, 819 and 842 of the FJR			Where an appeal is one of urgency, any party may apply to the judge of the HCFD for such directions as may be appropriate with a view to expediting the appeal.	If you wish to expedite the hearing of your appeal, you will need to make an application by way of summons supported by affidavit, unless the judge grants leave to hear by way of oral application.
<b>NEW CHANGES IN COURT DOCUMENTS</b>						
Filing Statement of Particulars in Divorce Proceedings - Bankruptcy Searches		44(1)(b) FJR		Para 14 of FJC PD	In the Statement of Particulars (SOP), the Plaintiff is required to declare whether he/she is a bankrupt, status of his/her bankruptcy (if applicable) and results of a bankruptcy search on the Defendant. Copies of bankruptcy searches on both parties must be annexed to the SOP.	The bankruptcy search must be conducted for the year in which the Writ for Divorce is filed as well for the years that the search indicates that there were bankruptcy proceedings against the Plaintiff or Defendant.

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Standard Query to CPF				Para 16 FJC PD		<p>Due to changes initiated by the CPF Board, corresponding changes have been made to the Form for the Standard Query to CPF Board (Form 197 to the PD).</p> <p>Please use the new Form when corresponding with the CPF Board.</p>
Changes in Filing of Affidavits of Assets and Means (AOM)		Rule 89 of FJR			<p>With effect from 1 January 2015, the court has new practices on filing of the AOMs. The current practice of parties filing 3 rounds of affidavits for ancillary matters is reduced to 2 rounds.</p> <p>(i.e. each party will file his/her 1<sup>st</sup> AOM and have the opportunity to file a reply affidavit, without leave of court).</p>	<p>To keep parties focussed on bringing up all relevant evidence in their affidavits upfront and prevent a proliferation of irrelevant evidence for ancillary matters hearing.</p> <p>You will no longer be allowed to file a further reply without leave of court.</p> <p>The party seeking leave of court to file a further affidavit will have to file a summons application, with supporting affidavit. The supporting affidavit must comply with requirements in paragraph 77(2) to 77(5) of the PD.</p> <p>Due to the court's proactive management of the case (as explained below) between</p>

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						the filing of 1 <sup>st</sup> AOM and reply affidavit, it is expected that all relevant issues in dispute between the parties will be sufficiently addressed in 2 rounds of affidavits.
Standard Information Required Supporting Affidavits for				Para 77 of FJC PD	<p>This PD sets out the standard information which parties will be required to provide in their supporting affidavits to various applications, namely:</p> <ul style="list-style-type: none"> <li>(a) summons for leave to file Writ under section 94 of the Women’s Charter</li> <li>(b) summons for leave to file additional Ancillary Matters Affidavits;</li> <li>(c) summons to vary child-related orders; and</li> <li>(d) Summons to vary maintenance orders made under Part X of Women’s Charter.</li> </ul>	<p>It is not uncommon for parties to file applications to vary Ancillary Matters orders on the division of matrimonial assets, maintenance and child-related matters.</p> <p>This PD provides guidelines for consistency, to eliminate the filing of additional affidavits, and to ensure that all relevant information is placed before the hearing judge.</p> <p>When filing supporting affidavits, please note your client may be required to file supplemental affidavit(s) if it lacks the requisite information.</p>

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Probate – Citation to accept or refuse or to take grant	O. 71, r. 42	Rule 244 of the FJR			If a person cited has not entered an appearance or has entered an appearance but has not applied for a grant, or has failed to prosecute his application with reasonable diligence, the citor may apply by summons to the Registrar for leave to obtain a grant to himself.	A citor needs to file a summons for leave to apply for a grant if a person cited does not respond in the manner required by the Rules.
Probate - Deposit of original wills	O. 71, r. 47A	Rule 250 of the FJR		Para 62(4), (7) and (8) of the FJC PD	Original Wills are no longer required to be deposited in the Registry. Applicants are to submit the original Will to the Registry for verification. The original document will be returned after verification.  A certified true copy of the Will is required to be filed through the electronic filing system. (The certified true copy of the Will shall contain the certification “This is a certified true copy of the original Will of [name of deceased] dated [date].” on a covering page that is to be attached to the copy of the Will.)	Applicants are to submit original Wills for verification. The Registry will return the original Wills after verification.  The certification for a certified true copy of a Will filed through the electronic filing system is to be done on a covering page to the attached to the copy of the Will.
Probate – conducting searches and annexing search reports	O. 71, r. 5(2A) and O. 71, r. 35	Rule 208(3) and Rule 237(2) of the FJR		Para 62 (2) and (3) and 70 of the FJC PD	The applicant must conduct a litigation search in the record of caveats and the record of probate applications when filing the Originating Summons and when filing the Request to Extract	The PD provides the guidelines on how caveat and probate application searches are to be conducted when filing the

