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No. S 523

FAMILY JUSTICE ACT 2014 (ACT 27 OF 2014)

FAMILY JUSTICE (AMENDMENT NO. 2) RULES 2020

In exercise of the powers conferred by section 46 of the Family Justice Act 2014 and all other powers enabling us under any written law, we, the Family Justice Rules Committee, make the following Rules:

Citation and commencement

1. These Rules are the Family Justice (Amendment No. 2) Rules 2020 and come into operation on 1 July 2020.

Amendment of rule 20

2. Rule 20(2) of the Family Justice Rules 2014 (G.N. No. S 813/2014) (called in these Rules the principal Rules) is amended by deleting the full-stop at the end of sub-paragraph (d) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraph:

“(e) an application to a Youth Court under section 49, 49B, 49C (read with section 49B) or 50 of the Children and Young Persons Act (Cap. 38).”.

New Division 1A of Part 4

3. The principal Rules are amended by inserting, immediately after rule 34, the following Division:

“Division 1A — Parenting coordination programme

Definitions

34A. In this Division —

“child” means a person who is below 21 years of age;

“parenting coordination programme” means a family support programme for the purpose of addressing or resolving any disagreement about any parenting matter between spouses or former spouses, arising from any relationship issue or relationship problem between spouses or former spouses, or between a parent and a child;

“parenting coordinator” means a person appointed by the Court under rule 34C(1);

“parenting matter” means any matter relating to —

- (a) the custody, or care and control, of a child;
- (b) the right of access to a child; or
- (c) the welfare of a child;

“proceedings” means any of the proceedings mentioned in rule 34B.

Application of Division

34B. This Division applies in relation to the following proceedings:

- (a) any proceedings in connection with an application under section 5 of the Guardianship of Infants Act (Cap. 122);
- (b) any matrimonial proceedings for which an order is sought from the Court under section 124, 128 or 129 of the Women’s Charter (Cap. 353).

Participation in parenting coordination programme

34C.—(1) For the purposes of section 26(9) of the Act, the Court may, on its own motion or on the application of any

person, order the parties to any proceedings to participate in a parenting coordination programme to be carried out by a parenting coordinator appointed by the Court.

(2) An application by a party under paragraph (1) must be made by summons and supported by an affidavit.

(3) The summons and supporting affidavit must be served on every party to the proceedings.

(4) In deciding whether to make an order under paragraph (1), the Court is to consider —

- (a) whether the participation by the parties in the parenting coordination programme is in the best interests of a child;
- (b) whether the parties will benefit from the assistance of a parenting coordinator; and
- (c) whether the fees of a parenting coordinator are within the financial means of either or both parties to the proceedings.

(5) A parenting coordinator must act in what he believes to be the best interests of a child.

(6) The Court may, when making an order under paragraph (1), make any other order as it considers necessary for the parenting coordination programme to be carried out, including orders concerning the following:

- (a) the term of appointment of the parenting coordinator and the terms of reference of his appointment;
- (b) the period during which the parties are required to participate in the parenting coordination programme;
- (c) the frequency of the sessions of the parenting coordination programme to be conducted;
- (d) the remuneration of the parenting coordinator;
- (e) the proportion of the remuneration of the parenting coordinator to be paid by each party.

Application by parties for record of consent order

34D.—(1) This rule applies where the parties to any proceedings have, pursuant to participation in a parenting coordination programme, agreed to the resolution of any issue relating to a parenting matter.

(2) The parties mentioned in paragraph (1) may make an application for the Court to record a consent order in the terms of the resolution agreed by the parties.

(3) An application under paragraph (2) must be made by summons and supported by an affidavit.

Power of Court to make subsequent order, etc.

34E.—(1) Despite the conclusion of any hearing during which any order was made under rule 34C, the Court may —

- (a) on its own motion; or
- (b) at the request of any party to the proceedings, or a parenting coordinator,

do anything mentioned in paragraph (2) to modify how the parenting coordination programme is to be carried out.

