

FLPG – Key Changes in Family Justice Rules 2024

(With effect from 15 October 2024)



Overview of FJR 2024



Overview

- Aims of the new FJR 2024
 - Make litigation of family matters more expeditious and affordable
 - Make rules simpler to understand
 - Incorporate parts of ROC 2021 (where relevant)

FJR 2014
(1 volume)



FJR 2024

1. Family Justice (General) Rules (“General Rules”)
2. Family Justice (Probate and Other Matters) Rules (“Probate Rules”)
3. Family Justice (Protection from Harassment) Rules (“POHA Rules”)

(3 volumes)



Overview

- Operational Date of FJR 2024 **is 15 October 2024**
- FJR 2024 to apply to proceedings in Family Division of HC, Family Courts and Youth Courts (including appeals in those proceedings) that commenced **on or after** the Operational Date: **P.1, r.2(2)**
- FJR 2014 to apply to proceedings in Family Division of HC, Family Courts and Youth Courts (including appeals in those proceedings) that commenced before the Operational Date (**P.1, r. 2(3)**) **save for:**

Variation, rescission or setting aside applications of **final** orders made in Women's Charter Part 10 proceedings ("**Applications**") where the proceedings in which the final orders were made were commenced before the Operational Date **and** such Applications are made on or after the Operational Date: **P.1, r.2(4)**

→ **What this means:** For such Applications, file Originating Application under **P.5, r.3**



5 Objectives which FJR 2024 seeks to achieve (consistent with the 5 Ideals in ROC 2021)

- Fair access to justice
- Expeditious proceedings
- Cost-effective work proportionate to –
 - Nature and importance of action;
 - Complexity and importance of issues; and
 - Amount or value of the claim
- Efficient use of court resources
- Fair and practical results suited to parties' needs

Duty of all parties to achieve these Objectives: **P.1, r.4(4)**



Objectives invoked to guide Court's exercise of certain powers (consistent with ROC 2021)

- Where no rule governs a matter, what the Court does must be consistent with Objectives: **P.1, r.5(2)-(3)**
- Where there is non-compliance with any rule, PD, order or Court direction, the Court may dismiss, stay or set aside proceedings, and give an appropriate judgment or order, even though non-compliance could be compensated by costs, if non-compliance inconsistent in a material way with any of the Objectives: **P.1, r.5(6)(d)**



Some key changes in terminology (General Terms)

FJR 2014	FJR 2024 (General Volume)	FJR 2024 (Probate Volume)
Plaintiff/ Complainant	Applicant*	Claimant
Defendant	Respondent*	Defendant (no change)
Originating Summons	Originating Application	Originating Application
Writ of Summons	Originating Application	Originating Claim
Memorandum of Appearance	Notice to contest*	Notice of intention to contest or not to contest
Counterclaim	Cross-application*	Counterclaim (no change)

* Refers to terms that are unique to FJR (General Volume) and differ from ROC 2021



Calculation of Time (P.1, r.6)

- Time period of 7 days or more will **not** exclude non-working days
 - If time period is 6 days or less, any day that is a non-working day (i.e. Sat or Sun or PH) is to be excluded in calculation of time: P.1, r.6(6)
- **[CURRENT]** If time period of 7 days or less includes a day other than a working day, that day shall be excluded: r13(5) FJR 2014



FJR (General Volume)

Commencement and Conduct of Proceedings



Pre-Commencement – Offer of Amicable Resolution [NEW]

- Duty for parties to consider amicable resolution of dispute before and during course of proceedings (P.4, r.1)
- This duty is similar to the corresponding duty in ROC 2021 save for the following aspects:
 - When a party to any proceedings is a **person under disability**, the offer of amicable resolution (OAR) is to be made/ accepted/ rejected by that party's litigation representative (P4, r.1(4))
 - OAR does not include offers conveyed on a WP basis during court-conducted mediation for family cases (P4, r.1(5))
- OAR terms – Must be open for acceptance for at least 14 days unless parties agree to a different timeline (P.4,r.2(3)). Need to follow prescribed form: (P4, r.2(1)) Any rejection of an OAR must be done in writing (P.4,r.2(2)).



Commencement – Mode

Generally

1. **[NEW]** Single mode of commencement: **Originating Application** (P.5, r.1(1)) with supporting affidavit (P.5, r.1(3))
2. Respondent to file reply affidavit within 14 days (if served in Spore: P.5, r.12(1)) or 28 days (if served outside Spore: P.5, r.12(2))
3. No automatic right of final reply: P.5, r.12(3)
4. Take note:
 - Summons application only in a pending OA: P.5, r.15(1)
 - If Resp intends to file a cross application, cross application to be filed when Resp files reply affidavit. Only 1 single affidavit to be filed: P.5, r.14

Exceptions to bullet points 2 and 3 above (on the filing of affidavits & timelines)

- **Exception 1: ICAA/ Hague Convention cases**
 - Resp to file reply affidavit within 14 days: P. 5, r.18(1)
 - Applicant to file final reply within 7 days: P. 5, r.18(6)
- **Exception 2: s 121B WC (Financial Relief) cases**
 - After OA served, both parties to file and exchange 1st Ancillary Affidavits (i.e. current AOM) within 28 days: P. 2, r.16(1)



