



THE STATUTES OF THE REPUBLIC OF SINGAPORE

**MAINTENANCE OF PARENTS
ACT 1995**

2020 REVISED EDITION

This revised edition incorporates all amendments up to and including 1 December 2021 and comes into operation on 31 December 2021.

Prepared and Published by

THE LAW REVISION COMMISSION
UNDER THE AUTHORITY OF
THE REVISED EDITION OF THE LAWS ACT 1983

Informal Consolidation – version in force from 1/7/2024

Maintenance of Parents Act 1995

ARRANGEMENT OF SECTIONS

Section

1. Short title
2. Interpretation
3. Applications for maintenance orders
- 3A. Claim under section 3(3) — declaration about record or purported record of abandonment, abuse or neglect of child
- 3B. Record or purported record of abandonment, abuse or neglect of child — permission required for application under section 3
4. Joinder of respondents
5. Maintenance orders
6. Power of Tribunal to order security for maintenance, give directions, etc.
7. Duration of maintenance orders
8. Variation or rescission of maintenance orders, directions, etc.
9. Maintenance payable under order of Tribunal to be inalienable
10. Enforcement of maintenance orders
11. Applications on behalf of incapacitated parents
12. Appointment of and applications by Commissioner for the Maintenance of Parents
- 12A. Effect of record or purported record of abandonment, abuse or neglect of child on conciliation under section 12(5)(b)
- 12B. Conciliation for destitute person
- 12C. Conduct of conciliation or mediation
13. Establishment of Tribunal for the Maintenance of Parents
14. Tribunal to hear and determine applications
- 14A. Information required by Tribunal or Commissioner
15. Contempt of Tribunal
16. Power of Tribunal to state special case for decision of General Division of High Court
17. General Division of High Court may call for proceedings of Tribunal
18. Appeals to General Division of High Court
19. Proceedings in private

Section

- 20. Costs
 - 20A. Protection from personal liability
 - 21. Rules
-

An Act to make provision for the maintenance of parents by their children and for matters connected therewith.

[1 June 1996]

Short title

1. This Act is the Maintenance of Parents Act 1995.

Interpretation

2. In this Act, unless the context otherwise requires —

“applicant” includes a person in whose favour a maintenance order has been made under this Act;

“approved person or organisation” means a person or an organisation that the Minister has approved in writing for the purposes of this Act;

“child”, for a person, means the person’s child who is of or above 21 years of age, and includes an illegitimate child, an adopted child or a stepchild of the person;

[Act 22 of 2023 wef 01/07/2024]

“Commissioner” means the Commissioner for the Maintenance of Parents appointed under section 12(1) and includes a Deputy Commissioner and an Assistant Commissioner for the Maintenance of Parents;

“conciliation officer” means —

(a) where the Commissioner conducts any conciliation under this Act — the Commissioner; or

(b) any person designated by the Commissioner to conduct any conciliation under this Act;

[Act 22 of 2023 wef 01/07/2024]

“destitute person” means a destitute person, as defined in section 2(1) of the Destitute Persons Act 1989, who is admitted, or temporarily admitted, into a welfare home under that Act;

[Act 22 of 2023 wef 01/07/2024]

“mediator” means any person appointed as a mediator under section 13(12);

[Act 22 of 2023 wef 01/07/2024]

“protector” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

[Act 22 of 2023 wef 01/07/2024]

“record or purported record of abandonment, abuse or neglect”, for a person, means any record against or relating to the person that is prescribed to be a record or purported record of the person’s abandonment, abuse or neglect of a child of the person;

[Act 22 of 2023 wef 01/07/2024]

“respondent” includes a person against whom a maintenance order has been made under this Act;

“Tribunal” means the Tribunal for the Maintenance of Parents established under section 13;

[Act 22 of 2023 wef 01/07/2024]

“vulnerable adult” has the meaning given by section 2(1) of the Vulnerable Adults Act 2018;

[Act 22 of 2023 wef 01/07/2024]

“welfare home” has the meaning given by section 2(1) of the Destitute Persons Act 1989.

[Act 22 of 2023 wef 01/07/2024]

Applications for maintenance orders

3.—(1) Subject to section 3B(1), any person domiciled and resident in Singapore who is of or above 60 years of age and who is unable to maintain himself or herself adequately (called in this section the parent) may apply to the Tribunal for an order that one or more of the

person's children pay him or her a monthly allowance or any other periodical payment or a lump sum for his or her maintenance.

[Act 22 of 2023 wef 01/07/2024]

(2) Subject to section 3B(1), an approved person or organisation in whose care a parent resides may apply to the Tribunal for an order that one or more of the parent's children pay the approved person or organisation a monthly allowance or any other periodical payment or a lump sum for the purpose of defraying the costs and expenses of maintaining the parent.

[Act 22 of 2023 wef 01/07/2024]

(3) Any person (except the Commissioner) who wishes to make an application under this section, whether on the person's own behalf or on behalf of a parent, in respect of any claim for which no application had previously been made under this section must, before making the application, refer the claim to the Commissioner for the purposes of section 12(5).

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(4) Where the parent ceases to be in the care of the approved person or organisation, any part of the monthly allowance, other periodical payment or lump sum remaining, after deducting the reasonable costs and expenses of maintaining the parent, must be held in trust for the parent.

(5) For the purposes of this section, a parent is unable to maintain himself or herself if the parent's total or expected income and other financial resources are inadequate to provide the parent with basic amenities and basic physical needs including (but not limited to) shelter, food, medical costs and clothing.

[37/2010]

(6) Even though a person is below the minimum age specified in subsection (1), this Act applies to that person if the Tribunal is satisfied that the person is suffering from infirmity of mind or body which prevents the person from maintaining or makes it difficult for the person to maintain himself or herself or that there is any other special reason.

(7) The president or a deputy president of the Tribunal may dismiss any application made under this section, if he or she is of the opinion

that the application is frivolous or vexatious, or if the applicant has failed to comply with subsection (3) or section 3A or 3B, and give the reasons for the dismissal.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(8) An applicant who is aggrieved by any decision made under subsection (7) may, within 14 days of the decision, appeal in writing to the Tribunal.

