

Family Justice Reform Bill

Strengthening Therapeutic Justice



A. Facilitating More Sustainable Maintenance Outcomes

1. Better understanding of parties' financial circumstances

- Maintenance Enforcement Officers ("MEOs") can obtain information on parties' assets and means from third parties (e.g. banks and government agencies)
- With this:
 - MEOs and the court can more accurately distinguish between respondents who *cannot pay* maintenance and those who *refuse to pay*
 - MEOs can recommend more practical solutions during conciliation

2. More effectively deter respondents who *refuse to pay maintenance*

- In contested cases, if a maintenance order has been breached, the court **must**:
 - Make a Show-Payment Order requiring proof of payment to the court
 - Specify an imprisonment term for the respondent's breach of the Show-Payment Order

3. Assist parties when respondents genuinely *cannot pay maintenance*

- MEOs may directly refer parties for financial assistance
- In certain circumstances, the court hearing the enforcement application may vary a maintenance order, without the need for a separate formal application

4. Make it easier for complainants to stop respondents from dissipating assets

- Under certain conditions, respondents are presumed to have intended to dissipate (e.g. by selling or disposing) assets to frustrate the maintenance order, unless they can prove otherwise
- Complainants may rely on relevant evidence found by MEOs

These enhancements will:

- ✓ Make the enforcement process simpler and more efficient
- ✓ Reduce repeat enforcements
- ✓ Reduce time spent on enforcement proceedings

B. Streamlined Processes in the Family Justice Courts

The Family Justice Courts may prohibit the filing of further applications or documents that may impede the just and expeditious resolution of the case.

C. Enhanced Judge-led Approach

- 1 Judges may make orders of a substantive nature of their own accord
- 2 Judges may restrict cross-examination in specified circumstances, e.g. when the questioning of a vulnerable witness is unduly intimidating or oppressive
- 3 Family Justice Rules will set out how the child's wishes are to be considered, e.g. judges may conduct interviews with the child

D. Simplified Legal Terminology

Legal terms will be simplified to ease understanding of documents, e.g. replacing "writ" with "originating application", and "plaintiff" with "applicant".