Commencement – Timelines

	FJR 2024 (OA & SUM)	FJR 2014 (OS)	FJR 2014 (SUM)
Respondent's (Defendant's) Reply Affidavit	File within 14 days (if served in SG) for OA: P.5, r.12(1) File within 28 days (if served out of SG) for OA: P.5, r.12(2) File within 14 days for SUM: P.5, r.15(6)	File within 21 days: r 42(3)(a) FJR 2014	File within 14 days : r 42(3)(b) FJR 2014
Applicant's (Plaintiff's) final reply	No automatic right of reply – need to show that it is a “special case” or if provided for under the FJR: P.5, r.12(3)	No automatic right of reply	File within 14 days: r 42(5) FJR 2014

- Service effected after 5pm deemed effected on following day: **P.7, r.7**
 - **[CURRENT]** If served before midnight, deemed served on that day: **r903 FJR 2014**
- Same position even if service effected using eLit: **P.28, r.18(11) [NEW]**



Commencement – Manner of Service

- **Personal service** may be effected by:
 - a) Court's process server, b) Solicitor, c) Solicitor's employee, d) LIP or such a person's employee **[NEW]**, e) Any other person Registrar may allow: **P.7, r.3**
- Concept of **deemed personal service** now extended to all proceedings: **P.7, r.3(4)**
 - 3 ways of deemed personal service
 - Acceptance of service by party's solicitor: **P. 7, r.3(4)(a)**
 - Party files Acknowledgment of Service/ Notice to Contest/ Reply/ Reply affidavit even though personal service not duly effected under P.7, r.3(1): **P.7, r.3(4)(b)**
 - Date of service = date party filed the first of any of these 3 documents: **P.7, r.3(5)(a)**
 - Applicant files Affidavit of Service (AOS) exhibiting evidence that person received court documents and Court is satisfied: **P.7, r.3(4)(c)**
 - Date of service = date on which Applicant files AOS: **P.7, r.3(5)(b)**
 - **What this means**: no delay in filing AOS as this will impact subsequent timelines



FJR (General Volume)

Matrimonial Proceedings



Matrimonial Proceedings

Applicant	Respondent
Commence by OA (P.2, r. 2(1)) <u>What this means:</u> No more pleadings, Writ, SOC, SOP, PPP, PMPP	
	<p>If contesting, file Notice to Contest (indicate at paragraph 3, <i>"I do not agree to the application"</i>) within 14 days of being served: P.2, r.4</p> <p>If not contesting, file Notice to Contest (indicate at paragraph 3, <i>"I agree to the application"</i>) within 14 days of being served: Per Form 4 of the FJC PD 2024 Appendix A – Volume 1 (Notice to Contest)</p> <p>Note: Paragraph 3 of the Notice to Contest relates only to whether the party agrees or disagrees with the divorce, nullity or judicial separation. The ancillary matters are dealt with at paragraph 4 of the Notice to Contest.</p>
	<p>If contesting , file Reply and cross application (not Defence & Counterclaim) within 28 days after being served: P.2, r.5(1)-(2)</p> <ul style="list-style-type: none"> <u>What this means:</u> Diff Court ref no. for cross application. We will still issue same GA since they pertain to same matter (i.e. divorce)
If there is cross application, file Reply to cross application: P. 2, r. 5(5) r/w r.5(1)	
No further documents to be filed	

Simplified Track - Key Changes

1. Expanded scope

- Includes judicial separation applications: **P.2, r.8**
- Includes partial agreements (on some of the AMs): **P.2, r.8(4)(b)**

2. Respondent must be served

- Mode of service to be agreed before filing (to indicate consent in prescribed form): **P.2, r.8(4)(b)(iii)**
- AOS to be filed within 14 days after filing of the application: **P.2, r.8(9)**

3. Respondent to file cross application (if any)

- To file within 3 days after application filed
- Cross application to be accompanied by a) Applicant's consent to cross application and b) Respondent's AEIC: **P.2, r.8(5)**



Matrimonial Proceedings - AMs

Filing of ancillary matter affidavits

- **P2. r.16(1)** First affidavit of assets and means (**1st AOM**) must be filed and exchanged **within 28 days after the date of the IJ**/judgment of judicial separation.
- **P2. r.16(3)** **If there is no disclosure application filed after the 1st AOM**, second affidavit of assets and means (**2nd AOM**) must be filed and exchanged **within 28 days after the date that the 1st AOM was exchanged**.
- **P2. r.16(4)** The 2nd AOM **must contain only** information/ evidence on (i) party's response to matters raised in the 1st AOM; (ii) particulars of relevant circumstances that came to a party's knowledge after the 1st AOM was filed.
- **P2. r. 11** If the ancillary matter affidavits are not filed in a timely manner, the Court may strike out any claims by that party or deal with the ancillary matters in that party's absence.