[37/2010]

(9) The president or deputy president (as the case may be) who made the decision under subsection (7) that is under appeal must not participate in the proceedings or determination of the appeal.

[37/2010]

(10) The president or a deputy president of the Tribunal may dismiss an application under subsection (7), and the Tribunal may determine an appeal made under subsection (8), without informing or involving the respondent.

[Act 22 of 2023 wef 01/07/2024]

Claim under section 3(3) — declaration about record or purported record of abandonment, abuse or neglect of child

3A.—(1) When a claim is referred to the Commissioner under section 3(3) for the maintenance of a parent by any child of the parent, the claim must be accompanied by a declaration, in the form and manner that the Commissioner specifies, from the appropriate person mentioned in subsection (2) stating (to the best of the appropriate person's knowledge and belief) whether the parent has any record or purported record of abandonment, abuse or neglect of the child.

(2) For the purpose of subsection (1), the appropriate person is —

(a) for a claim referred (in respect of an application to be made under section 3(1)) by the parent — the parent;

(b) for a claim referred (in respect of an application to be made under section 3(1)) on behalf of the parent —

(i) where the claim is referred by any person mentioned in section 11(1) (other than the Director-General of Social Welfare or a protector) —

- (A) in the case where the parent is unable to refer the claim by reason of mental infirmity — the person who refers the claim on behalf of the parent; or
- (B) in any other case — the parent; or
- (ii) where the claim is referred by the Director-General of Social Welfare or a protector — the Director-General of Social Welfare or the protector, as the case may be; or
- (c) for a claim referred (in respect of an application to be made under section 3(2)) by an approved person or organisation mentioned in that provision — the approved person or organisation.

[Act 22 of 2023 wef 01/07/2024]

Record or purported record of abandonment, abuse or neglect of child — permission required for application under section 3

3B.—(1) Any person who intends to make an application under section 3 for the maintenance of a parent by a child of the parent (called in this section the intended application) must first obtain permission under this section to make the intended application if —

- (a) the declaration made under section 3A in respect of the parent states that the parent has a record or purported record of abandonment, abuse or neglect of the child;
- (b) the Commissioner notifies the person (or where the Commissioner is the person, the Commissioner ascertains) that the parent has a record or purported record of abandonment, abuse or neglect of the child; or
- (c) a conciliation officer discontinues under section 12A(2) any conciliation in respect of the child's maintenance of the parent.

(2) The application for permission must be made to the Tribunal and must be dealt with and disposed of under this section without informing or involving the child, except where —

- (a) the child was involved in any conciliation (for the maintenance of the parent) that is discontinued under section 12A(2); and
 - (b) the child informs the conciliation officer or the Commissioner that the child wishes, or is willing, to participate in the proceedings on the application for permission.
- (3) After the application for permission is made to the Tribunal, the president or a deputy president of the Tribunal may —
- (a) grant permission for the intended application to be made; or
 - (b) refer the application to the Tribunal for decision.
- (4) If the application is referred to the Tribunal under subsection (3)(b), the Tribunal may grant permission for the intended application to be made or refuse such permission.
- (5) The members of the Tribunal required to form a quorum under section 13(5) (for the hearing and determination of the application for permission) may include the president or deputy president of the Tribunal who referred the application to the Tribunal under subsection (3)(b).
- (6) Subject to subsection (2), section 14 applies to the Tribunal's hearing and determination of the application for permission.
- (7) Permission may be granted under this section for the intended application to be made if there is a good arguable case that —
- (a) the parent did not abandon, abuse or neglect the child; or
 - (b) the child should maintain the parent on just and equitable grounds.

[Act 22 of 2023 wef 01/07/2024]

Joinder of respondents

4. A respondent may serve notice in the prescribed form on other persons liable to maintain the respondent's parent, joining them as respondents in the action.

[Act 22 of 2023 wef 01/07/2024]

Maintenance orders

5.—(1) The Tribunal may make a maintenance order against a respondent in respect of the respondent's parent if it considers that it is just and equitable that the respondent should maintain the parent and that —

- (a) the respondent is able to provide maintenance to the parent after the respondent's own requirements and those of his or her spouse and his or her children have been supplied; and
- (b) the parent is unable, in spite of efforts on his or her part, to maintain himself or herself through work or from his or her property or from any other source.

[Act 22 of 2023 wef 01/07/2024]

(2) When ordering maintenance, the Tribunal must have regard to all the circumstances of the case including (but not limited to) the following matters:

- (a) the financial needs of the parent, taking into account reasonable expenses for housing and medical costs;
[Act 22 of 2023 wef 01/07/2024]
- (b) the income, earning capacity, property and other financial resources of the parent, and the manner in which the parent has spent his or her savings or dissipated his or her financial resources;
[Act 22 of 2023 wef 01/07/2024]
- (c) any physical or mental disability of the parent;
[Act 22 of 2023 wef 01/07/2024]
- (d) the income, earning capacity, property and other financial resources of the respondent;
- (e) the expenses incurred by the respondent in supporting his or her spouse or children;
- (f) the contributions and provisions, whether financial or otherwise, which the respondent has made for the maintenance of the parent.

[Act 22 of 2023 wef 01/07/2024]

[Act 22 of 2023 wef 01/07/2024]

(3) Without prejudice to the Tribunal's powers under the Act, the president or a deputy president of the Tribunal may, with the consent of the applicant and the respondent, make a maintenance order reflecting the terms of any agreement reached between the parties in respect of a claim, and the order is deemed to be a maintenance order made by the Tribunal under this Act and enforceable in accordance with its terms.

[37/2010]

(4) If the Tribunal is satisfied upon due proof that the parent abandoned, abused or neglected the respondent, it may dismiss the application or may reduce the quantum of maintenance ordered by an amount determined by the Tribunal to be just.

[Act 22 of 2023 wef 01/07/2024]

(5) The onus of proving abandonment, abuse or neglect is on the respondent alleging it.

(6) Where there is more than one respondent, the Tribunal may apportion the maintenance among the various respondents in a manner determined by the Tribunal to be just.

(7) The Tribunal must, before hearing an application under this section, refer the differences between the parties to a mediator for mediation between the parties.

[Act 22 of 2023 wef 01/07/2024]

Power of Tribunal to order security for maintenance, give directions, etc.

