

THE FAMILY COURT OF SINGAPORE

FAMILY matters are presently dealt with under two jurisdictions. Divorce and its ancillary matters are handled by the High Court. Maintenance and protection orders are handled by the Subordinate Courts. The idea of a Family Court is understood to have been mooted two decades ago by a 1975 Review Committee of the Women's Charter although their recommendations have never been published. Since then, various activist groups have lobbied for a united Family Court.

In January this year the Chief Justice Yong Pung How announced, at the opening of our legal year, that a Family Court would be set up within the Subordinate Courts to hear all applications for adoptions, maintenance, protection orders against spousal violence and related family matters. On 1 March 1995, the Family Court was established at the Paterson Road Subordinate Courts Complex. This short article provides the first glimpse of the workings of this court.

The Family Court, physically, looks more friendly. There is a waiting area for parties to sit while waiting for their case to be mentioned or mediated. A television set screens programmes on family related matters for the benefit of waiting parties. A children's room is available for parties to leave their children while they attend to their matter in court. There is a supervisor present in the room who assists in keeping an eye on the children. Inside the children's room, story books and games are provided. A television set is also provided which screens children's programmes for the benefit of the children. Mediation rooms are also available for use by the mediators and parties during mediation.

Objectives of the Family Court

The Family Court provides parties with the ease of having all their family matters dealt with under one roof. Although presently only complaints for maintenance and protection orders are received, the mediation process covers any other family problems which arise.

Parties are able to have their matters dealt with cheaply and expeditiously. A complainant only pays \$1 to file a complaint for maintenance. Complaints

of violence are processed free of charge. As matters are dealt in one court, there is consistency of decisions.

The pursuit of these objectives is consistent with the larger goal of supporting families while protecting the more dependent members. The Family Court aims to offer relief in such a way that the family can overcome its problem and continue as, perhaps, a stronger unit.

Proceedings in the Family Court

- a. A complaint is filed at the Family Court Registry.
- b. After the complaint is taken down, the complainant is brought before a Judge or Magistrate for the complaint to be affirmed. The Judge or Magistrate attending to the matter will then give directions on the matter, for example, a search to be made at the National Registration Office if the complainant is unable to provide the Respondent's address, or, for summons to be issued and served on the Respondent. If, at this stage, it is apparent that the complainant does not have a case, he or she is advised to withdraw the complaint. In applications for personal protection orders, if there is imminent danger of physical injury to the complainant or a child of the family an Expedited Order may be issued. An Expedited Order takes effect on the date of service of the Order on the Respondent and expires 28 days from the date of the Order or commencement of hearing of the application, whichever is earlier.
- c. Once a date for service is given, the Respondent is informed by letter to accept service. The date for service of the summons is usually within 1 week of the date of filing of the complaint. If an Expedited Order is issued, the Order together with the summons is served on the Respondent immediately.
- d. On the day of service, if the Respondent attends for service the interpreter attending to the parties will mediate on the matter. If a settlement is reached, the parties are brought before a Judge immediately for the terms of settlement to be recorded and a consent order made. If no settlement is reached, the matter is fixed for mention in the Family Court a week later. If, however, the Respondent does not turn up for service, the summons is then served on the Respondent forthwith at his home or workplace and fixed for mention. If the Respondent cannot be served during office hours, counsel may apply to have the summons served by their clerk.

- e. At the mention, the following matters are addressed:
- (i) consent orders,
 - (ii) interim orders,
 - (iii) recommendations for conciliation or counselling,
 - (iv) other directions for conciliation counselling conference,
 - (v) date for mediation conference, and/or
 - (vi) other directions for mediation conference.

Cases are presently mentioned on Mondays and Wednesdays. There are two sessions in the morning at 9 am and 10.30 am. In the afternoon cases are fixed for mention at 2 pm. An average of about 50 – 60 cases are dealt with on mention days.

Normally, on the mention day, parties not represented by counsel are mediated by the court mediators. If the case is settled, a consent order is recorded by the Judge. If, however, the matter is not settled by the court mediators, a hearing date is given. There may be cases where further mediation is requested or required. In such cases, a mediation date is given for mediation either by the Judge or by mediators. In more difficult cases, co-mediation (by a lawyer and a social worker) may be arranged. On mention days counsellors/mediators from the group of volunteers attached to the Court are also present to assist in the mediation. Counsel attending mentions should be prepared to have their case mediated. They should have their client's pay slip and a breakdown of their client's expenses available, if it is a maintenance complaint or, if it is an application for a Protection Order, have the police report and medical report ready.

Mediation

Parties in all applications are required to attend a mediation conference. Unless otherwise ordered, mediation will be conducted by a single mediator from the Court Support Group. Co-mediation where appropriate, may be ordered by the Court.

Mediation aims at promoting negotiations for settlement as soon as the real issues are identified, or, to identify and narrow the issues where settlement cannot be reached. Mediation is not intended as a counselling conference. Only in exceptional cases does the mediator refer the case back for a Conciliation Counselling conference. The conduct of the mediation conference is determined by the mediator, whose directions are made with the sanction of the Court. More than one conference may be directed without affecting the integrity of the overall timeline. At the conclusion of the mediation conference or conferences the mediator submits a Mediation Report to the Court.