Matrimonial Proceedings - AMs

Binding Summary

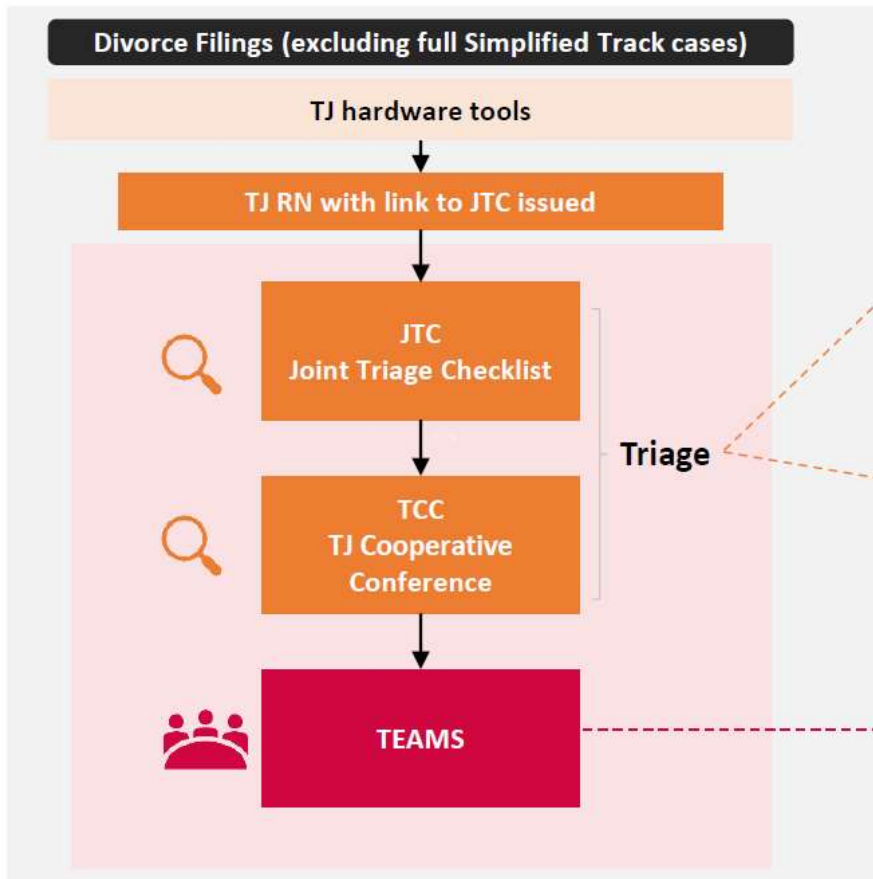
- **P2. r.18(1)** After all ancillary matter affidavits are filed, parties are required to file a binding summary which sets out their respective positions on the ancillary matters ("**Binding Summary**") within any time that the Court may direct.
 - Note: Generally, the Binding Summary is to be filed after the exchange of written submissions and at least 7 days before the ancillary matters hearing.
 - What this means: We no longer need to file the Ancillary Matters Fact and Position Sheet.
- **P2. r.18(2)(c) and (d)** The Binding Summary must contain only evidence or make reference to evidence that is in the ancillary matter affidavits.
- **P2. r.18(2)(a) and (b)** The information presented in the written submissions must be consistent with the information in the Binding Summary.
- **P2. r.18(3) and (6)** Once the Binding Summary is filed, it cannot be changed without Court's approval.



Summary of changes for matrimonial proceedings

	FJR 2014	New Rules
Commencement	Writ, SOC, SOP, PPP, PMPP	OA
Next Steps	D to file MOA in 8 days D to file Defence (& CC) in 22 days [Further pleadings to be filed]	R to file Notice to Contest in 14 days D to file Reply (& Cross-Application) in 28 days [No further documents to be filed]
Proceed to divorce hearing	To file a “Request for Setting Down Action for Trial”	To file a “Request for Trial or Hearing Date”: P. 2, r. 7
Ancillary Affidavits	No default timelines: FJR 89(1)-(2)	Default timelines to file and exchange
	Documents not specified	Mandatory to include documents specified
Filing of 3AMs	No specific guidance: FJR 89(3)	Specific circumstances spelt out
AM Hearing	Fact and Position Sheet or Joint Summary	Binding Summary of Positions
s.121B Applications	Follow usual OS process	Follow Ancillary Relief process
Variations	SUM	OA (for pre-OD cases) or SUM (post-OD cases)

3 new TJ Hardware tools



OBJECTIVE OF EACH HARDWARE TOOL

Joint Triage Checklist

- Facilitate categorisation of cases and application of right resources at the right time.

TJ Cooperative Conference

- First Court Event to set the tone for TJ and problem-solving, and allocate case to next pathway.

Teams

- One Family One Team approach – to enhance ability to customise approach for more holistic outcomes.



Tool 1: Joint Triage Checklist (JTC)



Two triage tools, the Joint Triage Checklist (JTC) and TJ Cooperative Conference (TCC), will be introduced.



Joint Triage Checklist (JTC)

To facilitate categorisation of cases and application of right resources at the right time.

- Simple Y/N questions.
- To be filed jointly, with deadline to submit JTC.
- Preliminary categorisation of cases to filter out simple cases which are likely to resolve administratively in less than 3 months.
- Provide additional insights upfront on a case, eg if there are additional considerations (e.g. child abuse allegations).



Impact on the family

1. Provide a **targeted and customised approach** for each case.
2. Reduce parties' time in court and **reduce risk of escalation of case**.

Lawyers' participation:

- Assist parties in filling up the JTC.
- Encourage parties to file the checklist jointly.



Tool 1: Joint Triage Checklist (JTC)

Sample JTC questions:

Q1. Have parties reached an agreement settling all disputes or are very close to reaching such an agreement?

Yes
 No

Q2. Are there issues relating to the custody, care and control of and/or access to the child(ren) in dispute?

Yes
 No

Q3. Do both parties agree to attend mediation?

Yes
 No

Q4. Is either party applying for (a) a stay of these proceedings before the Family Justice Courts; or (b) urgent child related orders?

Yes
 No

- JTC will be introduced for **all** new divorce filings



Tool 2: TJ Cooperative Conference (TCC)



TJ Cooperative Conference (TCC)

As the first court event, the TCC will set the TJ and cooperative problem-solving tone at the outset:

- Managed by TCC JOs. Where necessary, CFS will attend.
- First court event for non-simplified cases - gateway to court.
- Set the tone for TJ and problem-solving at the outset.
- Facilitate problem-solving upfront - exchange of proposals.
- Identify pathway and assignment to the next court event (eg mediation or hearing).