6.—(1) A maintenance order made against a respondent in respect of the respondent's parent may provide for the payment of a lump sum, or a monthly allowance or periodical payment for a period determined by the Tribunal.

[Act 22 of 2023 wef 01/07/2024]

(2) The Tribunal may, in its discretion, when awarding maintenance, order the respondent to secure the whole or any part of the maintenance by vesting any property in trustees upon trust to pay the whole or any part of the maintenance out of the income from that property.

(3) The Tribunal may, in awarding maintenance, order the applicant to —

- (a) deposit with a bank a minimum sum determined by the Tribunal; or
- (b) purchase an annuity with an insurer with the minimum sum.

(4) The Tribunal may, in awarding maintenance, give directions as to the manner or method of payment.

(5) The Tribunal may, in awarding maintenance, also give directions for all or any of the purposes specified in subsection (6), if the Tribunal is of the opinion that this would —

- (a) reduce the need for the respondent to apply for a variation or rescission of the maintenance order; or
- (b) otherwise promote the respondent's compliance with the maintenance order.

[Act 22 of 2023 wef 01/07/2024]

(6) The purposes mentioned in subsection (5) are —

- (a) the exercise of financial responsibility by the parent or the respondent;
- (b) the management or resolution of conflicts (whether actual or potential) between —
 - (i) the parent (or the applicant) and the respondent; or
 - (ii) where there is more than one respondent — the respondents; and
- (c) any other purpose that may be prescribed.

[Act 22 of 2023 wef 01/07/2024]

(7) The management or resolution of conflicts mentioned in subsection (6)(b) includes, without limiting that provision, matters relating to —

- (a) the respondent's access to the parent; and
- (b) the shielding of the respondent (or any of the respondent's immediate family members) from any act by the parent (or the applicant), or another respondent, that may cause or is likely to cause the firstmentioned respondent (or his or her

immediate family member) physical injury or suffering or emotional harm.

[Act 22 of 2023 wef 01/07/2024]

(8) The Tribunal may, in awarding maintenance, order that the payment of the maintenance (or any part of the maintenance) is subject to compliance by the parent (or the applicant) with any direction given by the Tribunal under subsection (5), and may make any other order necessary for, or incidental to, the proper carrying into effect of the firstmentioned order.

[Act 22 of 2023 wef 01/07/2024]

(9) Where the applicant is the parent, a reference to the applicant in subsection (6)(b)(i), (7)(b) or (8) includes a reference to a related person.

[Act 22 of 2023 wef 01/07/2024]

(10) In this section —

“immediate family member”, for a respondent, means —

- (a) the respondent’s spouse, child or parent (including a step-parent); or
- (b) any other family member of the respondent who resides with the respondent;

“related person”, for an applicant, means —

- (a) a person mentioned in section 11 who made the application for maintenance on behalf of the applicant; or
- (b) a person in whose care the applicant resides.

[Act 22 of 2023 wef 01/07/2024]

[Act 22 of 2023 wef 01/07/2024]

Duration of maintenance orders

7.—(1) Except where a maintenance order is expressed to be for any shorter period or where a maintenance order has been rescinded, a maintenance order made against a respondent in respect of the respondent’s parent expires —

(a) if the maintenance was unsecured — on the death of the parent or the respondent, whichever is the earlier; or

[Act 22 of 2023 wef 01/07/2024]

(b) if the maintenance was secured — on the death of the parent.

[Act 22 of 2023 wef 01/07/2024]

[Act 22 of 2023 wef 01/07/2024]

(2) Where a maintenance order was made against more than one respondent, the death of a respondent does not affect the liability of the others to continue paying maintenance to the applicant.

(3) The applicant may apply to the Tribunal to re-apportion the liability among the surviving respondents on the death of a respondent.

Variation or rescission of maintenance orders, directions, etc.

8.—(1) The Tribunal may vary or rescind any subsisting maintenance order (whether secured or unsecured), in respect of a parent, or any direction given under section 6(5) or order made under section 6(8) —

(a) where it is satisfied that the order or direction (as the case may be) was based on any misrepresentation or mistake of fact;

[Act 22 of 2023 wef 01/07/2024]

(aa) without limiting paragraph (a), where the parent has a record or purported record of abandonment, abuse or neglect of the respondent but this was not considered by or made available to the Tribunal at the time of making of the maintenance order;

[Act 22 of 2023 wef 01/07/2024]

(b) where there has been any material change in the circumstances of the parent or respondents;

[Act 22 of 2023 wef 01/07/2024]

(c) where another person is joined as a respondent; or

(d) for other good cause shown to the satisfaction of the Tribunal.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(2) An application for variation or rescission of a maintenance order, a direction given under section 6(5) or an order made under section 6(8), may be made by —

(a) the applicant;

(b) a respondent;

(c) the Commissioner; or

[Act 22 of 2023 wef 01/07/2024]

(d) [Deleted by Act 22 of 2023 wef 01/07/2024]

(e) in respect of secured maintenance, the legal personal representatives of a respondent.

[Act 22 of 2023 wef 01/07/2024]

(3) Where a maintenance order was made against more than one respondent or another respondent is joined, the Tribunal may re-apportion the maintenance in a manner that it considers just upon an application to vary the maintenance order.

(4) The Tribunal may, before hearing an application under this section and where it considers it necessary or desirable to do so, refer the differences between the parties to a mediator for mediation.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(5) The president or a deputy president of the Tribunal may dismiss any application made under subsection (2) if he or she is of the opinion that the application is frivolous or vexatious, and give the reasons for the dismissal.

[Act 22 of 2023 wef 01/07/2024]

(6) Any person who is aggrieved by a decision made under subsection (5) may, within 14 days after the decision, appeal in writing to the Tribunal.

[Act 22 of 2023 wef 01/07/2024]

(7) The president or deputy president of the Tribunal (as the case may be) who made the decision under subsection (5) that is under

appeal must not participate in the proceedings or determination of the appeal.

[Act 22 of 2023 wef 01/07/2024]

(8) The president or a deputy president of the Tribunal may dismiss an application under subsection (5), and the Tribunal may determine an appeal made under subsection (6), without informing or involving the respondent.

