



FAIR SETTLEMENTS

Divorce comes with a special set of challenges, but these can often be amplified if you're living in a country far from home and lack a strong support system. Read on to learn more as RAJAN CHETTIAR answers the queries of a client in search of solid advice to obtain protection and interim maintenance.

Q: I am a homemaker and last year, the children and I followed my husband to Singapore for a job posting. He travels for work and when he's in town, he's always out with his mates and ignores me and our children. I don't have any money or family in Singapore. What can I do?

A: Firstly, you should air your feelings and concerns in a heart to heart talk with your husband to find out the reasons behind his behaviour. If he is evasive or unresponsive, suggest counselling as a way of resolving your marital woes and upon finding a suitable counsellor for your family's needs, attend all sessions together. Should he refuse to attend counselling and fail to provide sufficient financial support for you and your children, you can file for interim maintenance in the Family Justice Court even if you haven't lived in Singapore for three continuous years.

Q: How do I file for interim maintenance in Singapore?

A: You can seek the assistance of the Family Justice Court Registry staff to file the Maintenance Summons. They will then inform your husband of the summons and you will both subsequently need to attend a mediation session before a counsellor in the Family Justice Court on an appointed date. If no resolution is reached, you will both be directed to appear before a Magistrate on the same date, where the Court will order for financial documents and list of all of yours and the children's monthly expenses. The documents must be furnished at a later date. When both of you appear on the next hearing date, the Court will then fix a trial date for a judgment on how much maintenance your husband has to pay you and your children.

Q: Will my maintenance be a percentage of his current salary? If so, is there a formula to calculate the amount of maintenance I may receive?

A: There is no way to calculate your maintenance based on his salary. The judge will look at his earnings, expenses and disposable income alongside the expenses incurred by you and your children before fixing a reasonable monthly maintenance amount for you and your little ones.

Q: Do I need a lawyer to represent myself in Court for my interim maintenance application?

A: You may need a lawyer to assist you in a trial as there are many rules and procedures involved in a maintenance trial. Additionally, you may be at a disadvantage if your husband has a lawyer to defend him and you have no legal representation. However, you can represent yourself if you are unable to afford a lawyer.



Q: What happens if my husband does not pay the ordered maintenance?

A: If he does not have a good reason for the default and he fails to make payment within the court-stipulated deadline, the court has the authority to imprison him. As such, most husbands do pay maintenance, albeit at a later date. Failure to pay on time is also considered a breach of the maintenance order, and you will need to file a separate maintenance summons to enforce him to make the necessary payments on time.

Q: My husband is also verbally and physically abusive towards me and the children when he's angry or drunk. Can I contact the local police to help me?

A: Yes you may, and the local police may issue a warning for him to stop being abusive. You may also be advised to seek medical assistance and obtain a medical report from the attending doctor before lodging a police report. However, the police cannot issue any orders to prevent your spouse from being abusive. Instead, you will need to file a Summons for a Personal Protection Order in the Family Justice Courts, where the Family Justice Court Registry will assist you in the filing of the Summons. Similar to the maintenance summons, your spouse will be notified to attend court with you on a given date, where the both of you will be requested to attend counselling before a court counsellor. The counsellor in question will explore your spouse agreeing to the court granting you a Personal Protection Order. If he does not agree, the matter will be brought before the court on the same day and directions may be given for parties to produce police reports, hospital reports and other evidence such as photographs of your injuries to be presented at the next hearing date - where the court will then fix the matter for a trial.

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