

Family Justice Courts First Anniversary Appreciation

1 October 2015

Address by Chief Justice Sundaresh Menon

Distinguished guests

Colleagues from MinLaw, MSF and the AGC

Fellow Judges

Ladies and Gentlemen

1 It gives me great pleasure to welcome all of you to this evening's appreciation event. Exactly one year ago, we heralded the dawn of a new era in the administration of family justice with the creation of the Family Justice Courts ("FJC") when the Family Justice Act came into effect. The establishment of the FJC was a very significant step in our effort to fundamentally transform the delivery of family justice in Singapore. We have now seamlessly integrated the High Court, the Family Courts and the Youth Courts through a single Registry for the effective and efficient administration of family justice. FJC has also put in place a whole suite of programmes and services to enhance the resolution of family disputes and to sharpen our focus on the interests of affected children. We will continue to monitor the effect of these changes in the coming months and will refine them as needed to ensure that they serve our key constituency, the people of Singapore, in the best way possible.

2 With the expanded jurisdiction and services, FJC's current premises at Havelock Road requires expansion to serve our users better. FJC will, from next week, situate divorce-related mediation and counselling services at a new facility

at Maxwell Road. This will also house probate services, which FJC took over in January this year as well as the mental capacity and adoption registries. Additional hearing chambers and courts will also be available there. It has indeed been a busy time for the FJC, and I would like to thank all those who have worked hard to get us to this point.

3 Our mission at the FJC is unique because we deal with the extremely delicate matter of distressed family relationships. This is the core business of these courts and our role will assume even greater importance in the years ahead. Over the course of last two decades, we have seen growing strains on family life brought about by a plethora of economic and societal factors. The advent of globalisation and increased competition has forced couples to work longer hours, and this inevitably puts pressure on family relationships.¹ Cross-cultural and cross-national marriages are now increasingly common.² At the same time, perceptions towards marriage and community life have shifted and divorce rates have seen a gradual but sustained increase. Today, the annual ratio of marriage to divorce is 4:1, compared to 13:1 in 1980.³ Reported family violence is also on the rise. Since 1996, the number of applications for Personal Protection Orders and Domestic Exclusion Orders has nearly doubled.⁴ We have thus seen

¹ Between 2009 and 2013 alone, the percentage of respondents to a survey on social attitudes of Singaporeans who indicated that their jobs were keeping them away from spending more time with their families increased from 47% to 55% (Source: Ministry of Social and Family Development) (cited in Dr Mathew Mathews and Assoc Prof Paulin Tay Straughan, Overview of Singapore Families presented at the Social Service Partners Conference 2015). Also see generally: Bahira Sherif Trask, *Globalization and Families: Accelerated Systemic Social Change* (Springer, 2010).

² A Sustainable Population for a Dynamic Singapore: Population White Paper (January 2013) (National Population and Talent Division) at p 26.

³ The figures for total marriages against total divorces and annulments in a given year are 22,444:1,721 (1980), 23,953:3,634 (1990), 22,651: 5,137 (2000) and 28,407:7,307 (2014) (see Statistics of Marriages and Divorces 2014 Report (Department of Statistics) (released on July 2015) at pp 23 and 65).

⁴ Violence: Applications for Personal Protection Order (PPO)/Expedited Order (EO) and Domestic Exclusion Order (DEO) (available on <<http://app.msf.gov.sg/Research-Room/Research-Statistics/Violence-PPO-EO-DEO>

signs of the weakening of family and community bonds and this has had an adverse effect on our children. To take just one example, in the last few years, the number of youth arrests have hovered around 4,000 cases annually, accounting for about 22% of the total crimes reported annually in Singapore. This reflects an over-representation of youth as a portion of all offenders when compared to their proportion of the population as a whole.⁵

4 We have also seen more people seek court intervention in the context of family disputes and we can expect this trend to continue. The erosion of the family unit has made our role as family adjudicators more important than ever and it calls for an approach that is holistic, multi-disciplinary and collaborative because family disputes are often symptomatic of and thus tend to bring in their wake a variety of other associated family issues.⁶

5 With the establishment of the FJC and the enactment of the Family Justice Rules, we have sought to move away from an adversarial litigation process towards a softer approach to dispute resolution that places greater focus and emphasis on alternative means of resolving conflict through counselling and mediation. This shift has necessitated greater integration between the courts and the legal process on the one hand, and the broader family justice eco-system on the other. Let me offer three examples of this integration which I find especially encouraging.