[Act 22 of 2023 wef 01/07/2024]

(9) To avoid doubt, a reference to a maintenance order in this section includes a reference to a maintenance order made under section 5(3) with the consent of the applicant and respondent.

[Act 22 of 2023 wef 01/07/2024]

[Act 22 of 2023 wef 01/07/2024]

Maintenance payable under order of Tribunal to be inalienable

9. Maintenance payable to any person under this Act is not assignable or transferable or liable to be attached, sequestered or levied upon for, or in respect of, any debt or claim.

Enforcement of maintenance orders

10.—(1) Maintenance orders made under this Act are deemed to be orders made by a Family Court and may be enforced in the same manner as maintenance orders for wives and children are enforced under the Women’s Charter 1961, and the provisions of that Act apply, with the necessary modifications, to the enforcement of orders made under this Act.

[27/2014]

(2) For the purposes of subsection (1), the Family Court may adopt any measures that it deems relevant or appropriate for the enforcement of maintenance orders made under this Act.

[37/2010; 27/2014]

Applications on behalf of incapacitated parents

11.—(1) Where a parent is unable to make an application under this Act (whether by reason of physical or mental infirmity or for any other reason), the application may be made on the parent’s behalf by —

- (a) any family member of the parent;
[Act 22 of 2023 wef 01/07/2024]
- (b) any person in whose care the parent resides; or
[Act 22 of 2023 wef 01/07/2024]
- (c) any other person whom the parent has authorised to make the application.
[27/2018]
[Act 22 of 2023 wef 01/07/2024]
[Act 22 of 2023 wef 01/07/2024]

(2) Without affecting subsection (1), if the parent is a vulnerable adult in respect of whom —

- (a) there is an order made by a court under section 14 or 15 of the Vulnerable Adults Act 2018; or
- (b) the Director-General of Social Welfare or a protector has exercised any power under Division 1 or 2 of Part 2 of that Act,

the application may be made on the parent's behalf by the Director-General of Social Welfare or a protector.

[27/2018; 30/2019]

[Act 22 of 2023 wef 01/07/2024]

(3) *[Deleted by Act 22 of 2023 wef 01/07/2024]*

Appointment of and applications by Commissioner for the Maintenance of Parents

12.—(1) The Minister may appoint —

- (a) a Commissioner for the Maintenance of Parents; and
- (b) any number of Deputy Commissioners and Assistant Commissioners for the Maintenance of Parents that the Minister may consider necessary,

on the terms and conditions determined by the Minister.

(2) The Commissioner may make an application under this Act on behalf of a parent of or above 60 years of age (whether or not the parent is able to do so) or represent the parent in any proceedings or appeal under this Act.

[Act 22 of 2023 wef 01/07/2024]

(3) [*Deleted by Act 22 of 2023 wef 01/07/2024*]

(4) Even though a parent is below the minimum age specified in subsection (2), the Commissioner may make an application on the parent's behalf or represent the parent if the Commissioner is satisfied that the parent is suffering from infirmity of mind or body which prevents the parent from maintaining or makes it difficult for the parent to maintain himself or herself or if there is any other special reason.

[Act 22 of 2023 wef 01/07/2024]

(5) Subject to section 12A, where a claim in respect of a parent is referred to the Commissioner under section 3(3), or before the Commissioner makes an application under section 3(1) on behalf of the parent, the Commissioner may do all or any of the following:

- (a) refer the parent to any relevant Government or other agency for assistance;
- (b) refer the differences between the parent (or, where the claim is referred by an approved person or organisation, the approved person or organisation) and the parent's children for conciliation;

[Act 22 of 2023 wef 01/07/2024]

- (c) take any other measure that the Commissioner thinks fit.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(6) If a claim has not been settled after referral to the relevant Government or other agency or for conciliation or any other measure taken under subsection (5), an application may be made to the Tribunal under section 3.

[37/2010]

(7) The Commissioner may, by written notice, require any person to appear at any reasonable time and at any convenient place for the purposes of conciliation under subsection (5)(b).

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(7A) If a person does not attend any session of conciliation for a claim as required under subsection (7), the Tribunal may (when

determining an application made under section 3 in respect of the claim) take that into account in deciding whether to —

- (a) give a direction under section 6(5); or
- (b) order costs under section 20(1)(a).

[Act 22 of 2023 wef 01/07/2024]

(8) The Commissioner may generally do all things incidental to or consequential upon the discharge of his or her functions or the exercise of his or her powers under this Act.

[37/2010]

Effect of record or purported record of abandonment, abuse or neglect of child on conciliation under section 12(5)(b)

12A.—(1) The Commissioner must not refer any matter (in respect of the maintenance of a parent by any child of the parent) for conciliation under section 12(5)(b) if —

- (a) the declaration made under section 3A in respect of the parent states that the parent has a record or purported record of abandonment, abuse or neglect of the child; or
- (b) the Commissioner ascertains that the parent has a record or purported record of abandonment, abuse or neglect of the child,

unless permission is granted under section 3B for an application to be made under section 3 against the child for the maintenance of the parent.

(2) A conciliation officer conducting any conciliation mentioned in section 12(5)(b) (in respect of the maintenance of a parent by any child of the parent) must discontinue the conciliation if the conciliation officer ascertains (whether from the child or otherwise) that the parent has a record or purported record of abandonment, abuse or neglect of the child.

(3) Subsection (2) does not apply if, before the conciliation mentioned in that subsection commences, permission is granted under section 3B for an application to be made under section 3 against the child for the maintenance of the parent.

(4) If permission is granted under section 3B for an application to be made under section 3 in a matter, the Commissioner may —

- (a) in the case mentioned in subsection (1) — refer the matter for conciliation under section 12(5)(b); or
- (b) in the case mentioned in subsection (2) —
 - (i) require the conciliation officer mentioned in that subsection to continue with conciliation; or
 - (ii) refer the matter for conciliation again under section 12(5)(b).

[Act 22 of 2023 wef 01/07/2024]

Conciliation for destitute person

12B.—(1) This section applies when a destitute person is brought to the attention of the Commissioner, but a claim for the maintenance of the destitute person is not referred to the Commissioner under section 3(3).