Impact on the family

1. Empower parties to be involved in the process to **encourage problem solving**.
2. Resolve matters in a non/minimally adversarial way, for **longer lasting impact**.

Lawyers' participation:

- Prepare client for what to expect at the TCC.
- Prepare proposals and documents to be exchanged.
- Encourage client to be an active participant and to keep an open mind.

Tool 2: TJ Cooperative Conference (TCC)

- Based on the Multi-Disciplinary Team pilot
- TCC will be issued for a proportion of cases only
 - What this means: Most conferences will still be heard on FDR Conference (status quo)
 - Selection criteria of which cases are suitable for TCC unknown



Tool 3: One Family, One Team (team construct)

ONE FAMILY, ONE TEAM



Introducing a Team Construct

Enhance the ability to customise approach for more holistic outcomes.

- Team construct: Mediation JO, Hearing JO, Court Family Specialist and Team Manager.
- One Family One Team - the same team will follow through the entire case and linked cases.
- Intentional multi-disciplinary, collaborative and problem-solving approach for more holistic outcomes.
- Lawyers are part of the team too!

Impact on the family



1. Tailored approach to meet family's needs.
2. One Family, One Team enables the Court to **better understand underlying issues** for a family and treat the case holistically.
3. Closer management over the whole case to **reduce risk of issues and acrimony escalating**.

Lawyers' participation:

- Prepare client at each stage.
- Encourage client to be forward-looking and to focus on the children and shared interest of parties.
- Lawyers are part of the problem-solving team helping the family move forward.



Tool 3: One Family, One Team (team construct)

- Docketed judge early on in proceedings
- Team Construct will be issued for a proportion of cases only
 - What this means: Most cases will still go through normal process (no teams)
 - Selection criteria of which cases are suitable for team construct unknown



FJR (General Volume)

Disclosure (Part 9)



Changes to Key Terms (Disclosure)

FJR 2014	FJR 2023
Discovery	Disclosure of Documents
Interrogatories	Disclosure of Information
Possession, Custody or Power	Possession or Control*

* Same as ROC 2021

White Book commentary states that the change in wording is **not** intended to narrow the scope of the provision. The word “control” has wide meaning and extends to documents in the party’s custody/ power.



Upfront, mandatory disclosure

- No order required to compel disclosure of documents: P.9, r.3(3)
- If not disclosed, to explain why in affidavit: P.9, r.3(3)-(4)
- Consequences of non-disclosure: P.9, r.16
 - May draw adverse inference
 - May order the other party to obtain document/ information from any other person (e.g. standard CPF order)
- AM affidavits
 - Specified table detailing the types of documents to be provided (Table 16-1)
 - Table to provide reasons for non-disclosure (Table 16-2)



Changes to Disclosure Process (including disclosure application)

	FJR 2014	FJR 2024
Pre-application	Party A files affidavit	Party A files affidavit
	Party B issues Request for Discovery & Interrogatories (RFDI)	
	Party A services Notice in Response within 14 days after RFDI served	
	Party A makes voluntary disclosure within 28 days after RFDI served	
	Party B files summons for D&I within 14 days	Party B files summons for disclosure within 14 days after service of affidavit: P.9, r.5(3)
	Party A files reply affidavit within 14 days	Party A files reply affidavit within 28 days: P.9, r.5(6)
	Hearing	Hearing



Changes to Disclosure Process (including disclosure application)

- No requirement to make request before filing summons application
- Applying party to note
 - Not allowed to make piecemeal applications
 - **General rule:** make 1 summons application **per affidavit**: P.9, r.5(2)
 - **Exception 1:** “special case”: P.9, r.5(2)
 - **Exception 2:** Disclosing party’s response discloses matter which the applying party is entitled to file a summons for disclosure: P.9, r.5(4)(a)
 - **Exception 3:** Disclosing party did not make any sufficient/ complete disclosure in response: P.9, r.5(4)(b)
 - **Exception 4:** if such disclosure will aid in disposing fairly of the proceedings: P.9, r.5(4)(c)
 - May choose to a) file supporting affidavit or b) rely on any affidavit already filed: P.9, 5.5(5)



Changes to Disclosure Process (including disclosure application)

- Court will **not** make the following disclosure orders (P.9, r.7)
 - Order for disclosure of documents/ information that merely leads a party on a “train of inquiry” to other documents/ information, **except** in a “special case”
 - Note: This is different from the current discovery regime which permits this
 - Documents in the possession/ control of the party seeking disclosure: P.9, r.7(1)



Summary of changes for disclosure

	FJR 2014	NEW RULES
Process for issuing of requests	Must be issued, before making D&I application	No need for request
Timeline for filing application	Not stated	Within 14 days of service of affidavit
Number of applications	Not restricted in the rules	1 application per affidavit
Scope	Train of inquiry allowed	Train of inquiry not allowed
Mandatory disclosure	Not specified	All documents specified in the forms
Disclosure before commencement or against non-parties	No permission application required	Permission application must first be filed



FJR (General Volume)

Appointment of Experts (Part 10)



[New] Appointment of Experts

- **P10. r.3(1)** Expert evidence (e.g. financial accountant/analyst) can only be used in Court with approval.
- **P10. r.3(2)** Parties must first consider whether the issue can be resolved by agreement without the need for an expert. Parties must also consider whether the expert evidence will contribute materially to the determination of an issue that is scientific, technical or specialised.
- **P10. r.5(1)** If an expert is still required, parties should agree on one common expert as far as possible.
- **P10. r.5(2)** If parties cannot agree on a common expert, the Court may appoint the expert instead.



