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A NOTE FROM SENIOR PARLIAMENTARY SECRETARY FOR LAW, MDM RAHAYU MAHZAM, ON STRENGTHENING THERAPEUTIC JUSTICE IN THE FAMILY JUSTICE SYSTEM

Singapore sees more than 7,000 divorces a year.

The Ministry of Law (“**MinLaw**”), Ministry of Social and Family Development (“**MSF**”), and Family Justice Courts (“**FJC**”) have strived to build a family justice system that is accessible, fair and effective, and protects children and vulnerable persons. In recent years, focus has also been placed on achieving therapeutic justice, so that families in distress get the help and support they need to heal and move on with their lives in the most amicable way possible.

Strengthening Maintenance Enforcement

Despite various measures that have been introduced to enhance the effectiveness of the maintenance enforcement framework, including new sanctions against maintenance defaulters, many still face difficulties getting maintenance. From 2017 to 2019, there were around 2,700 applications to enforce unpaid maintenance each year.

To decisively tackle non-compliance with maintenance orders, reforms were introduced in the Family Justice Reform Bill (the “**Bill**”), passed on 8 May 2023 in Parliament.

A new Maintenance Enforcement Process will be introduced. It will deter respondents who can pay the ordered maintenance sum but refuse to do so, whilst facilitating more sustainable maintenance outcomes for respondents who have genuine difficulty in paying maintenance.

- A new unit of Maintenance Enforcement Officers (“**MEOs**”) will be established in MinLaw. The MEOs will assess whether respondents have the means to pay the maintenance sums. They will be empowered to (i) obtain information about the parties’ assets and means from stipulated third parties (e.g. government agencies) when necessary; (ii) refer needy and suitable parties to financial assistance; (iii) conduct conciliation to help parties reach an amicable out-of-court settlement; and (iv) provide the information obtained to the court.
- In cases that proceed to hearing, the court will (i) make a Show-Payment Order, and (ii) specify an imprisonment term for the respondent’s breach of the Show-Payment Order. This means that the respondent will be required to show proof of timely payment on the dates specified by the court. Respondents who fail to do so will be sentenced to imprisonment unless they show good cause for such failure.
- The Bill also introduces measures to assist applicants who wish to seek an injunction or

clawback order when the respondent dissipates assets. Presently, applicants bear the burden of proving the disposition of property by the respondent, and that the respondent intended to dissipate the asset to frustrate the maintenance claim. However, it can be challenging for applicants to find such evidence. The Bill introduces a rebuttable presumption where, if certain conditions are satisfied, the respondent will be presumed to have intended to dissipate assets to frustrate a maintenance claim. In applying for such an injunction or claw-back order, the applicant may rely on relevant evidence found by the MEOs.

The process for varying a maintenance order will also be streamlined. Currently, if a party wishes to vary a maintenance order while the maintenance enforcement proceedings are ongoing, that party usually has to make a formal application by filing a separate summons, with a supporting affidavit. That takes up time and incurs cost. Under the new process, the court hearing the enforcement application may in certain circumstances vary a maintenance order, without the need for a formal application by a party.

Other Changes

The Bill also implements the remaining recommendations that require legislative amendments, that the Committee to Review and Enhance Reforms in the Family Justice System (“**RERF Committee**”) made in September 2019.



The FJC will be empowered to prohibit the filing of further applications or documents that may impede the just and expeditious resolution of the case. This will help reduce unnecessary applications and documents, which prolong proceedings, promote acrimony and strain judicial resources.

The judge-led approach will also be enhanced to facilitate the just resolution of disputes as efficiently as possible, and with the least acrimony.

Court terminology will be simplified to make it easier for court users and members of the public to understand and navigate family proceedings.



Continued Partnership

On behalf of MinLaw and MSF, I would like to thank all those who have provided input on the various proposals and helped to shape the reforms that have been introduced.

Our progress in improving the family justice system is due to the concerted efforts of the Judiciary, family lawyers, and our social service partner organisations. We look forward to your continued support and partnership, as we strive to achieve the vision of delivering justice that is fair, transparent and effective for families affected by familial conflict.

Regards,
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