(2) The Commissioner may invite a child of the destitute person, the destitute person and any other relevant person for conciliation, and make the necessary arrangements for, or facilitate, the conciliation, for the purpose of an agreement being reached with the child as regards the maintenance of the destitute person if —

- (a) the Commissioner reasonably believes that the child is able to provide maintenance for the destitute person;
- (b) the Commissioner ascertains that the destitute person does not have any record or purported record of abandonment, abuse or neglect of the child; and
- (c) the destitute person —
 - (i) meets the criteria mentioned in section 3(1); or
 - (ii) is below 60 years of age but meets the other criteria mentioned in section 3(1) and the Commissioner is satisfied that —
 - (A) the destitute person is suffering from infirmity of mind or body which prevents the destitute person from maintaining, or makes it difficult

for the destitute person to maintain, himself or herself; or

(B) there exists any other special reason for the conciliation.

(3) If a person does not attend any session of conciliation mentioned in subsection (2) in respect of a destitute person, the Tribunal may (when determining an application made under section 3 in respect of the destitute person) take that into account in deciding whether to —

(a) give a direction under section 6(5); or

(b) order costs under section 20(1)(a).

[Act 22 of 2023 wef 01/07/2024]

Conduct of conciliation or mediation

12C.—(1) Every conciliation and every mediation under this Act must be conducted in private.

(2) Subject to subsection (3), no party to any conciliation or mediation conducted under this Act may be represented in the conciliation or mediation (as the case may be) by an advocate and solicitor of the Supreme Court.

(3) The Commissioner may, despite being an advocate and solicitor of the Supreme Court, represent a parent in any conciliation or mediation conducted under this Act.

[Act 22 of 2023 wef 01/07/2024]

Establishment of Tribunal for the Maintenance of Parents

13.—(1) For the purposes of this Act, there is established a Tribunal for the Maintenance of Parents consisting of a president, up to 4 deputy presidents, and such number of members (not being less than 2), as the Minister may think fit.

[37/2010]

(2) The president, every deputy president and every member of the Tribunal is to be appointed by the Minister and upon appointment the names of the president, every deputy president and every member of the Tribunal must be published in the *Gazette*.

[37/2010]

(3) The president and every deputy president of the Tribunal must possess the qualifications required for a District Judge under section 9(3) of the State Courts Act 1970 or be a District Judge appointed under section 9(1) of that Act.

[37/2010; 5/2014]

(4) A deputy president of the Tribunal has and may exercise and perform all the powers, duties and functions of the president of the Tribunal conferred by this Act, subject to any limitation imposed by the president.

[37/2010]

(5) Three members of the Tribunal, one of whom must be the president or a deputy president, form a quorum, and the opinion of the majority of the Tribunal present is decisive upon any matter, except that in the case of an equality the president or a deputy president is to decide which opinion prevails.

[37/2010]

(6) The president, every deputy president and every member of the Tribunal holds office for a period of 3 years or for a shorter period determined by the Minister and is eligible for re-appointment.

[37/2010]

(7) The president, a deputy president or a member of the Tribunal must vacate his or her office where —

(a) he or she resigns; or

(b) the Minister has revoked his or her appointment on the ground of his or her unfitness to continue in office or incapacity to perform the duties of the office.

[37/2010]

(8) Where a person ceases to be the president, a deputy president or a member of the Tribunal, the Minister must (as soon as is reasonably practicable) take steps to fill the vacancy, but the existence of any vacancy in the Tribunal does not invalidate the acts of the Tribunal.

[37/2010]

(9) If the president, a deputy president or any member of the Tribunal is for the time being unable to perform the duties of his or her office, either generally or in relation to any particular proceedings, the Minister may appoint another person to discharge the duties of the president, a deputy president or that member for any

period, not exceeding 6 months at one time, or (as the case may be) in relation to those proceedings; and a person so appointed has, during that period or in relation to those proceedings, the same powers as the person in whose place he or she is appointed.

[37/2010]

(10) The president, every deputy president and every member of the Tribunal is deemed to be a public servant within the meaning of the Penal Code 1871 and the proceedings of the Tribunal are deemed to be judicial proceedings.

[37/2010]

(11) The president, every deputy president and the members of the Tribunal are to be paid the salaries, fees and allowances determined by the Minister.

[37/2010]

(12) The Minister may appoint a Secretary to the Tribunal, mediators and any other officers and employees of the Tribunal that may be necessary.

[Act 22 of 2023 wef 01/07/2024]

(13) The exercise of the powers of the Tribunal is not affected by any vacancy in the membership of the Tribunal if a quorum is present at the commencement of the proceedings.

Tribunal to hear and determine applications

14.—(1) The Tribunal has jurisdiction to hear and determine in accordance with this Act all applications made under this Act.

(2) Sittings of the Tribunal are to be held at such places and times as determined by the president of the Tribunal.

(3) Any interested party may be represented before the Tribunal —

(a) by an agent acting without fee, gain, reward or any expectation thereof, in any case in which the Tribunal may at the party's request and for good reason permit;

(b) if the party is the parent (as applicant), by the Commissioner; or

[Act 22 of 2023 wef 01/07/2024]

(c) if the party is an approved person or organisation, by an employee or officer of the approved person or organisation.

(4) No party to any proceedings before the Tribunal may be represented by an advocate and solicitor of the Supreme Court except that the Commissioner may represent the applicant before the Tribunal although he or she may be an advocate and solicitor.

(5) Every summons and notice issued under the hand of the Secretary to the Tribunal to any person is deemed to be issued by the Tribunal and may be served on that person —

(a) by delivering the summons or notice to the person or to some adult member of his or her family at his or her last known place of residence;

(b) by leaving the summons or notice at his or her usual or last known place of residence or business in an envelope addressed to the person;

(c) by sending the summons or notice by registered post addressed to the person at his or her usual or last known place of residence or business; or

(d) where the person is a body of persons or a company —

(i) by delivering the summons or notice to the secretary or other like officer of the body of persons or company at its registered office or principal place of business; or

(ii) by sending the summons or notice by registered post addressed to the body of persons or company at its registered office or principal place of business.