(2) The Court may —

- (a) make any order to modify the terms of the parenting coordination programme;
- (b) give any direction with respect to how the parenting coordination programme is to be carried out; or
- (c) direct that any party or the parenting coordinator, or all the parties and the parenting coordinator, attend a hearing before the Court during which the Court may make an order or give a direction mentioned in sub-paragraph (a) or (b).

(3) Without limiting paragraph (2), an order or a direction under that paragraph may extend the period of the parenting coordination programme or change the frequency of the sessions of the parenting coordination programme.

Termination of parenting coordination programme

34F.—(1) A parenting coordination programme ends after the period specified by the Court in any order or direction under this Division, unless the Court orders otherwise under paragraph (2).

(2) The Court may, on application by any party to any proceedings, or a parenting coordinator, order the termination of the parenting coordination programme if the Court considers that there is good cause to do so.

Report of parenting coordinator

34G.—(1) The Court may, not later than 12 months after the termination of a parenting coordination programme, require a report from the parenting coordinator for that programme on any parenting matter that was addressed or resolved during that programme.

(2) The Court may have regard to the report in considering any question relating to any parenting matter, in any proceedings concerning the same parties who participated in the parenting coordination programme.”.

Amendment of rule 131A

4. Rule 131A of the principal Rules is amended —

- (a) by deleting the word “or” at the end of paragraph (1)(e);
- (b) by deleting the full-stop at the end of sub-paragraph (f) of paragraph (1) and substituting a semi-colon, and by inserting immediately thereafter the following sub-paragraphs:
 - “(g) by addressing it to that person, and transmitting it to an electronic mail address specified by that person in accordance with paragraph (4); or
 - (h) by addressing it to that person, and transmitting it to an electronic address, represented by a mobile telephone number, in a messaging system specified by that

person in accordance with paragraph (5).”;
and

(c) by inserting, immediately after paragraph (3), the following paragraphs:

“(4) A summons may be served on a person in a manner specified in paragraph (1)(g) only if both of the following conditions are satisfied:

- (a) that person gives prior written consent for the summons to be served in that manner;
- (b) that person specifies, in that written consent, the electronic mail address to which the summons is to be transmitted.

(5) A summons may be served on a person in a manner specified in paragraph (1)(h) only if both of the following conditions are satisfied:

- (a) that person gives prior written consent for the summons to be served in that manner;
- (b) that person specifies, in that written consent, the electronic address, represented by a mobile telephone number, in a messaging system, to which the summons is to be transmitted.

(6) A summons served on a person in a manner specified in paragraph (1)(g) is to be treated as duly served on that person at the time when the electronic mail containing the summons becomes capable of being retrieved by that person at the electronic mail address referred to in paragraph (1)(g).

(7) A summons served on a person in a manner specified in paragraph (1)(h) is to be treated as duly served on that person at the time when the electronic message containing the summons becomes capable of being retrieved by that person at the electronic address referred to in paragraph (1)(h).

(8) For the purposes of paragraphs (6) and (7), an electronic mail or message containing a summons is presumed to be capable of being retrieved by a person when it reaches the electronic mail address referred to in paragraph (1)(g) or the electronic address referred to in paragraph (1)(h), respectively, unless it is shown to be not capable of being retrieved.

(9) In this rule, “messaging system” means an information system that enables the transmission, through the Internet or a mobile telephone network, of messages (in whatever form).”

Amendment of rule 148

5. Rule 148 of the principal Rules is amended —

(a) by inserting, immediately after the definition of “Act” in paragraph (1), the following definition:

““Code” means the Criminal Procedure Code (Cap. 68);”;

(b) by deleting paragraph (3) and substituting the following paragraph:

“(3) This Part, Parts 1 and 2 and Division 2 of Part 19 apply, with the necessary modifications, to proceedings under sections 49, 49A, 49B, 49C (read with section 49B), 49D, 50 and 51.”; and

(c) by deleting the words “Subject to paragraph (3)” in paragraph (4) and substituting the words “Unless otherwise provided by these Rules”.