FJR (General Volume)

Appeals (Part 19)



Appeals

Applicable Rules – FJR or ROC?

- FJR 2024 **only** applicable to the following types of appeals:
 - RA Appeals: **P.19, Division 2**
 - From Registrar to District Judge (DJ) in FJ proceedings or
 - From Registrar to Judge in High Court (Family Division) in HC Family Division proceedings
 - RAS Appeals (decisions made by DJ) from DJ to Judge in High Court (Family Division): **P.19, Division 3**
 - DCA Appeals (final orders **including** committal orders made by the DJ) from District Judge to Judge in High Court (Family Division): **P.19, Division 4**
- Appeals from High Court (Family Division) to the AD/CA → apply **ROC 2021 read together with the SCJA**



Appeals

Timelines

- Timelines to appeal:
 - 14 days from date of order or
 - 14 days after request for further arguments is determined (where applicable for RAS Appeals under **P.19, Division 3**)
- Time for appeal runs from the day the Court makes the judgment/ order/ decision: **P.19, r.4**
 - Note: Differs from ROC 2021 (i.e. runs after Court has heard and determined all matters including costs). This is because in family proceedings, orders may be made on different days pending certain reports
 - E.g. If the FJC makes an order for care and control on Day 1, another maintenance order on Day 2 and an order for asset division on Day 3, the appeal timelines for each of the cases will start running from the day that the respective orders were made.
- 1 NOA to be filed for all orders made on the same day: P.19, r.5



Certification by Judge & Next Steps

Type of Appeal	Timeline for Certification	Next Steps
Appeals from Registrar to District Judge (DJ) or Registrar to Judge in High Court (Family Division)	Registrar will certify within 14 days of the date of Notice of Appeal (NOA) whether grounds of decision (GD) will be issued. If no certification, presume no GD will be issued.	<p>If certified that GD is already issued or will be issued, <u>appeal documents must be filed within 14 days from the GD.</u></p> <p>If certified that no GD will be issued, <u>appeal documents must be filed within 14 days that certified transcripts are issued.</u></p> <p>If no certification is issued, <u>appeal documents must be filed within 28 days from the date that the NOA is filed and served.</u></p>
RAS Appeals from DJ to Judge in High Court (Family Division)	DJ will certify within 14 days of the NOA whether GD will be issued. If no certification, presume no further reasons will be issued.	<p>If certified that GD is already issued or will be issued, <u>appeal documents must be filed within 14 days from the GD.</u></p> <p>If certified that no GD will be issued, <u>appeal documents must be filed within 14 days that certified transcripts are issued.</u></p> <p>If no certification is issued, <u>appeal documents must be filed within 28 days from the date that the NOA is filed and served.</u></p>
DCA Appeals from DJ to Judge in High Court (Family Division)	GD will be issued in 12 weeks.	<p>If no GD issued, appellant must write in to proceed with the appeal <u>Appeal documents must be filed within 28 days after Record of Proceedings is made available.</u> <u>Respondent must reply to appeal documents within 28 days after service of the same.</u></p>

Documents & Page Limits

Type of Appeal	Documents & Page Limits
RA Appeals	Each party to submit 1 set of written submissions (<u>maximum of 35 pages</u>).
RAS Appeals	Each party to submit 1 set of written submissions (<u>maximum of 35 pages</u>).
DCA Appeals	Appellant's case and Respondent's case (<u>maximum of 35 pages each</u>).



Summary of changes for appeals

	FJR 2014	NEW RULES
Filing of NOA	One NOA per decision	Single NOA to be filed for all decisions made on the same day
Expedited Appeals	Filed to the Appellate Court	Filed to the lower Court first
RA Appeals	No specified timeframe for GD	GD, if any, to be issued within 14 days
RAS Appeals	No Security for Costs	Security for costs of \$1,500
	GD, if any, to be issued within 8 weeks	GD, if any, to be issued within 6 weeks
		Permission application under s. 38 MCA now RAS decision
DCA Appeals	GD to be issued within 3 months	GD to be issued within 12 weeks
		Committal applications now DCA decisions



FJR (General Volume)

Child Reports (Part 12)



Child Reports

- **P.12, r. 3** The Court may on its own initiative direct a relevant professional to prepare and submit a child report for its consideration.
- **P.12, r. 11(1) &(2)** A child representative/child specialist **must** file and serve on the parties to the proceedings the child report, in the form of a written submission to the Court, **within 4 weeks after the date of appointment.**
- **P.12, r. 11(3)** A party to the proceedings who wishes to respond to the child report must file and serve written submissions in response within the time directed by the Court.