(6) Any summons or notice sent by registered post to any person in accordance with subsection (5) is deemed to be duly served on the person to whom the letter is addressed at the time when the letter would in the ordinary course of post be delivered, and in proving service of the summons or notice, it is sufficient to prove that the envelope containing the summons or notice was properly addressed, stamped and posted by registered post.

(7) The Tribunal has the following powers:

(a) to dismiss a frivolous or vexatious application at a preliminary stage on the basis of affidavits or other documentary evidence, and without informing or involving the respondent;

[Act 22 of 2023 wef 01/07/2024]

(b) to summon any person to appear before a mediator for the purpose of mediation;

[Act 22 of 2023 wef 01/07/2024]

(c) to summon any person whom it considers able to give evidence to attend at the hearing of an application;

(d) to examine such person as a witness either on oath or otherwise, and to require the person to produce any records, documents or articles that the Tribunal thinks necessary for the purposes of the proceedings;

(e) to allow any person attending the proceedings to be paid any reasonable expenses necessarily incurred by the person in so attending by a party determined by the Tribunal;

(f) to make an order by consent of the parties;

(g) all the powers of a Family Court with regard to the enforcement of attendance of witnesses and hearing evidence on oath.

[37/2010; 27/2014]

(8) Every person examined as a witness by or before the Tribunal, whether on oath or otherwise, is legally bound to state the truth and to produce the records, documents or articles that the Tribunal may require.

(9) The Tribunal is not bound by the strict rules of evidence and may determine the conduct of its proceedings.

[Act 22 of 2023 wef 01/07/2024]

Information required by Tribunal or Commissioner

14A.—(1) Subject to subsection (1A), the Tribunal or the Commissioner may, in discharging their respective functions under this Act, obtain any information, record, document or article from a prescribed officer, as the Tribunal or the Commissioner (as the case

may be) may consider necessary or desirable for the purposes set out in subsection (2).

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(1A) Where any court order or written law prohibits the publication of any information (or the doing of any other act) that is likely to lead to the identification of a person —

- (a) the Tribunal or the Commissioner may, despite that court order or written law, obtain from a prescribed officer under subsection (1) any information, record, document or article that identifies (or is likely to lead to the identification of) that person, but only for the purpose mentioned in subsection (2)(aa); and
- (b) the prescribed officer, in providing that information, record, document or article to the Tribunal or the Commissioner (as the case may be), does not contravene that court order or written law if that information, record, document or article is provided only for that purpose.

[Act 22 of 2023 wef 01/07/2024]

(2) Subject to subsection (1A), any information, record, document or article obtained under subsection (1) may be used by the Tribunal or the Commissioner (as the case may be) for any of the following purposes:

- (a) identifying and locating the children of the parent;
- (aa) ascertaining whether the parent has any record or purported record of abandonment, abuse or neglect of a child of the parent;

[Act 22 of 2023 wef 01/07/2024]

- (b) assessing the veracity of or supplementing the information provided by the parent, applicant, respondent or children of the parent;
- (c) assessing the ability of the parent to maintain himself or herself, and each of the children of the parent to maintain the parent, including but not limited to their respective

incomes, earning capacity, property and other financial resources, expenses and liabilities.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(3) Each member of the Tribunal and the Commissioner must, in respect of any information, record, document or article obtained under subsection (1) and which has been disclosed to him or her —

- (a) take reasonable steps to ensure that the information, record, document or article is kept confidential to the Tribunal or the Commissioner, as the case may be;
- (b) not use the information, record, document or article except —
 - (i) in the case where subsection (1A) applies — for the purpose mentioned in subsection (2)(aa); or
 - (ii) in any other case — for a purpose mentioned in subsection (2);

[Act 22 of 2023 wef 01/07/2024]

- (c) subject to subsection (4), disclose the information, record, document or article only —
 - (i) as between the Commissioner and the Tribunal and any officer of the Tribunal, or any person acting for or under the direction of the Tribunal, for the purposes stated in subsection (2);
 - (ia) where permission is required under this Act for the filing of an application under section 3 in respect of the parent to whom the information, record, document or article relates —
 - (A) to the parent, or any person mentioned in section 11 who intends to make the application on the parent's behalf; or
 - (B) to an approved person or organisation mentioned in section 3(2) who intends to make the application;

[Act 22 of 2023 wef 01/07/2024]

- (ii) with the written permission of the prescribed officer who provided the information, record, document or article, or the public authority that the prescribed officer is a public officer of at the time the information, record, document or article is provided, to the Tribunal or the Commissioner, as the case may be;

[Act 22 of 2023 wef 01/07/2024]

- (iii) when required to do so by any court or under any written law; or
- (iv) for the purposes of any criminal proceedings or for any other purpose the disclosure of which is required or authorised by or under any written law.

[37/2010]

[Act 22 of 2023 wef 01/07/2024]

(4) Subject to subsection (5), a member of the Tribunal or the Commissioner must not disclose any information, record, document or article mentioned in subsection (1A), or any part of it, except —

(a) only to —

- (i) a person mentioned in subsection (3)(c)(i);
- (ii) where permission is required under this Act for the filing of an application under section 3 in respect of a parent to whom that information, record, document or article relates —
 - (A) the parent, or any person mentioned in section 11 who intends to make the application on the parent’s behalf; or
 - (B) an approved person or organisation mentioned in section 3(2) who intends to make the application; or
- (iii) where required by a court mentioned in section 16, 17 or 18 — that court; and

- (b) only to the extent necessary to show that a parent has a record or purported record of abandonment, abuse or neglect of a child of the parent and the date of the record.

[Act 22 of 2023 wef 01/07/2024]

(5) Before disclosing any information, record, document or article, or any part of it, to a person (called in this subsection the recipient) under subsection (4), the member of the Tribunal or the Commissioner (as the case may be) must inform the recipient —

- (a) that the information, record, document or article is subject to a court order or written law (as the case may be) that prohibits the publication of any information (or the doing of any other act) that is likely to lead to the identification of a person mentioned in that court order or written law; and
- (b) where the recipient is a person mentioned in subsection (4)(a)(i) or (ii) — that the recipient must not disclose the information, record, document or article, or any part of it, or do any other act, in contravention of that court order or written law.