New rules 148A, 148B, 148C and 148D

6. The principal Rules are amended by inserting, immediately after rule 148, the following rules:

“Relevant provisions of Code and other written law

148A.—(1) For the purposes of section 48B(1)(b)(ii), an application to the Court under section 49(1), 49B(1), 49C(1) (read with section 49B) or 50(1) is to be dealt with —

- (a) in accordance with the provisions of the Code set out in the Sixth Schedule (other than sections 153, 154, 156, 238(2) and (4), 283, 298(1), (2), (3), (4), (9), (10) and (11) and 429(1), (3), (14), (17) and (21) of the Code); and
- (b) if the application involves the giving of evidence through a live video or live television link, in accordance with section 62A of the Evidence Act (Cap. 97).

(2) Sections 406, 407, 408, 408A (except for section 408A(1)(a)), 408B and 409 of the Code apply in relation to a motion in respect of an application mentioned in paragraph (1) as it applies in relation to a criminal motion, subject to the following modifications:

- (a) any reference to a relevant court in any of those sections is to be read as a reference to the High Court;
- (b) any reference to a criminal motion in any of those sections is to be read as a reference to a motion in respect of an application mentioned in paragraph (1);
- (c) the reference to a prescribed form in section 407(1) of the Code is to be read as a reference to Form 45A;
- (d) the reference to an officer of the Registry of the Supreme Court is to be read as a reference to an officer of the Registry of the Family Justice Courts.

(3) The following provisions of Division 1 of Part XX of the Code apply in relation to an appeal from a decision of the Court to the High Court as it applies in relation to an appeal mentioned in those provisions:

- (a) section 377(1), (2), (3), (5), (6) and (6A) of the Code;

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- (b) sections 378, 379 (except for the reference to the Public Prosecutor), 380, 381, 383, 384, 385, 387, 388, 390(1)(d), 392, 393 and 394 of the Code,

with the following modifications:

- (c) any reference to a trial court is to be read as a reference to the Court;
- (d) any reference to a criminal case or matter is to be read as a reference to an application mentioned in paragraph (1);
- (e) any reference to an appellate court is to be read as a reference to the High Court;
- (f) any reference to a Registrar of the Supreme Court is to be read as a reference to the Registrar of the Family Justice Courts;
- (g) any reference to a judgment or sentence of a trial court is to be omitted.

Service of summons

148B.—(1) For the purposes of section 48B(1B), a summons issued by the Court in connection with any proceedings under this Part may be served on the person concerned —

- (a) by delivering it to him personally;
- (b) by delivering it to any adult person who is a member of the family residing at his last known place of residence; or
- (c) by sending it by registered post in a cover addressed to him at his last known place of residence or business or at any address furnished by him.

(2) Any summons sent by registered post to any person in accordance with paragraph (1)(c) is deemed to be duly served on the person to whom the summons is addressed at the time when the summons would in the ordinary course of post be delivered.

(3) In proving service by registered post, it is sufficient to prove that the cover containing the summons was properly addressed, stamped and posted by registered post.

(4) When a summons issued is served under paragraph (1)(a) or (b), an affidavit of such service is admissible as evidence if the affidavit is on its face made before a person authorised to administer an oath or affirmation.

Service of summons for certain applications

148C. Where a summons is issued in respect of an application under section 49(1), 49B(1), 49C(1) (read with section 49B) or 50(1), the summons must be served in accordance with rule 148B within 7 days after the application is made.

Service of Notice of Application

148D.—(1) An application by the Director-General, a protector or an approved welfare officer (as the case may be) under section 49(1F) or (9), 49A(2), (3) or (4), 49B(10), 49D(2) or 50(10) or (15) must be made in Form 45B.

(2) Unless the Court otherwise directs, the applicant of an application under paragraph (1) must serve a Notice of Application in Form 45C on the parent or guardian of the child or young person.

(3) An application by the parent or guardian of the child or young person under section 49(1D), 49A(5), 49B(10) or (11), 49D(3) or 50(15) must be in Form 45D.

(4) Unless the Court otherwise directs, the applicant of an application under paragraph (3) must serve a Notice of Application in Form 45E on the Director-General or protector.

(5) A Notice of Application under paragraph (2) or (4) must be served within 7 days after the application is made.

