

## **CONSULTATION PAPER ON DRAFT WOMEN'S CHARTER (AMENDMENT) BILL 2015**

### **Aim**

A. The Ministry of Social and Family Development (MSF) invites the public to give feedback on the draft [Women's Charter \(Amendment\) Bill](#).

### **Background**

2. Enacted in 1961, the Women's Charter enshrined the protection of women in Singapore and defined the institution of family by legislating monogamy for civil marriages. It also consolidated laws relating to:

- Solemnization of marriages;
- Registration and dissolution of civil marriages;
- Rights and duties of married persons;
- Maintenance of wives and children;
- Protection of family; and
- Penalties for offences against women and girls.

3. The last amendments to the Women's Charter in 2011 focussed on strengthening the enforcement of maintenance orders, by giving more sanctions which the courts could impose and facilitating applications for maintenance enforcements (see *Annex A*). Since these amendments, the Community Justice Centre (CJC) was established in 2012 to facilitate the referral of maintenance claimants for social assistance. With the establishment of Social Support Offices, MSF has also linked up the CJC with the SSOs to better facilitate financial, work and other support to women.

### **Stakeholder Consultation and Feedback for Proposed Amendments**

4. For this round of proposed amendments, MSF held dialogues and consultation sessions with women's groups and Voluntary Welfare Organisations (VWOs) that work with families and agencies that carry out protection work for women and girls. They have given feedback on how to enhance specific aspects of the Women's Charter to better protect women and girls, and better meet the needs of families undergoing divorce.

5. MSF also took into account the recommendations of the Committee for Family Justice. This was formed to deliver recommendations on how families may be better assisted in resolving their disputes. The Committee's recommendations can be accessed [here](#). One key recommendation was to enhance child centricity in divorce by requiring divorcing couples who are unable to agree on the divorce and all ancillary matters to undergo a pre-filing consultation session. The Committee also recommended setting up specialist agencies to provide a range of services to support families undergoing divorce.

## **Scope of Proposed Amendments**

6. MSF proposes to amend the Women's Charter in three areas:
- (I) Enhancing child-centricity in divorce through Mandatory Parenting Programme for divorcing parents;
  - (II) Maintenance for incapacitated men who cannot work; and
  - (III) Enhancing protection for women, girls, residents at places of safety and professionals engaged in protection work.

### **(I) Enhancing child-centricity in divorce through Mandatory Parenting Programme for divorcing parents**

7. Currently, the law requires divorcing parents with a child below 21 years old to attend mandatory mediation and counselling at the Family Justice Courts after a divorce writ has been filed. This has helped many parties reach agreement on child matters in a less acrimonious way. However, more can be done to protect the interests of the child.

8. The proposed amendment will require divorcing couples with minor children to attend a Mandatory Parenting Programme (MPP) before filing for divorce or the counter claim, unless they agree on the divorce and all ancillary matters. The programme aims to help them understand the importance of co-parenting and the practical issues (e.g. housing, finances, childcare arrangements and schooling considerations) arising from a divorce that impact their children.

9. The programme will be conducted by Divorce Support Specialist Agencies and implemented in phases, starting with those with children aged below 8 years of age. Parties may be ordered to attend any "family support programme or activity" at any stage of the divorce process in addition to the current mediation and counselling conducted by the courts if the court considers that it is in the interest of the parties or their children to do so.

### **(II) Maintenance for incapacitated men who cannot work**

10. Currently, the Women's Charter provides for a man to maintain his wife/ex-wife during marriage/after divorce. There have been calls over the years, including during the recent Family Justice Committee's public consultation exercise in May and June 2014, to extend spousal maintenance to men fully and in the same manner as for women.

11. Feedback from stakeholders however indicates that our society is not yet ready to accept that women have the same responsibility as men to support their spouse/ex-spouse. Nevertheless, it is acknowledged that there is a small group of men who need support from their wives or ex-wives.

12. The proposed amendment will enable the Court to order maintenance for this small group of men who have an incapacity that is physical and/or mental or arising from an illness before or up to the time of divorce. It must be severe enough such that they are unable to work. The men must also have no other means to support themselves. Support given to these men is in line with our philosophy of having family as the first line of support, and the mutual help expected of spouses.

13. There have been concerns raised by women on whether they can afford to maintain their husbands or ex-husbands while struggling to provide for their children on a single income. As with maintenance for a wife, the Court will have to consider all the circumstances of the case, including a wife's financial circumstances and needs of the children, before ordering maintenance for an incapacitated husband or ex-husband.

### **(III) Enhancing protection for women, girls, residents at places of safety and professionals engaged in protection work**

14. Based on inputs from VWOs and professionals, protection for victims in family violence or crisis situations, as well as the professionals who assist them, can be strengthened. The proposed amendments will:

*(a) Prohibit the publication of information relating to places of safety to enhance the safety of victims, staff and professionals working with victims;*

Places of safety provide temporary emergency shelter to victims of family violence and their family members, and other individuals in crisis. Victims, staff and professionals working at the places of safety may face threats to their safety, as some perpetrators of violence may try to seek out their victims to harass, intimidate, or harm them.

The proposed amendment will prohibit any person from publishing or broadcasting any information that would reveal, or is likely to identify a place of safety and its residents (e.g. newspaper, and social media). Those who breach this provision will be liable to a fine.

