

OTHER FEEDBACK RECEIVED FROM PUBLIC CONSULTATION

Other feedback received from the public consultation is outlined as follows.

A. Enhancements to the family justice system to achieve better family outcomes

i. Enhance the judge-led approach for the just, expeditious and economical disposal of proceedings.

On the recommendation to allow the court to make substantive orders on its own motion, some respondents expressed support for the recommendation's objective of reducing the need for parties to make multiple applications, while others suggested that this power had to be exercised with caution especially where it might remove a person's parenting rights without providing them an opportunity to be heard. MinLaw is mindful of such concerns. We would highlight that while the court may make orders its own motion, affected parties will still be accorded the opportunity to be heard before the court makes the order. This preserves the rule of natural justice.

ii. Simplify the Family Justice Rules, which will result in simpler procedures, more timely processes and increased affordability.

Respondents were supportive. The respondents agreed that these would help reduce costs, increase timeliness, and help parties (especially litigants-in-person) to better understand and comply with procedural and evidentiary rules.

iii. Broaden the enforcement regime for child access orders to promote compliance.

Respondents were supportive. The main concern raised was that the courts should exercise the discretion to order either imprisonment or a fine for failure to comply with orders with caution. MinLaw understands the need to consider exceptional circumstances and will consider this in the implementation of these recommendations.

iv. Facilitate access to more affordable legal services in order to enhance access to justice.

The respondents were supportive of this recommendation for the Law Society or Law Society Pro Bono Services to facilitate access to more affordable legal services.

B. More protection for persons without mental capacity (“P”) and more support for their caregivers

- i. Simplify the deputyship application process to make it simpler and more affordable for caregivers who require deputyship powers.*

Respondents were generally supportive of simplifying the deputyship application process, but raised some considerations on implementation. There were queries on the possibility of elderly persons’ SingPass being misused by caregivers, if SingPass is needed to access iFAMS¹. Other concerns included the need to guide users in understanding the range of orders they can apply for, and the high costs involved in obtaining medical reports.

The Ministries note the concerns about potential abuse of the simplified application process. While the application process will be made simpler, there will be safeguards in place to deter fraudulent applications. SingPass is also not needed to complete applications. In terms of assistance, applicants can contact the Family Justice Courts’ Mental Capacity Registry for general enquiries. For complex cases, applicants will be required to attend hearings or pre-trial conferences (PTCs) where the judges could provide general guidance, as part of the judge-led approach.

- ii. Enhance the Office of the Public Guardian’s (OPG) supervision of deputies so that appropriate intervention can be rendered for cases facing challenges.*

The RERF Committee had noted and was supportive of MSF’s proposal for a new integrated system which would leverage technology to enable more effective and robust supervision of deputies. While the Law Society was also supportive of this recommendation, it requested further details on how this new system could be used to supervise and support deputies in terms of non-financial support (e.g. provision of substitute caregiver to allow main caregiver some relief). It also suggested that the supervision process could leverage community protection groups, and not rest solely with the OPG.

When developing the system, MSF will look at linking up with and leveraging relevant agencies to enable better supervision and support of deputies. MSF will provide more details when ready.

¹ iFAMS is the Integrated Family Application Management System, a new case application and management system developed by the Family Justice Courts.

C. Other notable feedback (not within scope of RERF Committee's recommendations)

i. Enhance the enforcement of maintenance orders.

A few respondents suggested simplifying the maintenance enforcement process, and for the Government to be more actively involved through a maintenance collection or monitoring agency.

Both Ministries note that a maintenance collection or monitoring agency would not necessarily reduce non-payment of maintenance. The Ministries will explore how we can further enhance the maintenance enforcement process through other ways.