Applications> (accessed on 28 August 2015)) and “Protecting Families from Violence: The Singapore Experience” (Ministry of Community Development Youth and Sports) (October 2009) at p 12.

⁵ Tan Wen Jun, Zhang Jialin and Faizan Rafi Hashmi, “Tackling Juvenile Delinquency: Enhancing Restorative Justice in Singapore” (Degree of Master of Policy Paper, Lee Kuan Yew School of Public Policy) (April 2013) at p 11.

⁶ See generally: Rudi Dallos and Eugene McLaughlin eds, *Social Problems and the Family* (Sage Publications, 1993).

6 First, we established the Singapore Family Mediation Training and Certification Framework. This was a collaborative effort in which we worked with the Singapore Mediation Centre (“SMC”) and the Singapore International Mediation Institute (“SIMI”) to formally train and develop a corps of specialist family mediators. This is in keeping with our commitment to buttress FJC’s pre-litigation conflict management approach and it is born out of the recognition that it is highly desirable that families should have viable alternative methods of dispute resolution available to enable them to avoid the stresses of the court process. Between November last year and January this year, we accredited our first batch of 24 specialist family mediators, comprising mainly FJC district judges and senior lawyers,⁷ and a second family mediation programme was conducted in late May by the SMC in conjunction with the reputed Erickson Mediation Institute in the United States. There will be a third family mediation training programme early next year.

7 Second, we have better incorporated cross-disciplinary approaches in our child-focused family dispute resolution scheme with encouraging results. In July 2015, FJC’s Counselling and Psychological Services completed a successful pilot study using the Child Inclusive Dispute Resolution model as an approach. This approach incorporates a therapeutic interview with the children to enable us to better understand their feelings and perspectives on their parents’ disputes. This is followed by a feedback session between the parents and the counsellor focussing on the unique development and psycho-emotional adjustment needs of each child within the family. The results of this pilot were, as I have said,

⁷ See list of specialist family mediators on the Family Panel of the SMC on SMC’s website < <http://www.mediation.com.sg/expert-panels/family-panel/>> (accessed on 7 September 2015).

encouraging with 75% of the families that participated in this pilot reaching an agreement on all children's issues.⁸ The children who were surveyed reported that they witnessed a reduction in arguments between the parents; while the parents reported that they found the feedback session with the counsellor to be extremely beneficial.

8 Third, we have strengthened our efforts to support the increasing number of litigants-in-persons ("LIPs") through a newly-instituted Court Friends scheme in close partnership with the Community Justice Centre and the NUS Law Faculty's Pro-Bono Office. We have already developed and trained a pool of 23 volunteers who will play a key role in providing not just practical support to LIPs, for instance, by providing information on court procedure and processes, and organising their documents for use in court, but also by giving emotional and moral support to the litigants. The object of all this is to humanise the court process. Our volunteers will undergo refresher training courses and regular feedback sessions will be conducted to refine and improve the scheme as we come to serve more users.

9 These are just a few of a myriad of changes that we have made in our committed endeavour to implement a more holistic and humane approach towards resolving family disputes. We can expect to see continued, indeed increased co-operation and collaboration among the various stakeholders in the family justice ecosystem. Judges, practitioners, academics, social workers, psychologists, counsellors and all the others whose work falls within the ambit of

⁸ The pilot study was conducted with 20 families who were going through divorce mediation at CFRC. 40 parents and 35 children participated in the study. Out of the 20 cases, 15 of cases reached an agreement on all children's issues.

family justice will have to work hand in hand to realise the objectives of the reforms that we have embarked on, for the benefit of all the families who knock on our doors. The work that lies ahead will be challenging and demanding but it will be well worth the effort, the passion and the commitment that I know all those involved in this endeavour will bring to bear.

10 Thank you all very much for your presence this evening. I congratulate the judges, court administrators and staff on the successful completion of the first year of our operations and I wish the FJC continued success in the coming years.