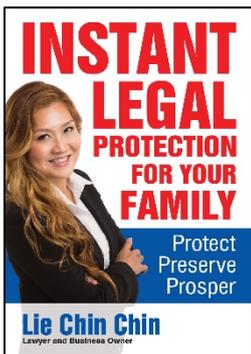


## Minimising Loss in Divorce, Annulment, Separation, and Custody Dispute (Part 1)



The following article is an excerpt taken from the soon to be published book **INSTANT LEGAL PROTECTION FOR YOUR FAMILY – Protect Preserve Prosper** by our Managing Director, Lie Chin Chin. In this book, Chin Chin draws from her many years of experience in legal practice to share and explain useful knowledge on common legal issues encountered in situations of marital breakdown, employment, harassment, estate planning and more.

We would like to treat you, our dear readers, to a privileged early preview of the contents of the book, which will be officially released and available at leading bookstores soon.

This article is the first of a series on minimising loss in divorce, annulment, separation, and custody dispute. Stay tuned to learn more about your legal rights and responsibilities as well as how you can minimise loss in such a situation.

### What should I expect in terms of the divorce procedure?

Facing the potential breakdown of a marriage, parties may feel lost as to what is the next step ahead for them. Many clients have come to me after having been subject to long periods of stress and anxiety as their marriage had been deteriorating and they had been operating under wrong information and threats. They are often misguided on the post-divorce consequences, such as whether they will continue to have a roof over their head, whether they will be separated from their children, and whether they will have sufficient financial means to carry on with their life. Such confusion compounds their stress. Often, after just one consultation, I see their stress level reduced substantially when their direction ahead and their potential rights and liabilities become clear to them. This part of the book aims to empower all individuals who may be in such a predicament.

#### A. What will the divorce procedure be like?

Divorce proceedings are commenced in Court, with a Plaintiff suing a Defendant to obtain a divorce. The divorce procedure is separated into two portions: the divorce and the ancillary matters. First, the Court decides whether it is willing to grant a divorce on the facts listed in your divorce papers. This portion ends when the Court hears your matter at a Divorce Hearing and either grants you an Interim Judgment or decides you are not entitled to a divorce on the facts you presented.

If you obtain an Interim Judgment, you move to the second portion where the Court decides on the ancillary matters. Ancillary matters include the division of matrimonial property and other matrimonial assets, maintenance of wife and child(ren), and custody, care, control and access matters relating to the child(ren), if any. After the ancillary matters are settled, parties may extract the Final Judgment to finalise the divorce proceedings 3 months after the date of the Interim Judgment.

## B. How long will the divorce proceedings take?

The estimated time for divorce proceedings to be completed depends on whether the divorce is contested or uncontested.

A divorce is considered uncontested when there is no objection by the Defendant to the Plaintiff's requests, and the parties are able to reach an agreement on the grounds of divorce and ancillary matters from the outset. In an uncontested divorce, from the time the divorce papers are issued, anticipate about 3 to 4 months to obtain the Interim Judgment plus a further compulsory waiting time of 3 months after the date of the Interim Judgment to make the divorce order absolute.

A divorce is considered contested when parties are unable to reach an agreement on any matter. When matters are contested, they may be settled either by mediation or by Court hearing. There is the opportunity for parties to attend mediation before the matter goes for hearing in Court. A contested divorce can drag on for more than a year, as long as the matter has not been settled by mediation and has not been heard in Court.

## C. When is a divorce finalised? When is the last chance for me to change my mind?

After the divorce papers have been filed and the Court finds that there is sufficient grounds to grant a divorce, the Court will grant an Interim Judgment. There will be a mandatory waiting time of 3 months until the Final Judgment can be extracted.

Once the Final Judgment is extracted, the divorce is deemed final and it cannot be cancelled. You will be considered legally divorced. However, at any time before the Final Judgment is extracted, it is possible to reconcile, change your mind, and set aside the Interim Judgment. You may not remarry until your divorce is finalised by obtaining the Final Judgment.

D. What is the difference between mediation and hearing? Will I have to attend mediation?

The differences between mediation and hearing are summarised below:-

Mediation	Hearing
<ul style="list-style-type: none"> <li>• <b>Judge-mediators do not make decision:</b> Mediation process is facilitated by judge-mediators. These judge-mediators sit as judges in the Family Court on other days, but during the mediation process, they do not issue a verdict which parties have to follow.</li> <li>• <b>Control over final decision:</b> Parties have control over the final settlement reached, or even if settlement is reached.</li> <li>• <b>Voluntary settlement:</b> Parties need not reach a settlement. Any settlement is only binding after both parties have agreed to be bound by it.</li> <li>• <b>Collaborative:</b> Parties try to find ways to meet their own and each other's interests. Parties must be willing to compromise.</li> <li>• <b>Interest-based / creative:</b> The Court will seek to meet both parties' interests. The Court will be able to grant creative solutions which it might not be able to grant at a hearing.</li> <li>• <b>High success rate:</b> Majority of cases are settled in mediation.</li> <li>• <b>Whether your lawyers would be involved:</b> Your lawyers should be involved.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Judges make decision:</b> Judges will hear the matter and issue a decision which is binding on parties.</li> <li>• <b>No control over final decision:</b> Parties give up the right to decide in their matter to the Court.</li> <li>• <b>Adversarial:</b> Parties, through their lawyers, advance their own case and discredit the other side's case.</li> <li>• <b>Evidence-based / law-based:</b> All evidence will have to be set out clearly in sworn statements. Moreover, the Court will only be able to grant you remedies available and justified in law.</li> <li>• <b>Rare to proceed to hearing:</b> The minority of cases proceed to a full hearing by the Court. The hearing can be avoided if the matter is settled at mediation.</li> <li>• <b>Whether your lawyers would be involved:</b> Your lawyers should be involved.</li> </ul>

It is compulsory for parties to attend mediation where they have child(ren) under 21 years old or where ordered by the Court. Parties have to personally attend the mediation with their lawyers.

## CONTACT

---



---

### LIE CHIN CHIN

Managing Director

[lcc@characterist.com](mailto:lcc@characterist.com)

T: 6298 8388 F: 6338 2685

---

Characterist LLC is a multi-disciplinary full-service Singapore law firm for businesses and individuals, and we offer comprehensive and competent legal solutions while retaining expertise in specialized areas of practice. We are driven by our values, and these values work, because our clients greatly appreciate and deeply value our legal services. We look forward to doing the same for you.

Our practice was first established in 1978 by Mr Lie Kee Pong as Lie Kee Pong Partnership. In 2007, we merged with another growing law firm, Characterist LLC.

From our beginnings as a sole-proprietorship, we have since grown into a full-service law firm offering comprehensive, competent and cost-effective legal solutions while retaining specialized expertise across multiple practice areas. These include litigation and dispute resolution, corporate and commercial law, property and real estate, insurance and personal injury, criminal litigation and advocacy, family and matrimonial law, trust, estate planning, probate and administration, construction and intellectual property. Our clients include individuals, professionals and businesses, including SMEs, MNCs, Statutory Boards and listed companies on various exchanges.

But wherever and however we grow, we remain rooted to our values – we want to be a firm that connects with our clients and a community to effect change. We are, and will always be, Values at Work.