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### Overview of the Impending Changes in the Family Justice Landscape

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# SINGAPORELAWBLOG

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## **An Overview of the Impending Changes in the Family Justice Landscape**

Singapore's family justice landscape is set to witness a sea-change when the key features of the new Family Justice Act, as well as recommendations from the Committee for Family Justice (chaired by the Senior Minister of State for Law and Education, Justice VK Rajah, and Justice Andrew Phang), materialise in the months ahead.

First, organisational and structural changes are afoot. The Family Justice Courts ("FJC") will be established to hear all family-related proceedings. The FJC will comprise the High Court (Family Division) ("High Court"), the Family Court, and the Youth Court (which supersedes the Juvenile Court). The Family Court will hear all family proceedings except those under the Children and Young Persons Act (Cap 38, 2001 Rev Ed), which will be heard by the Youth Court. The High Court will mainly hear appeals against decisions from the Family Court and the Youth Court. The FJC will have its own Registry and Registrar that will receive, assign, and manage all cases for hearing. It will also have its own Presiding Judge, who will be a Judge or Judicial Commissioner of the Supreme Court, appointed by the President of Singapore on the recommendation of the Chief Justice. The Chief Justice, Judges of the Supreme Court, Presiding Judge of the FJC, and Registrar of the FJC will form a committee to formulate the Family Justice Rules that regulate the procedure and practice of the FJC.

Secondly, there will be greater access to family justice. Case management in the FJC will be differentiated, in that urgent cases will be put on the expedited track, while complex cases may require specialised attention. Before divorce is filed in the Family Court, couples with children must undergo mandatory consultation, unless they are able to agree on the divorce and all ancillary matters beforehand. This is to ensure that disputes can be resolved more effectively and also to ensure that the parents understand the impact of a divorce on their children. Court processes will also be simplified and streamlined, such that even litigants-in-persons – the overwhelming majority of family court users – will not face great difficulty when making applications before the court. Further, Court Friends can assist unrepresented litigants in filling court forms and other administrative and procedural matters throughout

the court process. However, Court Friends will have no right of audience before a court.

Thirdly, family disputes will be made less acrimonious and traumatic in court. Instead of allowing the litigation to remain completely adversarial, judges will be required to take a more proactive and central role in court proceedings – for instance, by identifying relevant issues, identifying the evidence that needs to be adduced, regulating court procedure, and proposing options to move matters along. Consistent with this new judge-led approach, judges will also be given the power to order parties to mediate their disputes or seek other types of family support services, as well as involve social workers, psychologists, and counsellors at any point in the proceedings. For applications that involve children, mental health professionals will work with families to provide judges with bipartisan recommendations so that judges can make decisions regarding children in accordance with their best interests. In appropriate cases, Child Representatives will be appointed to act as advocates for the children.

Finally, a suite of solutions outside of the courtroom will be implemented as well. Community touch points such as the police, schools, hospitals, and grassroots members – which often play the role of first-port-of-call by directing families in need to the appropriate family support services (including social services) – would be equipped with the necessary information and skills to better facilitate their work. A whistle-blowing mechanism would also be established so that cases of child abuse, neglect, or delinquency can be reported to the authorities. Specialist Agencies handling divorce and family violence issues will be enhanced with resources for the greater provision of information, non-legal advice, case and dispute management, counselling, and tailored programmes for highly troubled families. For lawyers, there will be a Family Law Practitioner accreditation scheme. Lawyers who have undergone specialist training (such as techniques in mediation) to practice family law in a manner that is consistent with and promotes the ethos of the new family justice system will be so accredited.

The aforementioned changes to the family justice landscape dovetails with the the impending establishment of the third law school in Singapore, which is expected to have a strong focus on community law issues such as criminal and family law.

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