



DIVORCE MATTERS

Separation and divorce can be a tough challenge to overcome; a face often amplified if you live far from home and lack a strong support system. Read on as RAJAN CHETTIAR advises further on how to file for divorce if you're an expat living in the Lion City.

Q: I am from a foreign citizen on a dependant pass in Singapore. Where should i file for divorce?

A: If your marriage is more than three years old and you have lived in Singapore for three continuous years, you can file for divorce in Singapore. The choice of where you should file for divorce would depend on factors like where you would receive the best in terms of maintenance and a share of division of assets. Additional factors include whether you intend to return home and where you will receive emotional and financial support. Some clients prefer to file for divorce in their home country because of family and costs of the proceedings. Furthermore, the issue of the recognition of the Singapore divorce order would be relevant.

Q: So, where shall i file for divorce?

A: You will need to consult lawyers from both countries and then decide based on the advice you receive.

Q: If i obtain the divorce order in Singapore and then return home while my husband remains in Singapore, how do i enforce the order if my husband breaches any of the terms of the order?

A: You would have to file for enforcement proceedings in Singapore by engaging lawyers here.

Q: What happens if i return home and my husband moves to another country to work, how do i enforce the order?

A: You would have to register the order in the country he will be living in and then enforce it according to the laws of that country. This is complex and cumbersome, but necessary if you want your husband to comply with the orders.

Q: My wife threatens to file for divorce in our home country if i file for divorce in Singapore. What will happen if i file for divorce and she carries out her threat?

A: There will be two legal proceedings for the dissolution of your marriage. You can consider filing for a stay of the divorce proceedings in your home country on the basis that the Singapore Courts ought to hear your divorce. Your wife can do the same by filing for stay of the divorce proceedings in Singapore. Stay of Court proceedings is a complex court application, as the court will have to consider in which country both of you are closely connected to in relation to where the children are living and the location of the assets. The outcome of the stay application does not depend on who files for divorce first. Even if your wife files later than you, she may succeed in staying your Singapore divorce proceedings.



Q: Do i need to register the Singaporean divorce order in my home country?

A: This would depend on the law of your home country.

Q: My husband threatens to fight for custody of the children if i file for divorce. What should i do?

A: The concept of custody is twofold in Singapore. Firstly, "custody" is always joint and given to both parents. "Joint custody" relates to both of you making decisions together on the children's change of name, change of religion, choice of schools and educational courses, choice of important medical surgery and relocation to another country. "Care and control" refers to who the child will live with and who is the daily caregiver of the child. Under Singapore law, this is generally given to the mother. So, fathers generally do not get care and control of the children. Therefore, your husband will get joint custody and not care and control. He will only be able to have access to the children. Men generally threaten their wives with custody to prevent them from filing for divorce. Have no fear and do what you think is best for you.

Q: Is it true that i will lose care and control since i am a home maker and do not have money to support myself and the children?

A: No. Housewives do get care and control. Your husband has to pay maintenance to you for the children's living expenses.

Q: Can i go back home with the children permanently since my marriage is over?

A: You have to obtain your husband's written consent and if he does not agree, you need a court order allowing you to do so.

Q: Will i be able to relocate with the children since i am not working and have no money?

A: You can if you are the caregiver and have been taking care of the children and if the Court opines that it is in the best interest of the children if they relocate with you.

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