Types of Child Reports

Apart from the expert reports under Part 10 of the new FJR, the other reports that can be made are:-

- (i) Social Welfare Reports, which would usually be ordered for younger children, where home visits are necessary, which are done by child welfare officers from the Ministry of Social and Family Development;
- (ii) Custody Evaluation Reports (CER) and Access Evaluation Reports (AER), which would usually be ordered for older children, done by the officers of the Family Justice Courts Counselling and Psychological Services (CAPS)
- (iii) Specific Issues Reports – also done by CAPS - Where there are specific issues in question between the parties, for example whether the children should be allowed to relocate to a foreign country with one parent, the court can also order a report to address these particular issues;
- (iv) Supervised exchange and visitation (“SESV”) reports, which would usually be ordered where the court has ordered supervised exchange and visitation sessions for the family, generally at a Divorce Support Specialist Agency (“DSSA”). DSSA services are offered free (except for the fourth time an order of SESV is ordered) for cases with parents or children who are either Singapore citizens or Permanent Residents. DSSAs also provide longer term therapeutic support for parents or children with co-parenting difficulties or conflicts, poor parent-child relationships or access refusal or resistance. A DSSA report would detail the progress of the exchange or access arrangements supervised by the DSSA and set out recommendations for future arrangements;
- (v) reports by a Child Representative;
- (vi) reports by a Parenting Co-ordinator; and
- (vii) reports by medical professionals such as psychiatrists and psychologists, which would tend to be ordered in situations where either party or the child has some sort of mental health issue, or is alleged to have such an issue.



Adoption of Children Act 2022



Key Amendments

Previously	Under New Adoption Act	Reference
<p>Only the Director-General of Social Welfare (DGSW) can be appointed as the Guardian-In-Adoption (GIA) in adoption proceedings</p>	<ul style="list-style-type: none"> • A public officer who is not the DGSW can be appointed as the GIA. • This public officer may also be granted enforcement powers against individuals who contravene the Adoption of Children Act 2022 (ACA). 	<p>Sections 8 and 9 of the ACA.</p>
<p>No priority given to applicants with stronger ties to Singapore</p>	<ul style="list-style-type: none"> • Priority will be given to applicants with stronger ties to Singapore. • Only those with a strong nexus to Singapore can adopt here. <p>(Every adoption applicant must be habitually resident in Singapore AND in the case of a joint application at least 1 applicant must be a Singapore citizen or both applicants must be permanent residents.)</p>	<p>Section 4 of the ACA</p>



Key Amendments

Previously	Under New Adoption Act	Reference
Some applicants who have past convictions for serious crimes can still apply for adoption. The GIA will consider such applicants on a case by case basis.	Applicants who were previously convicted of serious crimes such as (e.g. sexual abuse, violence, drug offences etc.) will <u>automatically</u> be prohibited from adopting.	Sections 5(1)(d) of the ACA.
Only applicants adopting a foreign unrelated child must undergo a pre-adoption assessment.	<ul style="list-style-type: none"> • All prospective applicants must undergo a pre-adoption briefing. • In addition, they must obtain a favorable adoption suitability assessment (ASA) (which will be reviewed every 2 years). • All applicants must be resident in Singapore for at least 1 year before the ASA. 	Sections 11 to 14 of the ACA



Key Amendments

Previously	Under New Adoption Act	Reference
No definition on the meaning of “suitable to adopt”.	Offers guidance on the suitability criteria	Section 7 of the ACA.
No onus on prospective applicants to inform the GIA of any material change in their circumstances that may affect their suitability to adopt.	Prospective applicants are required to notify the GIA if there is any material change in their circumstances that may affect their suitability to adopt.	Section 22 of the ACA
GIA did not have powers to vary or revoke an inaccurate pre-adoption assessment (e.g. where a prospective adopter has lied about his/her circumstances)	GIA has powers to vary or revoke an inaccurate pre-adoption assessment.	Section 15 of the ACA
Requirements for consent to adoption by relevant persons were looser.	Consent requirements are tightened. For e.g. Every consent must have 2 witnesses and obtained with regard to the procedural requirements.	Section 26 of the ACA



Key Amendments

Previously	Under New Adoption Act	Reference
The GIA conducts extensive investigations to assess whether an adoption order should be granted. This can take up to 9 months or more.	To expedite assessments, MSF will now delegate preliminary investigations to authorized adoption agencies for straightforward cases so that resources can be focused on the complex cases.	Section 19 of the ACA.
No adverse inference drawn for non-disclosure of material facts in the adoption application	The Court can draw an adverse inference for non-disclosure of material facts in the adoption application	Section 33 of the ACA
Courts do not strike out adoption applications that are not filed promptly.	Court can strike out adoption applications that are not filed promptly.	Section 33(3) of the ACA
There were no provisions to require a change in the care arrangements of a child if an adoption order is not granted.	If an adoption application is unsuccessful, the Court may order any person to deliver the physical custody of the child to a suitable person recommended by the GIA	Section 43 of the ACA



Key Amendments

Previously	Under New Adoption Act	Reference
No provision for the Court to order applicants, relevant persons or the child to undergo support services (e.g. mediation, counselling, assessment or treatment).	The Court can order such persons to undergo these support services during and even after proceedings.	Sections 35 and 45 of the ACA.
A potential adopter who does not meet the eligibility requirements may still be able to spend time or reside with the child.	Now, the new adoption act will no longer allow a potential adopter (who does not meet the eligibility requirements) to spend time or reside with the child. Failure to comply is an offence that is punishable with imprisonment and/or fine. The Court can order the potential adopter to deliver the child to a suitable person instead if the suitability requirements are not met. Note: If adoption proceedings are not commenced within 2 years from the results of the adoption suitability assessment (ASA), it will lapse and the ASA will need to be redone.	Section 57 of the ACA
Some applicants may provide false or misleading information to the GIA.	Now, this is an offence with imprisonment and/or fine.	Section 65 of the ACA
No obligation for stakeholders (including lawyers acting for a prospective adoption applicant to notify MSF of adoption related offences).	There is now an obligation for stakeholders who know or have reason to suspect that an offence under the ACA has been committed to report to the GIA as soon as practicable otherwise, it will be an offence.	Section 60 of the ACA