The Court Support Group

Mediation is mandatory for all applications before the Family Court. At the same time, parties are counselled whenever this is called for. A Court Support Group has been formed to provide mediation and counselling services. The Court Support Group, at present, consists of thirty-four mediators and comprises nine lawyers, fifteen professional social workers and counsellors, and ten court interpreters who have been trained as mediators.

The objectives of the Court Support Group may be summarised as to provide parties with a neutral forum for discussion; to help mediate the dispute, focussing on the future and not on the past; to help reduce the emotional sufferings of the parties and their families; to provide a speedy and efficient response to family disputes; and to help the parties save on legal costs which long hearing dates would entail. It is hoped that the adoption of a non-confrontation approach in these family applications will bring about attitudinal changes so that couples can resolve their disputes with minimum trauma and enough goodwill to allow the family to continue.

Timelines

The system of caseflow management is directed towards achieving the disposal of actions in accordance with the timelines.

The timelines concept contemplates a limited number of positive but in-depth interventions by the Court at the critical times in the progress of the action for very specific and important purposes. It avoids waste of judicial time and resources and high legal costs associated with repetitive court attendances. It focuses on early Court intervention by promoting negotiations for settlement as soon as the real issues are identified, or, identifying and narrowing issues. It also determines the most appropriate track assignment, identifies those cases which require special treatment or resources having regard to the urgency for relief, and/or the complexity of the issues. It further aims to identify interlocutory issues which need to be addressed and to make necessary directions in these micro events.

For maintenance complaints, the aim is to complete the case eight weeks from the filing of the complaint. For personal protection applications, the aim is to reach the result of orders four weeks from the filing of the complaint.

The foregoing approach not only reduces costs but also enables the Court to deal with macro events in a truly adequate fashion giving each, only, the time and attention which it needs.

Parties attending mediation at the pre-mention stage (March 1995 to August 1995)

Month	Total Number Mediated	Successful Mediation	Percentage
March	97	62	64
April	157	117	75
May	154	100	65
June	219	153	70
July	160	112	70
August	158	109	69
Total	945	653	69

Caseload of the Family Court (March 1995 to August 1995)

Month	Cases Handled	Cases Mediated	Cases Settled	% Settlement
March	407	233	211	90.5%
April	490	267	236	88.4%
May	502	256	231	90.2%
June	527	291	256	87.9%
July	470	245	226	92.2%
August	552	374	306	81.8%
Total	2948	1666	1466	87.9%

Complaints files at Family Court Registry (January 1995 to August 1995)

Month	Personal Protection/ Expedited/ Domestic Exclusion	Fresh Maintenance	Enforcement Maintenance	Variation & Rescission of Maintenance	Total
Jan	61	90	123	40	314
Feb	64	72	117	49	302
Mar	59	94	133	37	323
Apr	74	134	128	41	377
May	89	161	133	57	440
June	86	139	140	60	425
July	98	126	150	50	424
Aug	96	114	153	62	425
Total	627	930	1077	396	3030

NB: As at 31 August 1995, 3030 complaints were filed compared with 2397 cases last year.

Future Plans

With increasing workload, the Family Court might have to start night court in the near future to enable the court to have more time to hear cases. This will also facilitate attendance of parties who find difficulty in attending mediation sessions in the day.

In order to assist parties in understanding the system and to resolve their problems, educational materials in the form of videos and pamphlets will be produced for the public's use. Steps will be taken to recruit executive officers to be trained as court mediators to boost the strength of the Court Support Group.

We have also suggested to the relevant authorities to conduct a study to determine the subsistence level of a child in Singapore. We hope, subsequently, to be able to have a formula to work out the quantum of child maintenance having regard to the income of the supporting parent and the age and need of the child.

Steps will be taken with a view eventually to establish a unified Family Court to deal with all family matters including divorce, custody, matrimonial property and juvenile delinquency.

Statistics on Case Load (March to July 1995)

Upon issuance and service of the summons and, even, before the case is mentioned, they are mediated by the court interpreters who double up as mediators. For the months of March to August 1995 a total of 945 cases were mediated at this stage. 653 cases among them reached settlement. The percentage of settlement is, thus, 69%.

Mediation is, also, done during mention stage and at trial dates. Out of 1666 cases mediated at this stage during the months of March to August 1995, 1466 cases were settled. The percentage of settlement is, thus, 87.9%. (Tables of Statistics on disposal of cases by mediation are given).

The number of all complaints filed at the Family Court already appears to be on the increase as the third Table shows. It is hoped that this increase reflects the accessibility the Family Court pursues as one of its objectives.

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This short article was developed from a paper the author presented at the 'Seminar on the Family Court' organised by the Continuing Legal Education Committee of the Law Society of Singapore held on 7 October 1995 at the Subordinate Courts Conference Room.