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					<p>Grant.</p> <p>For deaths occurring before 1 January 2015, the applicant is required to annex the search reports from the Supreme Court, Family Justice Courts and State Courts. For deaths occurring on or after 1 January 2015, the applicant is required to annex the search reports from the Family Justice Courts. The applicant is required to annex the search reports for the year in which the application for a grant is filed as well as the search reports for the years that the litigation search indicates there were applications or caveats filed with respect to the estate.</p>	Originating Summons and Request to Extract Grant.
Probate - Affidavits of Foreign Law				Para 65 of FJC PD	<p>Where evidence of the law of a country outside Singapore is required on any application for a grant, the affidavit of any person who practises, or has practised, as a barrister or advocate in that country and who is conversant with its law is to be filed using the electronic filing checklist at the time the checklist is generated.</p>	<p>Please note that if you are applying for a grant of Probate where the deceased died domiciled outside of Singapore, the filing of this affidavit of foreign law is necessary for the court to confirm that the information you have provided in the Statement is correct.</p> <p>The court has two primary concerns you need to address in this affidavit:</p>



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						<p>(1) whether the will was properly executed before granting probate;</p> <p>(2) information on identity of the beneficiaries and the shares of minors in accordance with the relevant foreign law for cases of administration.</p> <p>For more details on the information needed in the affidavit, you may refer to Paragraph 65(3) of the PD.</p>
Enhancements to Forms and Processes for applications under the Mental Capacity Act			<p>Paras 113F and 113G of State Courts PD;</p> <p>Paras 190 and 191 of Supreme Court PD</p>	Paras 45 to 61 of FJC PD	<p>There are changes to the forms and processes for Mental Capacity Act applications.</p> <p>For example, the requirements for service of the application have been clarified:</p> <p>a. Service on a named defendant is by way of personal service</p> <p>b. Service on Relevant Persons may be by way of ordinary service unless the Court otherwise directs</p> <p>c. Service on a Relevant Person living overseas may be by way of</p>	<p>Please use the new forms 35A and 35B as found in the FJC PD.</p> <p>This change in Forms has been in effect since 1 October 2014. It was previously found in the State Courts Practice Directions.</p>

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					<p>electronic mail if permitted by the Court.</p> <p>Further, Forms 35A and 35B have been simplified by the court to make them user-friendly.</p>	
<b>NEW INITIATIVES</b>						
Child Representatives (“CR”)	Order 107 of ROC	Rules 29 – 34 of FJR	Para 83 of State Courts PD; Para 160 of Supreme Court PD	Para 8 of FJC PD	<p>A CR will be appointed by the court when the Court deems it is in the child’s best interests and do so.</p> <p>The purpose is to provide the child with the opportunity to express his/her views, free from any influence, and in a form which can be admitted as evidence in proceedings; to advise the child on significant developments in the case, and to bring to the Court’s attention matters relevant to the child’s interests.</p>	<p>The Court may appoint a CR on its own motion or upon a party’s application.</p> <p>You can expect that the CR will tender submissions to the court after interviewing the child(ren) and the parties on the orders which he/she thinks are in the best interests of the child.</p> <p>Please note that the court may not grant your request for a CR. The appointment of a CR is only one of the methods the court can use to determine the child’s best interests. Other existing methods include the ordering of reports by MSF/court counsellors.</p>
The Family Court Friend Scheme			Para 84 of State Courts PD;	Para 171 of FJC PD	Sets out the scope of duties of a Family Court Friend and the	Family Court Friends provide emotional and administrative

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			Para 161 of Supreme Court PD;		requirements which the Court Friend must fulfil. The Court Friend does not provide legal advice.	support to litigants in person.
Court Dress				Para 167 of FJC PD	<p>For mediations:</p> <p>(a) Male advocates and solicitors may wear a single-coloured shirt of neutral or subdued shades instead of a white shirt.</p> <p>(b) Female advocates and solicitors may wear a single-coloured blouse or a single-coloured dress of neutral or subdued shades instead of a white blouse.</p>	