



MARITAL PROBLEMS

Living in a difficult marriage when you're far away from friends and family can prove to be an emotional challenge. Learn how you can find a solution for your troubled union with RAJAN CHETTIAR as he answers pertinent questions associated with interim maintenance, mediation, separation and divorce.

Q: As a foreigner and a stay-at-home mum, how do i initiate court proceedings or defend myself in the Family Justice Courts? Can i get legal aid in Singapore?

A: The Legal Aid Bureau does not extend its services to non-Singaporeans. As such, you will need to engage a private solicitor to assist you to initiate court proceedings.

Q: My husband is abusive and I am so lost and upset. He does not provide me with money for household expenses and has no interest in the kids. I have no support in Singapore whatsoever. What can i do?

A: First ask yourself this question - Do you wish to reconcile, separate from or divorce your husband? You may try talking to your husband to seek a solution to the problems at hand. I would also encourage you to visit a counsellor to address your emotional and marital concerns. The counsellor may also meet you and your spouse both jointly and separately to assist you. If this is not possible, then you may file for a personal protection order and obtain interim maintenance in the Family Justice Courts to resolve your immediate concerns. You can then consult a lawyer for legal advice and at the same time, see a counsellor to address your emotional concerns. If you wish to file for divorce, you can only do so if you have been married for and have lived in Singapore for three continuous years at the point of filing for divorce. If you are unable to file for divorce in Singapore, then the only option is return to your home country and file for divorce there. If you cannot file immediately, then i would suggest undergoing separation.

Q: What options do i have if i decide to separate from my husband as opposed to divorce?

A: The Singapore Court cannot make a separation order. However, you can enter into a separation agreement, commonly known as Deed of Separation. Before doing so, you have to ensure that your husband is like-minded and wishes to sign the Deed. If your husband is not agreeable to do so, I would then advise parties to undergo mediation or collaborative family practice or negotiate through your respective solicitors.

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Q: How do i know which method will best assist me?

A: In a mediation process, a mediator will assist you both in reaching an amicable settlement on the issue of the marriage, children, finances, housing and division of assets, and in sorting out interim issues such as liabilities and relocation during the separation period or in the divorce scenario. While you can attend mediation without legal counsel, the private mediator does not represent either one of you and cannot give either of you legal advice. So, it may be advisable for both of you to have lawyers to represent you at the mediation.

Collaborative Family Practice is an open and transparent process where parties will enter into negotiation with the assistance of collaborative family lawyers representing each party. Like in mediation, parties can decide to reach an amicable settlement on issues which may arise during the separation period and in contemplation of divorce. The advantage of Collaborative Family Practice over mediation is that both parties will be legally represented and the lawyers will be negotiating on behalf of the parties without the presence of an independent mediator. Under this process, both parties will receive their own legal advice and assistance in negotiation.

Under solicitors' negotiations, both parties will engage their own counsel to assist them to negotiate leading to the drafting of the Deed of Separation. Under this method, there is usually no discussion between the parties or their counsels and matters could possibly take a long time to resolve.

My advice would be to go through the Collaborative Family Practice as it consists of face-to-face, open negotiations. There are rules and processes relating to Collaborative Family Practice which will safeguard both parties' concerns and interests.

Q: What happens if my husband and i reach a settlement through mediation or Collaborative Family Practice?

A: The mediator or collaborative family lawyers will assist you both in preparing a Settlement Agreement, setting out the terms of the agreement which will be signed by both of you. You must both then abide by the terms of the settlement.

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