

Divorce Models in Singapore



Before deciding to divorce, one needs to weigh their options carefully. Every family is different, and so are the circumstances in every divorce. This brochure will inform you about the divorce process options to take into consideration before proceeding with your divorce.

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Court Litigation Process

This process comes into play when parties are acrimonious and are unable to come to an agreement on the termination of the marriage and/or ancillary issues.

There are two stages to divorce proceedings:

- **Divorce**
- **Ancillary matters**

In the **first stage**, the Family Court will deal with the termination of the marriage itself, that is, the Court will decide whether the marriage should be dissolved. Divorce papers will be filed and served on your spouse. Upon receiving the papers, your spouse has a right to file a defence and counterclaim. The court will then hear the matter to determine if there has been an irretrievable breakdown of the marriage.

At the end of this stage, if successful, parties will receive an Interim Judgment.

In the **second stage**, the Court will deal with the ancillary matters, which include division of matrimonial assets, final orders on custody of the children and maintenance of the wife and children (if applicable). Both parties will file two rounds of Affidavits of Assets and Means (AOM), setting out their positions on the ancillary matters. Thereafter, parties have to prepare written submissions with supporting case law and decided authorities, to be submitted before the Ancillary Hearing.

At the end of this stage, the court will make a decision after considering both positions and the parties may extract the Final Judgment, as 3 months would have elapsed.

Whilst the divorce proceedings are on-going, either party may take out various applications such as interim maintenance for spouse and/or child, interim custody care and control of the children, relocation, discovery and Personal Protection Orders (PPO).

Uncontested Consent Divorce

Couples, who have decided to terminate their marriage and wish to file for an uncontested divorce, will need to establish agreement on the terms of their divorce. In short, divorcing couples determine all their assets and liabilities, gather the necessary supporting documentation and come to an agreement on all outstanding issues, avoiding costly litigation.

The uncontested divorce is the quickest way to terminate your marriage in Singapore. It takes anywhere from 4-5 months (with ownership of private property) to 6 months (if there is ownership of HDB property) to get to the final certificate stage.

Parties are NOT required to attend court, and therefore save money, preserve the privacy and dignity of the family, as well end their marriage in an amicable and non-acrimonious manner.

Benefits of an uncontested divorce:

- **Cheaper and faster** - Couples bargain with one another to settle their affairs. Upon agreement, couples engage the services of a family lawyer to file their termination of marriage as an uncontested consent divorce.
- **Private and confidential** - Even though your divorce papers are filed in the family court of Singapore it is not necessary to put all agreements on record as parties may be flexible on their agreed terms.
- **Lessens hard feelings** - There's minimum intervention from a lawyer and encourages healing and forgiveness between the parties as the uncontested divorce encourages couples to take time and talk with one another.





Private Mediation

The Private Mediation process is designed to help couples arrive to an agreement on the terms of the dissolution of their marriage prior to filing for divorce.

The appointed mediator is a neutral third party, who will encourage couples to address and settle issues such as property distribution, child and spousal maintenance, division of assets and any other key problem areas in a structured problem-solving manner.

How does mediation work?

The mediator (lawyer in this case) will listen to the interests of each spouse and give them a realistic indication as to how a court might rule on any number of disputed issues. This process may take more than one session. Upon couples reaching agreement, the lawyer-mediator will draft a divorce agreement that a court is likely to approve.

Thereafter, a lawyer steps in to prepare the divorce papers and the matter is set down to proceed on a fast-track basis.

4-way Lawyer Negotiations with Parties

This process can be employed prior to and subsequent to filing for a divorce. Divorcing couples, through their own lawyers, sit through a series of “without prejudice” meetings to try and come to agreement on divorce terms.

Clients may attend these meetings or leave it to their lawyers to negotiate on their behalf in this process.

The role of your representing lawyer-mediator in this case is to provide as much information, assistance, and advice to ensure that you make well-informed decisions throughout these mediation sessions.

The key in this instance is to help you successfully reach a settlement that meets as many of your needs as possible.



Collaborative Divorce

Collaborative Family Practice (CFP) aims to help parties engage in a non-acrimonious settlement of differences without going to court. Divorcing couples are each represented by accredited collaborative lawyers who come together to assist divorcing couples resolve conflicts by employing cooperative techniques rather than adversarial strategies and litigation. The collaborative process is most suitable where there are substantial assets and issues involved.

Lawyers on both sides come together to assist in issues such as:

- Division of matrimonial assets
- Maintenance of wife and children
- Child custody

The collaborative process translates to significant savings in costs for both parties. Under CFP, parties will undergo less stressful and traumatic matrimonial proceedings, and they will avoid being put through cross-examinations in an open court which is emotionally draining.

This scheme allows parties to negotiate terms of their separation on a without prejudice basis. They will not be allowed to use any part of their negotiations against each other in court if CFP fails to reach an agreement.

