

Dispute Resolution

Family Justice Reform Bill Passed in Parliament to Strengthen Family Therapeutic Justice

On 20 April 2023, the [Family Justice Reform Bill](#) ("**Bill**") was tabled for First Reading in Parliament to amend various pieces of legislation such as the Family Justice Act ("**FJA**"), the Women's Charter, and the Guardianship of Infants Act. The reforms introduced in the Bill are part of the ongoing efforts by the Ministry of Law ("**MinLaw**"), Ministry of Social and Family Development (MSF) and Family Justice Courts ("**FJC**") to strengthen therapeutic justice elements in the family justice system in Singapore. The Bill has since been passed on 8 May 2023.

Simplifying Family Proceedings and Procedure in FJC

The Bill amends primary legislation to support the upcoming revamp of the Family Justice Rules, which will simplify the rules of family proceedings. It also implements the remaining recommendations by the Committee to Review and Enhance Reforms in the Family Justice System ("**Committee**"). The recommendations seek to reduce acrimony in family proceedings and ensure fairness in the resolution of cases without undue delay, complexity and cost. On this front, the Bill amends the relevant law in three key ways:

- (a) **Efficiency in court proceedings.** Unnecessary applications result in, among other things, protracted proceedings and acrimonious relations. The Committee's recommendation was for the concerned party to seek the court's permission before filing further applications, in appropriate cases. To implement this recommendation, the Bill will empower the court to, among other things, disallow the filing of any further application or document in support of an application without its consent when such filing is likely to (i) obstruct the resolution or disposal of the matter; or (ii) have an adverse effect on a child's welfare.
- (b) **Clarity in judge-led approach in family proceedings.** Introduced in 2014, the judge-led approach has contributed to the just, expeditious, and economical disposal of proceedings. The Committee's recommendation was to provide clarity on how the judge-led approach can be applied in family proceedings. To deal with this, several provisions have been included in the Bill relating to the judge-led approach, such as empowering judges to make orders of a substantive nature on their own accord so as to address the immediate needs of the family, where necessary.

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- (c) **Simplified court terminology.** The Bill will simplify the terms used in family proceedings to make it easier for the laypersons to understand the proceedings (e.g. use "originating application" instead of "writ", and "applicant" instead of "plaintiff").

Facilitating More Sustainable Maintenance and Outcomes

Several issues have been raised in relation to the current maintenance enforcement process. Among others, parties may find it time-consuming and resource-intensive to attend hearings. Moreover, relevant information for maintenance enforcement such as the parties' assets and means may not be readily available. As this information is crucial in determining whether a respondent cannot pay or merely refuses to pay, maintenance enforcement becomes challenging. Finally, compliance with maintenance orders continues to be an issue.

To address these, the Bill seeks to establish a new Maintenance Enforcement Process (MEP) with the following key features:

- (a) **Conciliation and access to information on parties' assets and means.** The current mediation process will be replaced by a conciliation process to be undertaken by Maintenance Enforcement Officers ("**MEOs**") who are empowered to (i) obtain information on parties' assets and means directly from stipulated entities (i.e. Government agencies, banks and Central Depository (Pte) Ltd.); and (ii) provide such information to the court.

With the information obtained, MEOs and the court can more accurately determine the parties' financial circumstances and distinguish between respondents who cannot pay maintenance and those who refuse to pay. Moreover, MEOs will be in a better position to (i) assist parties to reach an amicable settlement through the conciliation process; and (ii) refer suitable parties for financial assistance.

- (b) **Other changes to facilitate more suitable maintenance outcomes.** The Bill also introduces measures to facilitate more suitable maintenance outcomes. In situations where a maintenance order is breached and the parties do not reach a settlement, the court must make a Show-Payment Order, and specify a term of imprisonment that the respondent will be liable for non-compliance with the Show-Payment Order, except in special circumstances.

Click on the following link for more information:

- [MinLaw Press Release titled "Family Justice Reform Bill To Strengthen Family Therapeutic Justice"](#) (available on the MinLaw website at www.minlaw.gov.sg)

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Rajah & Tann is fully committed to using the therapeutic justice lens in helping families resolve their issues. Our Partner from the [Commercial Litigation Practice](#), [Kee Lay Lian](#), is the Co-Chairperson of the Family Law Practice Committee and also a member in the working group for the Family Therapeutic Justice Certification programme organised by the Singapore Academy of Law (SAL). Partner [Gregory Vijayendran, SC](#) was an Advisor to that working group.

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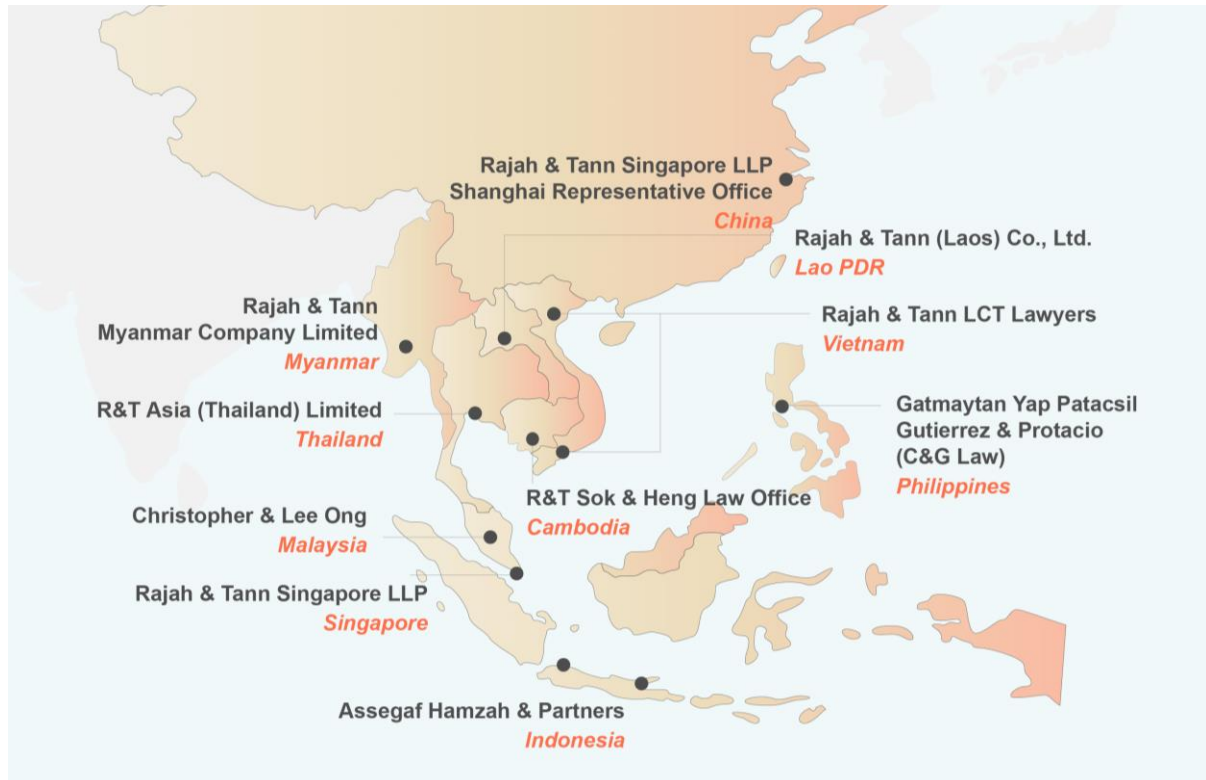
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