

About Divorce

This fact sheet contains basic information about getting a divorce in Singapore. More detailed information is available on the Family Court website on <http://www.subcourts.gov.sg/family>.

WHAT IS A DIVORCE?

A **divorce** is the legal procedure that **ends** a marriage.

TWO STAGES OF DIVORCE PROCEEDINGS

When a Judge of the Family Court grants your divorce, he or she will hand down an **Interim Judgment**. This is the end of the first stage of your divorce proceedings.

The Interim Judgment does **not** settle issues about the children, property or maintenance. In legal language, issues about the children, property and maintenance are known as **ancillary matters**.

The ancillary matters are usually dealt with **after** the Court has granted the Interim Judgment. This is the second stage of divorce proceedings.

FINAL JUDGMENT

You must wait until the Court has dealt with all the ancillary matters in your divorce, **or** for three months, whichever is later, before you can apply for a Certificate of Making Interim Judgment Final, or Final Judgment.

You can only remarry after you have obtained Final Judgment.

GETTING HELP

Before you take steps to get a divorce in the Family Court, you may wish to consider whether **reconciliation** is still a possibility. If reconciliation is no longer possible, getting **professional help** for yourself, your spouse and your children, if any, may go a long way towards helping you and your family members cope with the trauma of a divorce.

You may find it helpful to refer to relevant Family Court **pamphlets** on the subject. They are available at the **Information Counter** on the first floor of the Family and Juvenile Court Building, or as PDF downloads on the Family Court **website** at <http://www.subcourts.gov.sg/family>.

WHO MAY APPLY FOR A DIVORCE?

The law on divorce in Singapore is found in the **Women's Charter**. You can find the Women's Charter at the **Singapore Statutes Online** website <http://statutes.agc.gov.sg>.

These fact sheets contain general information only, and are not intended as legal advice. The Family Court cannot give you legal advice. Only a qualified lawyer can give you independent legal advice as to the merits of your case.

You can get a divorce in the Family Court of Singapore if you or your spouse

- are a Singapore Citizen;
- have lived in Singapore for at least three years before you apply for a divorce in the Family Court;
- are domiciled in Singapore.

MUSLIM MARRIAGES

You cannot apply for a divorce in the Family Court if you and your spouse are Muslim, or if you and your spouse were married under Syariah law. You must make your application in the Syariah Court.

Syariah Court of Singapore

Ministry of Community Development, Youth & Sports Building
512 Thomson Road
Singapore 298136
6354 8371

<http://www.syariahcourt.gov.sg>

MARRIAGES UNDER THREE YEARS

If you have been married for less than three years, and want to apply for a divorce, you must get the Court's permission to make your divorce application. In legal language, the Court's permission is known as **leave of Court**.

Leave of Court will be given if you can prove that

- you have suffered exceptional hardship during your marriage, or
- your spouse has behaved with exceptional depravity, meaning that he or she has behaved unusually badly

The Court will consider whether it is still possible for you and your spouse to reconcile. The Court will also consider the interests of your children, if there are any.

You must apply for leave of Court by **originating summons**. The originating summons must be supported by an **affidavit**.

You can get a sample originating summons form from <http://www.subcourts.gov.sg/family>, or the Family Court Information Counter.

APPLYING FOR A DIVORCE

If you have decided that a divorce is the only way forward, then you will need to file a **Writ for Divorce** in the Family Court. You will need to pay the appropriate filing fees.

If you are the spouse applying for a divorce, you are the **plaintiff**. Your spouse is the **defendant**.

You may prepare your own divorce papers, or ask a lawyer to do it for you.

REASONS FOR DIVORCE

You will be granted a divorce only if a Judge of the Family Court agrees that your marriage has ended. In legal language, the Judge must find that your marriage has **irretrievably broken down**.

To prove that your marriage has ended, you must show the Court that one or more of the following facts is true:

- that your spouse has committed adultery, and you find it intolerable to live with him or her
- that your spouse has behaved in such a way that you cannot reasonably be expected to live with him or her
- that your spouse has deserted you for at least two years
- if your spouse agrees to the divorce, that you and your spouse have been separated for at least three years

ANSWERS TO SOME FREQUENTLY ASKED QUESTIONS

For more answers to Frequently Asked Questions, please see the Family Court website at <http://www.subcourts.gov.sg/family>.

DIVORCE

My spouse has applied for a divorce, but I don't want one. What should I do?

If you want to oppose your spouse's divorce application, it is very important that you follow the proper procedures. If you simply ignore the Court case, the Court may decide the application without you. You may find that your marriage has been legally ended, and that certain orders have been made on the children, property and maintenance. These orders will still be binding on you even if you were not at the Court hearing.

You must be clear as to whether you want to remain married to your spouse, or if you simply want the Court to hear you on the issues relating to the children, property and maintenance. These are the **ancillary matters**.

If you wish to **remain married** to your spouse, you must defend the divorce. You must do this by filing a **Memorandum of Appearance** and a **Defence**.

If you just want the Court to hear you on the **ancillary matters**, file a Memorandum of Appearance indicating which issues you wish to be heard on. After the divorce hearing, the Court will call an Ancillary Pre-Trial Conference, and ask you to file an **Affidavit of Assets and Means**.

I want to come to an agreement with my spouse so that we do not have to go through contested hearings. How can I do that?

Contested divorce and ancillary matters hearings take a long time, are much more expensive, and come at a great personal cost to everyone involved. It is best for you, your spouse and your children if you are able to agree on how to move forward with a divorce.

The **Family Relations Centre** of the Family Court is dedicated to helping you and your spouse come to an amicable arrangement on the divorce and ancillary matters. You can make a request for a **Resolution Conference** with a Judge of the Family Relations Centre.

You can also make a request for **counselling** at the Family and Juvenile Justice Centre of the Family Court.

Do I need a lawyer to get divorced? What if I cannot afford a lawyer?

If you really want to, and if you **are able to do so**, you can apply for a divorce yourself. In legal language, this is known as **acting in person**.

But you will not be exempt from the legal, procedural and formal requirements of conducting Court proceedings. For example, you must ensure that the documents you file in Court are in the correct format, that you have paid the correct filing fees, and that you have filed your documents through the Electronic Filing System.

Most importantly, the Family Court cannot give you any advice on what you should say or do. Only a qualified lawyer can give you independent legal advice on the merits of your case.

You can find contact information for the Law Society of Singapore and the Legal Aid Bureau in the General Information Fact Sheet. You can get a copy at the Information Counter on the first floor of the Family Court.

Related Family Court publications

- Affidavits Fact Sheet
- Application for Protection
- Children and Divorce
- Counselling and You
- Divorce and How to Survive
- Divorce Procedure Fact Sheet
- Especially for Children
- Family Violence Fact Sheet
- Maintenance
- Parents Are Forever – Even After Divorce
- Programmes Fact Sheet
- Summonses Fact Sheet
- The Family Relations Centre and You