



## WHY IS MAINTENANCE SO IMPORTANT

**An unavoidable aspect of divorce proceedings, Rajan Chettiar explains how maintenance works and its effects on both parties in a marriage.**

**Q: What is maintenance?**

**A:** Maintenance covers the expenses and necessities for a wife and children's living expenses that they used to enjoy before the marriage's breakdown. Under Singapore law, the husband must maintain his wife both during and after the marriage and divorce proceedings are over. This continues until the wife remarries or passes away, while children will require maintenance until the age of 21 or until graduation.

**Q: How is maintenance calculated?**

**A:** There is no set formula, as the Family Justice Courts looks at the list of monthly expenses of the wife and child, assesses whether it is fair and reasonable, considers the husband's monthly income and expenses and then arrives at a figure that he ought to pay. The husband can make monthly payments or pay the wife a lump sum, but only monthly maintenance is allowed for children.

**Q: If the wife works, should she receive maintenance?**

**A:** Yes, but the quantum will be lower than a housewife. If the wife earns the same or more than her husband, she may receive a nominal maintenance of about \$100 monthly, to survive her right to maintenance if she becomes incapacitated or unemployable.

**Q: Can the former husband demand that his ex-wife return to work so he can pay her less maintenance?**

**A:** If the wife was not working during the marriage, the Court will not expect her to return to the workforce. If she has worked intermittently during the marriage and has potential to be employed, the Court may give her some time to return to work, and will order a certain quantum of maintenance for a specific period of time, which will thereafter decrease.

**Q: What happens when the former husband remarries and starts a new family? Does he still have to maintain his former wife and children?**

**A:** The duty continues even when he enters into a new marriage and has children from the new marriage. He can then apply to the Court to vary the maintenance payable to the ex-wife and children on the basis that there is a change in his personal circumstances. If the ex-wife remarries, her new husband only has the duty of maintaining his own biological or legally adopted children.



**Q: Can both a man and woman file variation of maintenance applications?**

**A:** Yes, but it is difficult to succeed as the party varying the maintenance order has to show why the maintenance must be varied. The Court will then have to consider the financial needs of both parties, their assets and arrive at a decision as to whether the variation ought to be allowed and the amount.

**Q: Can unmarried women claim maintenance from their partners?**

**A:** The Women's Charter in Singapore only provides the right to maintenance for married and divorced women only. If they have had a child together, the man must maintain the child the same way he would if the child had been born to him in a marriage.

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