[Act 22 of 2023 wef 01/07/2024]

(6) Any member of the Tribunal or the Commissioner who discloses any information, record, document or article mentioned in subsection (1A), or any part of it, does not contravene the court order or written law mentioned in subsection (1A) if the disclosure is made in accordance with subsection (4).

[Act 22 of 2023 wef 01/07/2024]

(7) In this section —

“prescribed officer” means —

- (a) any officer of a public authority; or
- (b) any person performing or discharging a public function under a public Act, who is specified by the Minister, by notification in the *Gazette*, to be a prescribed officer;

“public authority” means any of the following that is specified by the Minister, by notification in the *Gazette*, to be a public authority:

- (a) a ministry or department of the Government;
- (b) an organ of State;
- (c) a body that is established or constituted by or under a public Act to perform or discharge a public function.

[Act 22 of 2023 wef 01/07/2024]

Contempt of Tribunal

15.—(1) Any person who —

- (a) assaults, wilfully insults or obstructs the president, a deputy president, a member or an officer of the Tribunal or any witness during a sitting of the Tribunal or while the president, deputy president, member, officer or witness is on his or her way to or from the sitting;
- (b) assaults or wilfully insults or obstructs any person in attendance at a sitting of the Tribunal;
- (c) wilfully interrupts or otherwise misbehaves at a sitting of the Tribunal; or
- (d) without lawful excuse disobeys any order or direction of the Tribunal during a sitting of the Tribunal,

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months.

[37/2010]

(2) A Tribunal may by oral order exclude from a sitting of the Tribunal any person whose behaviour in the opinion of the president constitutes an offence under subsection (1) whether or not the person is charged with the offence, and the member or officer under the president's control or any police officer may take any step that is reasonably necessary to enforce the exclusion.

Power of Tribunal to state special case for decision of General Division of High Court

16.—(1) The Tribunal may, at any stage of any application or proceeding before it, reserve for the consideration of the General Division of the High Court any question of law arising in the

application or proceeding in the form of a special case which must be —

- (a) drawn up by the president and must set out briefly the facts on which the law is to be applied and the question or questions of law to be determined;
- (b) sent by the president to the registrar of the Family Justice Courts; and
- (c) set down for argument in the manner directed by the General Division of the High Court.

[27/2014; 40/2019]

(2) The General Division of the High Court is to hear and determine the question or questions of law arising on the special case and then remit the matter to the president with the opinion of the General Division of the High Court thereon and that opinion is binding on the Tribunal.

[40/2019]

(3) Nothing in this section is to be construed as preventing the Tribunal from determining any question of law arising in the application or proceeding before it.

General Division of High Court may call for proceedings of Tribunal

17.—(1) The General Division of the High Court, either on its own motion or on the application within 14 days of any party aggrieved by a decision of the Tribunal on the ground that it is wrong in law, may call for the proceedings and the grounds of the award and give any order thereon, either by directing a fresh hearing or otherwise, as seems necessary to secure that substantial justice is done.

[40/2019]

(2) The powers of revision conferred upon the General Division of the High Court in this section do not extend to a decision of the Tribunal as to the quantum of maintenance awarded or apportioned under this Act.

[40/2019]

Appeals to General Division of High Court

18.—(1) Except as provided in this section and sections 16 and 17, the decision of the Tribunal is final.

(2) The applicant, the Commissioner on behalf of the parent (as applicant), a respondent or any other affected party may appeal to the General Division of the High Court from the decision of the Tribunal upon any question of law or of mixed law and fact except in any case where the Tribunal has made the order with the consent of the parties, including a maintenance order made by the president or deputy president and deemed to be a maintenance order made by the Tribunal under section 5(3), unless it is alleged that the consent was obtained by means of fraud, duress, threat or misrepresentation.

[37/2010; 40/2019]

[Act 22 of 2023 wef 01/07/2024]

(3) Subject to subsection (3A), the procedure governing any appeal to the General Division of the High Court is as provided for in the Family Justice Rules.

[2/2012; 27/2014; 40/2019]

[Act 22 of 2023 wef 01/07/2024]

(3A) Where the decision of the Tribunal being appealed against under subsection (2) is the Tribunal's refusal of permission under section 3B(4) to make an application under section 3 against a child —

(a) service of the appeal documents on the child is dispensed with; and

(b) the appeal is to be heard and determined without informing or involving the child,

unless the General Division of the High Court directs otherwise.

[Act 22 of 2023 wef 01/07/2024]

(4) The General Division of the High Court has jurisdiction to hear and determine any appeal and may confirm, vary or annul the decision of the Tribunal on appeal and make such further or other order on such appeal, whether as to costs or otherwise, as the General Division of the High Court may consider fit.

[40/2019]

(5) An appeal against the decision of the General Division of the High Court on an appeal under subsection (2) may only be brought with the permission of the General Division of the High Court, and permission must not be granted unless —

- (a) a question of law of public interest has arisen in the appeal under subsection (2); and
- (b) the determination of the question by the General Division of the High Court has affected the outcome of the appeal under subsection (2).

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

Proceedings in private

19.—(1) Subject to subsections (2) and (3), all proceedings under this Act are to be heard in private.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

(2) In any proceeding under this Act, the Tribunal or court hearing the proceeding may direct that the proceeding be heard in public despite any objections from any other party to the proceeding.

[40/2019]

(3) The Tribunal or court may, if it considers that any proceeding heard in private by it ought to be reported, publish or authorise the publication of the facts, arguments and decision in the proceedings without disclosing the identities of the party concerned.

[40/2019]

[Act 25 of 2021 wef 01/04/2022]

Costs

20.—(1) Subject to subsection (2), the costs of —

- (a) an application under this Act are in the discretion of the Tribunal;
- (b) an appeal are in the discretion of the court hearing the appeal;
- (c) any proceedings in the General Division of the High Court on a case stated are in the discretion of the General

Division of the High Court and may be dealt with by the order of the General Division of the High Court.