*(b) Enhance the Court's powers to order persons involved in family violence cases to undergo assessment, therapy, psychiatric treatment, treatment for addiction, or other programmes, including residential treatment (in addition to counselling);*

Currently, the Court is able to order individuals to attend counselling to address family violence issues, and restore family relationships. To improve the outcome of such counselling, the Court will be given additional powers to make appropriate orders for persons with family violence issues. These include undergoing assessment, therapy, psychiatric treatment, treatment for addiction or other programmes, including residential treatment (e.g. hospitals, shelters, and halfway houses). The cost of such counselling, assessment or treatment will be borne by the individuals, unless the Court directs otherwise.

*(c) Provide other care options for women and girls in need of protection apart from placing them in places of safety or children's homes; and*

Currently, the Director of Social Welfare may make orders to place women and girls in need of protection in shelters and children's homes, while the circumstances of the case are being investigated. To provide more community-based care options, the option to commit a woman or girl requiring protection to the care of a suitable "fit person" will be introduced. A "fit person" may include a relative or close friend. This will apply for situations where it may not be safe for the women or girl to stay with her immediate family.

*(d) Protect professionals against lawsuits or other legal proceedings in personal capacity for actions taken in good faith when carrying out court orders or statutory responsibilities under Part VII and XI of the Act.*

There is currently no statutory protection in the Women's Charter for professionals (e.g. social workers) against lawsuits or other legal proceedings in their personal capacity when they undertake actions in good faith when carrying out a court order or under the direction of the DSW. A new provision will be introduced to protect professionals against lawsuits or other legal proceedings when carrying out court orders or statutory responsibilities, which were done with reasonable care and in good faith.

#### (IV) Other amendments

15. Currently, a person shall not take a child who is the subject of a custody order out of Singapore without the consent of both parents or the permission of the court. This prevents an access parent from taking the child out of Singapore without the consent of the custodial parent. As the Court may make a care and control order without a custody order, an amendment is proposed such that a child who is the subject of a care and control order cannot be taken out of Singapore without the consent of both parents or the permission of the court.

16. Currently, proceedings under Part VII for protection orders and under Part VIII for maintenance orders are governed by the Criminal Procedure Code (CPC). The proposed amendment will provide that the Family Justice Rules would prescribe which provisions of the CPC and other written laws would apply for proceedings under Parts VII and VIII.

#### **Summary**

17. In summary, the proposed amendments to the Women's Charter seek to:
- (I) Enhance child-centricity in divorce through Mandatory Parenting Programme for divorcing parents;
  - (II) Allow maintenance for incapacitated men who cannot work;

- (III) Enhance protection for women, girls, residents at places of safety and professionals engaged in protection work; and

## References

B. Please refer to the draft Women's Charter (Amendment) Bill online at <http://statutes.agc.gov.sg/aol/search/display/view.w3p;query=Type%3Auact,areved%20Content%3A%22women%22%20Content%3A%22s%22%20Content%3A%22charter%22;rec=0;resUrl=http%3A%2F%2Fstatutes.agc.gov.sg%2Faol%2Fsearch%2Fsummy%2Fresults.w3p%3Bquery%3DType%253Auact,areved%2520Content%253A%2522women%2522%2520Content%253A%2522s%2522%2520Content%253A%2522charter%2522;whole=yes#legis>.

## Feedback

C. The public is invited to email their feedback to [msf\\_fdg@msf.gov.sg](mailto:msf_fdg@msf.gov.sg) by **9 Dec 2014**.

MINISTRY OF SOCIAL AND FAMILY DEVELOPMENT  
18 Nov 2014

## **Annex A – Measures to enhance Enforcement Maintenance and Applications for Maintenance**

### **Legislative Amendments**

1.1 With the amendment to the Women’s Charter in 2011, the Court can do the following if a person defaults in paying maintenance:

- a) direct the amount due to be levied in the manner provided for levying fines;
- b) sentence the defaulter to imprisonment;
- c) make a garnishee order;
- d) order the defaulter to set up a banker’s guarantee against future default;
- e) order the defaulter to attend financial counselling;
- f) order the defaulter to perform community services; and,
- g) make an attachment of earnings order (“AEO”) against the defaulter.

1.2 The Court could also direct the CPF Board to disclose the employment information of defaulters in AEO proceedings.

1.3 In addition, remarrying persons are required to declare whether they owe any maintenance arrears. It is a reminder that their obligation to their previous family, especially children, continue even after remarriage. It also informs the intending spouse of the partner's continuing obligations.

### **Other Measures**

1.4 In addition, women may report their husbands or ex-husbands who default in maintenance to DP SME Commercial Credit Bureau. This may result in the defaulters having a poor credit standing. The contact information for DP SME Commercial Credit Bureau is as follows:

Website: <http://www.dpgroup.com.sg/Aboutdp/CommercialSMECredit.aspx>, or,  
Tel: 6320 1900.

1.5 Apart from the above changes, Court processes were streamlined. Both Mentions and Hearing sessions are now held in one day whenever possible, and complainants are no longer required to attend Court when Summons for the respondent is issued.

1.6 Complainants can also file an application to enforce maintenance orders through video-conference linkup with the Family Court at Maintenance Support Central. They may also do so at the Singapore Council of Women’s Organisations at 96 Waterloo Street, Singapore 187967. These changes save time for complainants and reduce their attendances at Court.

1.7 The referral protocol between the Community Justice Court (CJC) and Social Service Offices (SSOs) will be tightened. SSO clients with maintenance-related issues will be encouraged to approach the CJC to explore options to enforce or vary the maintenance order. Likewise, needy clients identified at the CJC will be referred to the nearest SSO for assistance.