Key Amendments

Previously	Under New Adoption Act	Reference
Offences under the earlier adoption act did not have extra-territorial effect.	Now, any offence under the ACA will have effect whatever a person's nationality or citizenship, outside and within Singapore.	Section 50 of the ACA



FJR (General Volume)

Mental Capacity Act 2008 (Part 11)



Mental Capacity Act

- Section 37 of the Mental Capacity Act 2008 empowers the Court to order a report to be made by the Public Guardian or a member of the Board of Visitors when deciding on a question relating to P (“**Report**”). This Report is distinct from the Doctor’s Report on a P’s mental capacity.
- **P11. rr. 1-2** sets out the requirements of, and the procedure for making, the Report.
- **P11. r.3** allows a party to put questions to the maker of the Report on issues relevant before the Court. The Court retains the discretion to allow/amend these questions.



FJR (General Volume)

Enforcement of Judgments and Orders (Part 23)



Enforcement of Court Orders

- Mirrors Order 22 of ROC 2021
- Party seeking to enforce a Court Order (“**enforcement applicant**”) **can now file a single application** requesting for multiple enforcement reliefs (e.g., seizure and sale of property; attachment of debt etc.) (P. 23, r.2)
- Enforcement application can be made without notice to the Respondent (i.e., on an ex-parte basis)
- P.23, r.4(m) requires solicitors acting for an enforcement applicant to provide a certain undertaking in the latter’s affidavit, which amongst other things, will provide that solicitors will undertake to pay the bailiff all costs and expenses related to the enforcement etc.



Others

- **P.23 r.11**: This rule provides that the Court may examine the respondent, to find out the debts due or accruing due to the respondent. This is the equivalent of the current examination of judgement debtor proceedings under FJR 120
- **P.23, r.13**: This rule provides that a party may apply for a stay of enforcement proceedings or a stay of the execution of an enforcement order.



Family Justice (Protection from Harassment) Rules 2024



Overview

- Procedure relating to POHA applications is currently set out in the Supreme Court of Judicature (Protection from Harassment) Rules 2021 (i.e., a subsidiary legislation under the SCJA).
- New set of Family Justice (Protection from Harassment) Rules 2023 (“**FJPHR**”) will deal with POHA applications to be heard in the FJC in the first instance, **in cases where there are pending related family proceedings.**
- **Rationale:** To ensure just, economical and expeditious resolution of a POHA application related to a family proceeding.



FJPHR

[Permission to commence POHA claim in FJC]

- Need to apply for permission to commence POHA claim in the FJC – **P.2, r.4**
- Application must contain supporting affidavit, which amongst other things, identify the pending family proceedings which are related to the POHA claim – **P.2, r 3(b)**
- **P.5** empowers the Court, on an application of a party, to transfer a POHA claim in the FJC to the POHA Court



FJPHR [After Permission to commence POHA claim in FJC is granted]

P.3, r. 7; P.4

- Applicant to file originating application with supporting affidavit to obtain a Protection Order;
- Applicant must indicate that he/she wishes to apply for an expedited order in the application;
- Applicant can also apply for a mandatory treatment order against the Respondent in the application;
- No further affidavits to be filed unless Court gives permission to do so.



Application for false statement order or interim false statement order

- P.3, r. 10
- Mirrors Rule 56 of the Supreme Court of Judicature (Protection from Harassment) Rules 2021

Appeals against Protection/False Statement Orders

- P.19 of the Family Justice (General) Rules will apply
 - Need to file a Notice of Appeal within 14 days after judge's decision



Costs P.5, r 28

- Court can award costs and disbursements under the following circumstances:
 - a. whether the whole or any part of a claim —
 - i. discloses no reasonable cause of action or defence, as the case may be;
 - ii. is an abuse of process; or
 - iii. may prejudice, embarrass or delay the fair hearing of the POHA proceedings.
 - b. whether it is just and equitable to make the award or order or award the costs;
 - c. the parties' conduct in relation to any attempt at resolving the claim by mediation;
 - d. the extent to which the parties have followed any applicable rules, pre-action protocol or practice direction for the time being issued by the Registrar.



Others

- **P, 5 r. 20** allows the Court, amongst other things, to make a range of orders such as counselling, mediation or psychiatric assessment (not treatment);
- **P.5, r. 22** allows for a party (a) to whom a protection/false statement order applies; and (b) whose identity is unknown, to be identified by the internet website/location associated with the party or other unique identifiers such as email address, username etc.;
- **P.5, rr.23-25** deal with service requirements, methods of service and service out of jurisdiction.