(6) Unless the Court otherwise directs, rule 148B applies, with the necessary modifications, to the service of a Notice of Application under paragraph (2) or (4) as it applies to a service of a summons.

(7) An application by the parent or guardian of the child or young person under section 49(1D), 49A(5) or 49D(3) must be made within 14 days after the parent or guardian is notified of the determination or the variation by the Director-General or protector.”.

Amendment of rule 149

7. Rule 149 of the principal Rules is amended —

- (a) by deleting the words “section 49 or 50” and substituting the words “section 49, 49A, 49B, 49C (read with section 49B), 49D, 50 or 51”; and
- (b) by deleting the words “Application under section 49 or 50” in the rule heading and substituting the word “Applications”.

Amendment of rule 151

8. Rule 151 of the principal Rules is amended —

- (a) by deleting the words “section 49(5) or 50(1A) or (2)” in paragraph (1) and substituting the words “section 49(5), 49B(9), 49C(2) (read with section 49B(9)) or 50(2), (7), (13) or (14)”; and
- (b) by deleting the words “section 49 or 50” in paragraph (3) and substituting the words “section 49, 49A, 49B, 49C (read with section 49B), 49D, 50 or 51”.

Amendment of rule 206

9. Rule 206(1) of the principal Rules is amended —

- (a) by inserting, immediately before the definition of “oath”, the following definition:

““Majlis Ugama Islam, Singapura” means the Majlis Ugama Islam, Singapura, constituted and continued under section 3 of the Administration of Muslim Law Act (Cap. 3);” and

- (b) by inserting, immediately after the words “Public Trustee” in the definition of “trust corporation”, the words “and the Majlis Ugama Islam, Singapura”.

Amendment of Fifth Schedule

10. The Fifth Schedule to the principal Rules is amended —

- (a) by deleting Part 5 and substituting the following Part:

“PART 5

PROCEEDINGS UNDER
SECTIONS 49, 49A, 49B, 49C, 49D, 50 AND 51 OF
CHILDREN AND YOUNG PERSONS ACT (CAP. 38)

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
1.	For an application under section 49(1D), 49A(5), 49B(10), 49B(11), 49D(3) or 50(15) of the Children and Young Persons Act	\$50	The Application
2.	For an application for a copy of any document that is not an order or any other part of the record of proceedings	\$5 for each type of document requested in the application and \$0.50 per page of each type of document requested, subject to a total minimum fee of \$15 for each type of document requested	The Application

<i>No.</i>	<i>Item</i>	<i>Fees</i>	<i>Document to be stamped and remarks</i>
3.	For an application for a certified true copy of any document contained in the Court file	\$8 per document plus \$5 per page	The Application

”; and

(b) by deleting the words “*section 49 or 50*” in sub-heading (E) of Part 7 and substituting the words “*section 49, 49A, 49B, 49C, 49D, 50 or 51*”.

Amendment of Sixth Schedule

11. The Sixth Schedule to the principal Rules is amended by deleting the Schedule reference and substituting the following Schedule reference:

“Rules 131C(a), 148A(1)(a) and 295E(2)(a)”.

Miscellaneous amendment

12. The principal Rules are amended by deleting the word “Director” wherever it appears in the following provisions and substituting in each case the word “Director-General”:

Rules 133(1)(a), 136(3), 138(2), 184(5)(b)(i) and (iii) and 295R(1)(e), (3) and (4) and item 8 of Part 6A of the Fifth Schedule.

[G.N. Nos. S 144/2015; S 301/2016; S 610/2016; S 375/2017; S 416/2017; S 544/2017; S 617/2017; S 126/2018; S 409/2018; S 722/2018; S 834/2018; S 41/2019; S 611/2019; S 778/2019; S 459/2020]

Made on 12 May 2020.

SUNDARESH MENON
Chief Justice.

JUDITH PRAKASH
Judge of Appeal.

DEBBIE ONG
*Presiding Judge of the
Family Justice Courts.*

KENNETH YAP YEW CHOY
*Registrar of the
Family Justice Courts.*

LIM HUI MIN
Director of Legal Aid.

YAP TEONG LIANG
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(To be presented to Parliament under section 46(7) of the Family Justice Act 2014).