[40/2019]

(2) In all proceedings under this Act including a case stated and an appeal from the decision of the Tribunal or the General Division of the High Court (as the case may be) —

- (a) the remuneration a solicitor is entitled to receive in respect of such proceedings must not exceed the maximum amount prescribed in rules made under section 21 and any agreement for costs which exceeds the maximum amount so prescribed is void;
- (b) the costs of the Commissioner are at the discretion of the Tribunal or the court (as the case may be) but the Commissioner must not be ordered to pay the costs of any of the other parties; and
- (c) no member of the Tribunal shall be personally liable to any costs in respect of a case stated or an appeal from the decision of the Tribunal.

[40/2019]

Protection from personal liability

20A. No liability shall lie personally against the president, a deputy president or a member of the Tribunal, or the Commissioner, a mediator or a conciliation officer, for anything which is done or purported to be done, or omitted to be done, in good faith and with reasonable care in the discharge or purported discharge of his or her functions or duties under this Act.

[Act 22 of 2023 wef 01/07/2024]

Rules

21.—(1) The Minister may make rules generally for carrying out the provisions of this Act and for prescribing anything which may be prescribed under this Act.

(2) Without limiting subsection (1), such rules may make provisions for —

- (a) regulating and prescribing the procedure for applications, appeals to the Tribunal and the conduct of proceedings under this Act;

[Act 22 of 2023 wef 01/07/2024]
- (b) regulating the means by which particular facts may be proved, and the mode in which evidence thereof may be given including but not limited to affidavits;
- (c) the manner in which frivolous or vexatious applications may be dismissed at a preliminary stage on the basis of the affidavits and other documentary evidence;

[Act 22 of 2023 wef 01/07/2024]
- (d) the discovery of documents and other evidence and public records;
- (e) the manner and method of payment of maintenance awarded under this Act; and
- (f) the costs of any proceedings under this Act.

LEGISLATIVE HISTORY
MAINTENANCE OF PARENTS
ACT 1995

This Legislative History is a service provided by the Law Revision Commission on a best-efforts basis. It is not part of the Act.

1. Act 35 of 1995 — Maintenance of Parents Act 1995

Date of First Reading	:	23 May 1994 (Bill No. 13/94 published on 24 May 1994)
Dates of Second Reading	:	25 July 1994 to 27 July 1994
Referred to Select Committee	:	Parl 2 of 1995 presented to Parliament on 20 October 1995
Date of Third Reading	:	2 November 1995
Date of commencement	:	24 November 1995 (Publication date) 1 June 1996

2. 1996 Revised Edition — Maintenance of Parents Act

Date of operation	:	30 April 1996
-------------------	---	---------------

3. Act 37 of 2010 — Maintenance of Parents (Amendment) Act 2010

Date of First Reading	:	18 October 2010 (Bill No. 32/2010) published on 18 October 2010
Date of Second and Third Readings	:	23 November 2010
Date of commencement	:	15 March 2011

4. Act 2 of 2012 — Statutes (Miscellaneous Amendments) Act 2012

Date of First Reading	:	21 November 2011 (Bill No. 22/2011 published on 22 November 2011)
Date of Second and Third Readings	:	18 January 2012
Date of commencement	:	1 March 2012 (except sections 26 and 29)

5. Act 5 of 2014 — Subordinate Courts (Amendment) Act 2014

Date of First Reading : 11 November 2013
(Bill No. 26/2013 published on
11 November 2013)

Date of Second and Third
Readings : 21 January 2014

Date of commencement : 7 March 2014

6. Act 27 of 2014 — Family Justice Act 2014

Date of First Reading : 8 July 2014
(Bill No. 21/2014 published on 8 July
2014)

Date of Second and Third
Readings : 4 August 2014

Date of commencement : 1 October 2014
1 January 2015

7. Act 27 of 2018 — Vulnerable Adults Act 2018

Date of First Reading : 20 March 2018
(Bill No. 20/2018 published on
20 March 2018)

Date of Second and Third
Readings : 18 May 2018

Date of commencement : 19 December 2018

8. Act 30 of 2019 — Children and Young Persons (Amendment) Act 2019

Date of First Reading : 5 August 2019
(Bill No. 22/2019 published on
5 August 2019)

Date of Second and Third
Readings : 4 September 2019

Date of commencement : 1 July 2020

9. Act 40 of 2019 — Supreme Court of Judicature (Amendment) Act 2019

Date of First Reading : 7 October 2019
(Bill No. 32/2019)

Date of Second and Third
Readings : 5 November 2019

Date of commencement : 2 January 2021

10. 2020 Revised Edition — Maintenance of Parents Act 1995

Operation : 31 December 2021

11. Act 25 of 2021 — Courts (Civil and Criminal Justice) Reform Act 2021
(Amendments made by section 153 of the above Act)

Bill : 18/2021

First Reading : 26 July 2021

Second and Third Readings : 14 September 2021

Commencement : 1 April 2022

12. Act 22 of 2023 — Maintenance of Parents (Amendment) Act 2023
(Amendments made by the above Act)

Bill : 20/2023

First Reading : 9 May 2023

Second and Third Readings : 4 July 2023

Commencement : 1 July 2024

Abbreviations

(updated on 29 August 2022)

G.N.	Gazette Notification
G.N. Sp.	Gazette Notification (Special Supplement)
L.A.	Legislative Assembly
L.N.	Legal Notification (Federal/Malaysian)
M.	Malaya/Malaysia (including Federated Malay States, Malayan Union, Federation of Malaya and Federation of Malaysia)
Parl.	Parliament
S	Subsidiary Legislation
S.I.	Statutory Instrument (United Kingdom)
S (N.S.)	Subsidiary Legislation (New Series)
S.S.G.G.	Straits Settlements Government Gazette
S.S.G.G. (E)	Straits Settlements Government Gazette (Extraordinary)

COMPARATIVE TABLE
MAINTENANCE OF PARENTS
ACT 1995

This Act has undergone renumbering in the 2020 Revised Edition. This Comparative Table is provided to help readers locate the corresponding provisions in the last Revised Edition.

2020 Ed.	1996 Ed.
3—(3)	3—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
5—(3)	5—(2A)
(4)	(3)
(5)	(4)
(6)	(5)
(7)	(6)
13—(4)	13—(3A)
(5)	(4)
(6)	(5)
(7)	(6)
(8)	(7)
(9)	(8)
(10)	(9)
(11)	(10)
(12)	(11)
(13)	(12)