Family Justice (Probate) Rules 2024 (“Probate Rules”)



General Powers of Court (P.3,R.5)

- P.3, R.5(1) – Court retains discretion to order otherwise in interests of justice *even if the rules are expressed using imperative words like “must”, “is to” or “shall”*
- P.3, R.5 (7)(a) – Court can direct parties to attend mediation or other ADR process or counselling etc.;
- P.3, R.5 (7)(i) – Court can impose limit on number of affidavits to be filed; length of affidavit etc.;
- P.3; R.5 (7)(n) – Court can impose page limit on written submissions to be filed;
- P.3, R.5 (12)(e) – Court can impose a late filing fee of \$50 each day that a document remains unfiled after the expiry of the period which the document is required to be filed, excluding non-court days)



Amicable Resolution of Case (P.5)

- Follows Order 5 of ROC 2021
- A party is to make an Offer of Amicable Resolution (OAR) before commencing the action unless the party has reasonable grounds not to do so;
- OAR does not include offers conveyed on a without prejudice basis for the purposes of court-conducted mediation
- A party cannot reject the OAR unless the party has reasonable grounds to do so
- OAR and any rejection to the OAR must be in writing
- OAR must be open for acceptance for at least 14 days



Non-contentious Probate proceedings (P.6)

- Generally based on current Part 14, Division 1 of FJR 2014

Application for Grant (P.6 R.3)

- Update to nomenclature to replace “ex parte originating summons” with “originating application”;
- No longer a requirement for applicants to conduct searches as Registry is able to conduct searches electronically for applications filed on or after 15 December 2003; but applicants must state in the OA whether there are any probate applications or actions for death occurring before 15 December 2003;
- OA and Statement will be combined into one form



Non-contentious Probate proceedings

- Order of priority for grant of letters of administration (LOA) in case of intestacy (P.6,R. 16)
 - Entitlement is to be determined in accordance with section 18 of the Probate and Administration Act
 - [New] P.6, R 16(2)
 - Person entitled in priority to a grant of LOA may apply for a grant:
 - jointly with a person entitled in a lower degree (joint applicant); or
 - as a co-administrator with a person having no right or no immediate right

This rule reflects the current practice in the Registry.



Non-contentious Probate proceedings

- [New] P.6, R 18 (Grant of Probate where 2 or more persons entitled in same degree)
 - Where executor(s) with equal rights have not renounced, the applicant seeking to apply for a grant of probate, must give notice of the application to the executor(s), and file a memorandum of service prior to the hearing of the application
 - Registrar may dispense with the giving of the notice if it is impracticable to do so or would result in unreasonable delay or expense
 - A dispute between persons entitled to a grant of probate in a same degree, is made by Summons before a Judge; The person must file a caveat before filing the summons. This is to ensure that the Registry does not issue the grant when the summons is still pending.



Non-contentious Probate proceedings

R.32 – Form of Grants

- The requirement to file a “Request to Extract Grant” with search results has been deleted.
- The grant will be issued by the Registry at specified points of the application process without the need for a request



Non-contentious Probate proceedings

- [New] P.6 R. 46 (Resealing)
 - Based on current R 251 of FJR
 - Sets out new procedural rules with respect to resealing
 - Application for resealing made by Originating Application without notice, together with an affidavit verifying the information



Contentious Probate proceedings (P.2)

- Overview of contentious probate proceedings:
 - Court may give directions for filing of pleadings and affidavits to identify issues in the action and the non-parties who may be affected by any judgment given;
 - Notices of action may be issued to non-parties (e.g., beneficiaries) who may be affected by judgment;
 - If non-party files notice of intention to contest or not contest the claim and becomes a defendant to the action, the court may give directions for new defendant to file his defence or affidavit;
 - Court may order parties to attempt amicable resolution with person served with notices of action who have not filed a notice of intention to contest or not contest the claim. Any inability to resolve the dispute with the persons served with notices of action does not prevent the parties from attempting to resolve the dispute themselves by amicable resolution (P.5 R 4)
- See flowchart of proceedings in P.2 R 15



Contentious Probate proceedings (Other changes)

- A new procedure to replace citation to bring in grant (P. 7. R7)
 - Claimant to bring in prior to filing the originating claim or Defendant to file in Registry within 14 days after service of originating claim; and
 - Person may be ordered to bring in grant and not be entitled to take steps in the action without permission of the court until order to bring in is complied with
- Adjusts timelines for filing pleadings for probate actions to allow exchange of testamentary scripts (P.7, r.10)
 - Statement of Claim is due 4 weeks after the notice of intention to contest or not to contest is filed; or 14 days after exchange of testamentary scripts
- Introduces concept of dismissal of claim (besides discontinuance) to probate actions (a dismissal may be required as a consequence to a breach of unless orders) (P. 7, r.16).



Contentious Probate proceedings (Other changes)

- Allows for trial on affidavit evidence if defendants do not file a notice of intention to contest or not contest a claim or do not file a defence (P.7 rr.9 and 14)
- Replaces summons for directions with the Single Application Pending Trial (P. 7, R. 19); Rule mirrors O9, R9(2)-(11) of ROC 2021;
- Specifies that an application for administration pending trial may be filed as a summons in the pending probate action (P.7 R.21)
- Introduces rules to assess the remuneration of personal representatives and trustee (P.16, Division 4)
- Introduces rules on obtaining permission to begin and contest an action if a party is a minor or person lacking capacity and there is no court appointed representative (P. 11 R. 4)



Contentious Probate proceedings (Other changes)

Appeals from judgments and trial

- **P.13 R8** requires an appellant to provide security for costs in the form of a solicitor's undertaking
 - FJC clarified that the undertaking is given usually after a client has deposited the security with the law practice, and that an undertaking without any actual monies being deposited may not be acceptable;
 - Informed FJC that LAB cannot give this undertaking for legally-aided clients; FJC has asked us to speak to ROC Working Group to discuss possible amendments to ROC, which the Probate Rules can subsequently adopt



Contentious Probate proceedings (Other changes)

Contempt of Court (Committal Proceedings)

- **P15, R11** requires a solicitor acting for a committal applicant to provide an undertaking to cover certain costs and indemnify certain persons against costs incurring in complying with the committal order

